



# STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

## Minutes of the 57<sup>th</sup> Meeting of the State Commission Assessment Panel held on Thursday 13 June 2019 commencing at 9.30am ODASA, 28 Leigh St, Adelaide

### 1. OPENING

#### 1.1. PRESENT

Presiding Member	Simone Fogarty
Members	Dennis Mutton (Deputy Presiding Member) Mark Adcock Chris Branford Peter Dungey Sally Roberts
Secretary	Alison Gill
DPTI Staff	Karl Woehle (Agenda Item 2.1.1) Gabrielle McMahon (Agenda Item 2.1.1) Jason Cattonar (Agenda Items 2.1.2, 2.1.3, 2.1.4, 2.2.1) Matthew Fielke (Agenda Item 2.2.1) Laura Kerber (Agenda Items 2.2.2, 3.2.1) Simon Neldner (Agenda Item 2.2.2, 3.2.1) Robert Kleeman (Agenda Item 3.2.1)

#### 1.2. APOLOGIES

Nil

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### 2. SCAP APPLICATIONS

#### 2.1. DEFERRED APPLICATIONS

##### 2.1.1 Hardy Milazzo

DA 020/A066/19

**266-270 Pulteney Street, Adelaide**

City of Adelaide

Proposal: Demolition of existing structures and construction of a multi-storey mixed-use development comprising tourist accommodation, commercial offices, cafe/restaurant, ancillary car parking, and associated building work.

The Presiding Member welcomed all in attendance to the State Commission Assessment Panel hearing:

#### Applicants

- Graham Hardy, Hardy Milazzo - presented
- Geoffrey Hodge, Hardy Milazzo
- Zis Ginos, Ginos Group
- George Ginos, Ginos Group

#### Agency

- Belinda Chan, ODASA

The State Commission Assessment Panel discussed the application.

#### **RESOLVED**

1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.
2. That the proposal generally accords with the related Objectives and Principles of Development Control of the Adelaide (City) Council Development Plan.
3. To grant Development Plan Consent to Development Application 020/A006/19 by Hardy Milazzo for Demolition of existing structures and construction of a multi-storey mixed-use development comprising tourist accommodation, commercial office, cafe/restaurant, ancillary car parking and associated building work at 266 – 270 Pulteney Street, Adelaide.

#### **PLANNING CONDITIONS**

1. The development shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.

*Reason for condition: to ensure the development is constructed in accordance with endorsed plans and application details.*

2. Prior to Development Approval the applicant shall submit a final detailed schedule of external materials and finishes to the satisfaction of the State Commission Assessment Panel in consultation with the Government Architect.

*Reason for condition: to ensure the materials and finishes proposed are consistent with the architectural drawings.*

3. Prior to Development Approval being issued for superstructure, final details of the waste collection arrangements which identify how waste would be stored, transported and disposed of, shall be submitted in consultation with the City of Adelaide to the satisfaction of the State Commission Assessment Panel.

*Reason for condition: to ensure an appropriate waste management plan is in place prior to the buildings operation.*

4. All external lighting on the site shall be designed and constructed to conform to Australian Standard (AS 4282-1997).

*Reason for condition: to ensure external lighting does not introduce undue potential for hazards to users of the adjacent road network in accordance with the necessary standard.*

5. All stormwater infrastructure design and construction shall be in accordance with Australian Standard AS/NZS 3500.3:2015 (Part 3) to ensure that stormwater does not adversely affect any adjoining property or public road.

*Reason for condition: to ensure stormwater infrastructure is designed and constructed to minimise potential for flood risk to adjoining property or public roads associated with stormwater runoff in accordance with the necessary standard.*

6. All bicycle facilities shall be designed in accordance with AS/NZS 2890.3:2015.

*Reason for condition: to ensure bicycle facilities are designed to adhere to the necessary standard.*

7. The development will comply with noise level criteria specified in Environmental Protection (Noise) Policy 2007 (under the Environmental Protection Act). This includes noise from roof-level plant and equipment and the air-conditioning units with consideration given to the adjacent properties. Noise attenuation devices and visual screening will be implemented as necessary.

*Reason for condition: to ensure mechanical equipment does not cause unreasonable nuisance or loss of amenity in the locality.*

8. All Council, utility or state-agency maintained infrastructure (i.e. roads, kerbs, drains, crossovers, footpaths etc.) that is demolished, altered, removed or damaged during the construction of the development shall be reinstated to Council, utility or state agency specifications. All costs associated with these works shall be met by the proponent.

*Reason for condition: to ensure appropriate reinstatement of any Council, utility or state-agency maintained infrastructure affected by construction activities.*

9. All off-street car parking areas shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.

*Reason for condition: to ensure off-street car parking facilities are designed to adhere to the necessary standards.*

#### **ADVISORY NOTES**

- a. This Development Plan Consent will expire after 12 months from the date of this Notification, unless final Development Approval from Council has been received within that period or this Consent has been extended by the State Commission Assessment Panel.
- b. The applicant is also advised that any act or work authorised or required by this Notification must be substantially commenced within 1 year of the final Development Approval issued by Council and substantially completed within 3 years of the date of final Development Approval issued by Council, unless that Development Approval is extended by the Council.
- c. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent. 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. 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).
- d. The applicant, or any person with the benefit of this consent, must ensure that any consent/permit from other authorities or third parties that may be required to undertake the development, have been granted by that authority prior to the commencement of the development.
- e. The applicant is reminded of their obligations under the Local Nuisance and Litter Control Act 2016 and the Environment Protection Act 1993, in regard to the appropriate management of environmental impacts and matters of local nuisance. For further information about appropriate management of construction site, please contact the City of Adelaide.

- f. Footpaths adjacent to the site are to be kept in a safe condition for pedestrians at all times during construction works. All driveways and footpaths transverse by vehicles using the site are to be maintained in a reasonable condition for the duration of the works, and are to be reinstated to the satisfaction of Council on completion of the works.
- g. All works on Council land shall be conducted to Council's specification, with all works to be bunted off safely and pedestrian safety to be maintained throughout the construction period. Planting will also need to be undertaken in line with council specification in terms of sight distance interference and safety to the community (thorns/poisonous planting). Plans displaying all relevant details of the Road/Kerbing/Footpath Works shall be submitted to the Assets and Infrastructure Officer for approval prior to the commencement of any such works.

#### 2.1.2 **Australian Walking Company C/- Fyfe**

DA 520/L006/18

#### **Flinders Chase National Park – CR 6716/336**

Kangaroo Island Council

Proposal: Wilderness Trail Accommodation – Sandy Creek

The Presiding Member welcomed all in attendance to the State Commission Assessment Panel hearing:

#### Applicants

- Neil Lynch, Australian Walking Company
- Kirsty Aitken, Australian Walking Company
- Matt Johnson, DEW - presented
- Roscoe Shelton, DEW - presented
- Michael Osborn, Fyfe - presented
- Phil Harris, Troppo Architects
- Ryan Horsnell, Troppo Architects

#### Agency

- Russell Seaman, Native Vegetation Management Branch

#### Members of the Public

- Bob Huxtable
- Joan Huxtable
- Peter Matejcic
- Mark Parnell, MLC
- Fraser Vickery

#### Media

- Michelle Etheridge, The Advertiser

The State Commission Assessment Panel discussed the application.

#### **PREAMBLE**

When assessing development under the Development Act, the relevant provisions within the Development Plan are identified and are given further context by the Desired Character Statement for the zone or policy area. The planning authority is then required to consider whether those provisions speak for or against a proposed development in reaching a decision.

In this case the relevant policies (particularly those contained in the Conservation Zone) recognise that facilities for visitors are appropriate subject to a number of performance and design measures. Based on the information provided and site visit, the State Commission Assessment Panel is, on balance, satisfied that the proposal meets the requirements of the Development Plan as a result of a rigorous and comprehensive siting and design process.

The *Development Act 1993*, under which the State Commission Assessment Panel operates, does not legislate or govern all matters. Accordingly, certain types of development applications may require further authorisation from other State Agencies, or a third party in relation to matters that are not controlled, or have further, tighter controls under separate legislation.

In the context of the Australian Walking Company's (AWC) development applications in Flinders Chase National Park, the Department for Environment and Water (DEW) is charged with the responsibility to care for, and control activities within the park pursuant to the *National Parks and Wildlife Act 1972* (NPW Act). In addition, as an independent body established under the *Native Vegetation Act 1991* (NV Act), the Native Vegetation Council (NVC) monitors the overall condition of the State's vegetation and makes decisions on a wide range of matters concerning native vegetation in South Australia.

The AWC is obligated under the NPW Act and NV Act to obtain authorisations from DEW and the NVC respectively, prior to undertaking any development that is authorised under the *Development Act 1993*.

### **RESOLVED**

1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.
2. That the State Commission Assessment Panel is satisfied that the proposal generally accords with the related Objectives and Principles of Development Control of the Kangaroo Island Development Plan.
3. To grant Development Plan Consent to the proposal by Australian Walking Company for tourist accommodation at Sandy Creek subject to the following conditions of consent.

### **PLANNING CONDITIONS**

1. The development granted Development Plan Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

*Reason: to ensure the development is undertaken with its approved plans.*

2. The following information shall be submitted to the State Commission Assessment Panel prior to the commencement of site works:
  1. The final design, specification, layout and elevations and all permanent components of the development; and
  2. The final design specification and layout of temporary construction components.

*Reason: To ensure that the detailed design of the development is consistent with the application as approved.*

3. All trade waste and other rubbish shall be stored in covered containers prior to removal and shall be kept screened from public view.

*Reason: To avoid impact on the surrounding natural environment.*

4. All external finishes shall have surfaces which are of a low light reflective nature and be of muted natural colours.

*Reason: To avoid impact on the surrounding natural environment.*

### **Coast Protection Board (recommended conditions)**

5. The applicant shall ensure that the ongoing management of the site and visitor control measures minimise disturbance to the surrounding area to retain a high cover of vegetation and reduce the risk of sand drift.

6. The proposed development shall not result in any scouring, erosion or marine sedimentation impacts.
7. Effluent disposal systems shall be designed to minimise impact to the surrounding environment and any system incorporating septic tanks, soakage trenches or similar must be located not less than 100 metres to the mean high water mark.

*Reason: to ensure appropriate safety requirements and hazard reduction practices are adopted during the construction and operational phases of the development.*

**SA CFS (directed conditions)**

8. The applicant & operators shall develop an Operational Management Plan which will ensure that staff and guests alike are not placed at any unnecessary risk through restricting operations and evacuating from the site prior to elevated fire conditions.
9. Design and Construction of the proposed refuge building shall be in accordance with Community Bushfire Refuges 2014, as published by ABCB and the Fire Services Commissioner Victoria (see Appendix A); and the NCC Part 3.7 "FIRE SAFETY" Australian Standard TM3959 (AS3959) "Construction of Buildings in Bushfire Prone Areas".
10. Siting (of structures) shall be away from existing elevated fuel structures.
11. Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012) Part 2.3.4.1 prescribes the mandatory provision of a dedicated and accessible water supply to be made available at all times for fire-fighting.

Ministers Specification SA78 provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with Minister's Specification SA78 as follows:

- A minimum supply of 22,000 litres of water shall be available at all times for bushfire fighting purposes.
- The water storage facility (and any support structure) shall be constructed of non-combustible material.
- The dedicated fire-fighting water supply shall be pressurised by a pump that has –
  - i. A minimum inlet diameter of 38mm, AND
  - ii. Is powered by a petrol or diesel engine with a power rating of at least 3.7kW (5hp), OR
  - iii. A pumping system that operates independently of mains electricity and is capable of pressurising the water for fire-fighting purposes.
- The dedicated fire-fighting water supply pump shall be located at or adjacent to the habitable building to ensure occupants safety when operating the pump during a bushfire. An 'Operations Instruction Procedure' shall be located with the pump control panel.
- The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation.
- All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (i.e. at opposite ends of the habitable building).
- All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.

- All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.
  - All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.
  - All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
12. Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012) Part 2.3.5 mandates that 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.
- A vegetation management zone (VMZ) shall be established and maintained within 20 metres of the refuge building as follows:
    - The number of trees and understorey plants existing and to be established within the VMZ shall be reduced and maintained such that when considered overall a maximum coverage of 50% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 50%'.
    - No understorey vegetation within 2 metre of the habitable building (understorey is defined as plants and bushes up to 2 metres in height).
    - The VMZ shall be maintained to be free of accumulated dead vegetation.
13. The applicant & operators shall formulate, practice and maintain an Emergency Response Plan that addresses the extreme risk associated this remote location presents, incorporating the following:
- Emergency Communication
  - Evacuation options and risk mitigation measures as a result of the reduced access proposed and the increased evacuation times that may be experienced
  - Emergency response training & regular drills
  - Operating hours and restrictions on days of extreme weather or bushfire events

*Reason: to ensure appropriate safety requirements and hazard reduction practices are adopted during the construction and operational phases of the development.*

#### **ADVISORY NOTES**

- a. The Department of Environment and Water as the responsible agency for the land shall oversee the micro-siting and construction management of this development.
- b. This Development Plan Consent will expire after 12 months from the date of this Notification, unless final Development Approval from Council has been received within that period or this Consent has been extended by the State Commission Assessment Panel.
- c. The applicant is also advised that any act or work authorised or required by this Notification must be substantially commenced within 1 year of the final Development Approval issued by Council and substantially completed within 3 years of the date of final Development Approval issued by Council, unless that Development Approval is extended by the Council.
- d. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent. 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. 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).

- e. The applicant is advised of the following 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 for Environment and Water.
- f. The applicant is advised of the following 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.
- g. The applicant is advised that any native vegetation on the site is protected under the Native Vegetation Act 1991 and Native Vegetation Regulations 2017. Prior to any clearance being undertaken (e.g. for trail networks and “look out” platforms), the applicant should seek Native Vegetation Council approval to do so.
- h. Compliance with the fire protection requirements is not a guarantee the habitable building will not burn, but its intent is to provide a ‘measure of protection’ from the approach, impact and passing of a bushfire.
- i. 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).

### 2.1.3 Australian Walking Company C/- Fyfe

DA 520/L007/18

#### **Flinders Chase National Park – CR 6716/336**

Kangaroo Island Council

Proposal: Wilderness Trail Accommodation – Cape Du Couedic

The Presiding Member welcomed all in attendance to the State Commission Assessment Panel hearing:

#### Applicants

- Neil Lynch, Australian Walking Company
- Kirsty Aitken, Australian Walking Company
- Matt Johnson, DEW - presented
- Roscoe Shelton, DEW - presented
- Michael Osborn, Fyfe - presented
- Phil Harris, Troppo Architects
- Ryan Horsnell, Troppo Architects

#### Agency

- Russell Seaman, Native Vegetation Management Branch

#### Members of the Public

- Bob Huxtable
- Joan Huxtable
- Peter Matejcic
- Mark Parnell, MLC
- Fraser Vickery

#### Media

- Michelle Etheridge, The Advertiser



The State Commission Assessment Panel discussed the application.

#### **PREAMBLE**

When assessing development under the Development Act, the relevant provisions within the Development Plan are identified and are given further context by the Desired Character Statement for the zone or policy area. The planning authority is then required to consider whether those provisions speak for or against a proposed development in reaching a decision.

In this case the relevant policies (particularly those contained in the Conservation Zone) recognise that facilities for visitors are appropriate subject to a number of performance and design measures. Based on the information provided and site visit, the State Commission Assessment Panel is, on balance, satisfied that the proposal meets the requirements of the Development Plan as a result of a rigorous and comprehensive siting and design process.

The *Development Act 1993*, under which the State Commission Assessment Panel operates, does not legislate or govern all matters. Accordingly, certain types of development applications may require further authorisation from other State Agencies, or a third party in relation to matters that are not controlled, or have further, tighter controls under separate legislation.

In the context of the Australian Walking Company's (AWC) development applications in Flinders Chase National Park, the Department for Environment and Water (DEW) is charged with the responsibility to care for, and control activities within the park pursuant to the *National Parks and Wildlife Act 1972* (NPW Act). In addition, as an independent body established under the *Native Vegetation Act 1991* (NV Act), the Native Vegetation Council (NVC) monitors the overall condition of the State's vegetation and makes decisions on a wide range of matters concerning native vegetation in South Australia.

The AWC is obligated under the NPW Act and NV Act to obtain authorisations from DEW and the NVC respectively, prior to undertaking any development that is authorised under the *Development Act 1993*.

#### **RESOLVED**

1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.
2. That the State Commission Assessment Panel is satisfied that the proposal generally accords with the related Objectives and Principles of Development Control of the Kangaroo Island Development Plan.
3. To grant Development Plan Consent to the proposal by Australian Walking Company for tourist accommodation at Cape Du Couedic subject to the following conditions of consent.

#### **PLANNING CONDITIONS**

1. The development granted Development Plan Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

*Reason: to ensure the development is undertaken in accordance with the approved plans.*

2. The following information shall be submitted to the State Commission Assessment Panel prior to the commencement of site works:
  1. The final design, specification, layout and elevations and all permanent components of the development; and
  2. The final design specification and layout of temporary construction components.

*Reason: To ensure that the detailed design of the development is consistent with the application as approved.*

3. All trade waste and other rubbish shall be stored in covered containers prior to removal and shall be kept screened from public view.

*Reason: To avoid impact on the surrounding natural environment.*

4. All external finishes shall have surfaces which are of a low light reflective nature and be of muted natural colours.

*Reason: To avoid impact on the surrounding natural environment.*

#### **Heritage SA (recommended condition)**

5. Final roof design details of the new 'Commons' building shall be mutually agreed and then matching documentation provided, to the satisfaction of the State Commission Assessment Panel in consultation with the Department for Environment and Water.

*Reason: To ensure the design intent is appropriately detailed leading to a well finished result.*

#### **CFS (directed conditions)**

6. The applicant & operators shall develop an Operational Management Plan which will ensure that staff and guests alike are not placed at any unnecessary risk through restricting operations and evacuating from the site prior to elevated fire conditions.
7. Siting (of structures) shall be away from existing elevated fuel structures.
8. Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012) Part 2.3.4.1 prescribes the mandatory provision of a dedicated and accessible water supply to be made available at all times for fire-fighting.

Ministers Specification SA78 provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with Minister's Specification SA78 as follows:

- A minimum supply of 22,000 litres of water shall be available at all times for bushfire fighting purposes.
- The water storage facility (and any support structure) shall be constructed of non-combustible material.
- The dedicated fire-fighting water supply shall be pressurised by a pump that has –
  - i. A minimum inlet diameter of 38mm, AND
  - ii. Is powered by a petrol or diesel engine with a power rating of at least 3.7kW (5hp), OR
  - iii. A pumping system that operates independently of mains electricity and is capable of pressurising the water for fire-fighting purposes.
- The dedicated fire-fighting water supply pump shall be located at or adjacent to the habitable building to ensure occupants safety when operating the pump during a bushfire. An 'Operations Instruction Procedure' shall be located with the pump control panel.
- The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation.
- All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be

positioned to provide maximum coverage of the building and surrounds (i.e. at opposite ends of the habitable building).

- All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.
- All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.
- All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.
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9. Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012) Part 2.3.5 mandates that 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.

- A vegetation management zone (VMZ) shall be established and maintained within 20 metres of the refuge building as follows:

- The number of trees and understorey plants existing and to be established within the VMZ shall be reduced and maintained such that when considered overall a maximum coverage of 50% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 50%'.
- No understorey vegetation within 2 metre of the habitable building (understorey is defined as plants and bushes up to 2 metres in height).
- The VMZ shall be maintained to be free of accumulated dead vegetation.

10. The applicant & operators shall formulate, practice and maintain an Emergency Response Plan that addresses the extreme risk associated this remote location presents, incorporating the following:

- Emergency Communication
- Evacuation options and risk mitigation measures as a result of the reduced access proposed and the increased evacuation times that may be experienced
- Emergency response training & regular drills
- Operating hours and restrictions on days of extreme weather or bushfire events

*Reason: to ensure appropriate safety requirements and hazard reduction practices are adopted during the construction and operational phases of the development.*

#### **ADVISORY NOTES**

- a. This Development Plan Consent will expire after 12 months from the date of this Notification, unless final Development Approval from Council has been received within that period or this Consent has been extended by the State Commission Assessment Panel.
- b. The applicant is also advised that any act or work authorised or required by this Notification must be substantially commenced within 1 year of the final Development Approval issued by Council and substantially completed within 3 years of the date of final Development Approval issued by Council, unless that Development Approval is extended by the Council.
- c. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent. 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. 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).

- d. 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 for Environment and Water, or an additional referral to the Minister for Environment and Water. 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.
- e. The applicant is advised of the following 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 for Environment and Water.
- f. The applicant is advised that any native vegetation on the site is protected under the Native Vegetation Act 1991 and Native Vegetation Regulations 2017. Prior to any clearance being undertaken (e.g. for trail networks and “look out” platforms), the applicant should seek Native Vegetation Council approval to do so.
- g. Compliance with the fire protection requirements is not a guarantee the habitable building will not burn, but its intent is to provide a ‘measure of protection’ from the approach, impact and passing of a bushfire.
- h. 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).

#### 2.1.4 **Australian Walking Company C/- Fyfe**

DA 520/L008/18

#### **Flinders Chase National Park – CR 6716/336**

Kangaroo Island Council

Proposal: Wilderness Trail Accommodation – Sanderson Bay

The Presiding Member welcomed all in attendance to the State Commission Assessment Panel hearing:

#### Applicants

- Neil Lynch, Australian Walking Company
- Kirsty Aitken, Australian Walking Company
- Matt Johnson, DEW - presented
- Roscoe Shelton, DEW - presented
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- Russell Seaman, Native Vegetation Management Branch

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## Media

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The State Commission Assessment Panel discussed the application.

### **PREAMBLE**

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The AWC is obligated under the NPW Act and NV Act to obtain authorisations from DEW and the NVC respectively, prior to undertaking any development that is authorised under the *Development Act 1993*.

### **RESOLVED**

1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.
2. That the State Commission Assessment Panel is satisfied that the proposal generally accords with the related Objectives and Principles of Development Control of the Kangaroo Island Development Plan.
3. To grant Development Plan Consent to the proposal by Australian Walking Company for tourist accommodation at Sanderson Bay subject to the following conditions of consent.

### **PLANNING CONDITIONS**

1. The development granted Development Plan Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

*Reason: to ensure the development is undertaken with its approved plans.*

2. The following information shall be submitted to the State Commission Assessment Panel prior to the commencement of site works:
  1. The final design, specification, layout and elevations and all permanent components of the development; and
  2. The final design specification and layout of temporary construction components.

*Reason: To ensure that the detailed design of the development is consistent with the application as approved.*

3. All trade waste and other rubbish shall be stored in covered containers prior to removal and shall be kept screened from public view.

*Reason: To avoid impact on the surrounding natural environment.*

4. All external finishes shall have surfaces which are of a low light reflective nature and be of muted natural colours.

*Reason: To avoid impact on the surrounding natural environment.*

#### **Coast Protection Board (recommended conditions)**

5. The applicant shall also ensure that the ongoing management of the site and visitor control measures minimise disturbance to the surrounding area to retain a high cover of vegetation and reduce the risk of sand drift.
6. The proposed development shall not result in any scouring, erosion or marine sedimentation impacts.
7. Effluent disposal systems shall be designed to minimise impact to the surrounding environment.

*Reason: to ensure appropriate safety requirements and hazard reduction practices are adopted during the construction and operational phases of the development.*

#### **SA CFS (directed conditions)**

8. The applicant & operators shall develop an Operational Management Plan which will ensure that staff and guests alike are not placed at any unnecessary risk through restricting operations and evacuating from the site prior to elevated fire conditions.
9. Design and Construction of the proposed refuge building shall be in accordance with Community Bushfire Refuges 2014, as published by ABCB and the Fire Services Commissioner Victoria (see Appendix A); and the NCC Part 3.7 "FIRE SAFETY" Australian Standard TM3959 (AS3959) "Construction of Buildings in Bushfire Prone Areas".
10. Siting (of structures) shall be away from existing elevated fuel structures.
11. Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012) Part 2.3.4.1 prescribes the mandatory provision of a dedicated and accessible water supply to be made available at all times for fire-fighting.

Ministers Specification SA78 provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with Minister's Specification SA78 as follows:

- A minimum supply of 22,000 litres of water shall be available at all times for bushfire fighting purposes.
- The water storage facility (and any support structure) shall be constructed of non-combustible material.
- The dedicated fire-fighting water supply shall be pressurised by a pump that has –
  - i. A minimum inlet diameter of 38mm, AND
  - ii. Is powered by a petrol or diesel engine with a power rating of at least 3.7kW (5hp),OR
  - iii. A pumping system that operates independently of mains electricity and is capable of pressurising the water for fire-fighting purposes.

- The dedicated fire-fighting water supply pump shall be located at or adjacent to the habitable building to ensure occupants safety when operating the pump during a bushfire. An 'Operations Instruction Procedure' shall be located with the pump control panel.
  - The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation.
  - All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet.
  - All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
  - A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (i.e. at opposite ends of the habitable building).
  - All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.
  - All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.
  - All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.
  - All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
12. Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012) Part 2.3.5 mandates that 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.
- A vegetation management zone (VMZ) shall be established and maintained within 20 metres of the refuge building as follows:
    - The number of trees and understorey plants existing and to be established within the VMZ shall be reduced and maintained such that when considered overall a maximum coverage of 50% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 50%'.
    - No understorey vegetation within 2 metre of the habitable building (understorey is defined as plants and bushes up to 2 metres in height).
    - The VMZ shall be maintained to be free of accumulated dead vegetation.
13. The applicant & operators shall formulate, practice and maintain an Emergency Response Plan that addresses the extreme risk associated this remote location presents, incorporating the following:
- Emergency Communication
  - Evacuation options and risk mitigation measures as a result of the reduced access proposed and the increased evacuation times that may be experienced
  - Emergency response training & regular drills
  - Operating hours and restrictions on days of extreme weather or bushfire events

*Reason: to ensure appropriate safety requirements and hazard reduction practices are adopted during the construction and operational phases of the development.*

#### **ADVISORY NOTES**

- a. This Development Plan Consent will expire after 12 months from the date of this Notification, unless final Development Approval from Council has been received within that period or this Consent has been extended by the State Commission Assessment Panel.

- b. The applicant is also advised that any act or work authorised or required by this Notification must be substantially commenced within 1 year of the final Development Approval issued by Council and substantially completed within 3 years of the date of final Development Approval issued by Council, unless that Development Approval is extended by the Council.
- c. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent. 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. 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).
- d. The applicant is advised of the following 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 for Environment and Water.
- e. The applicant is advised of the following 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.
- f. The applicant is advised that any native vegetation on the site is protected under the Native Vegetation Act 1991 and Native Vegetation Regulations 2017. Prior to any clearance being undertaken (e.g. for trail networks and “look out” platforms), the applicant should seek Native Vegetation Council approval to do so.
- g. Compliance with the fire protection requirements is not a guarantee the habitable building will not burn, but its intent is to provide a ‘measure of protection’ from the approach, impact and passing of a bushfire.
- h. This site has the potential to contain a freshwater lens, which if broken (eg. during construction) may detrimentally affect the surrounding vegetation. The applicant should determine if further investigation into this feature is required.
- i. 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).
- j. The proposed development may be subject to sand drift hazard risk, particularly accommodation pod number 7 to the north. It is recommended that the applicant engage a suitably experienced expert to undertake a site specific sand drift hazard assessment and identify any mitigation measures that should be undertaken.



## 2.2. NEW APPLICATIONS

### 2.2.1 Scentre Management Limited C/- Masterplan

DA 100/E103/18

**293-297 Diagonal Road, Oaklands Park**

City of Marion

Proposal: Alterations and additions to existing Westfield Marion Shopping Centre.

Mark Adcock declared a conflict of interest (due to previous employment with Masterplan) and left the meeting.

The Presiding Member welcomed all in attendance to the State Commission Assessment Panel hearing:

#### Applicants

- Aimee Taylor, Scentre Group - presented
- Melissa Mellen, MFY - presented
- Wayne Gladigau, Masterplan

#### Representors

- Greg Salmon, Marion - presented
- Nick Carter, Carter Property – presented / representing:
  - Owners, 1 Milham St (Red Cross Blood Donor House)
  - 455-457 Morphett Rd, Oaklands Park (Anglicare Bendigo Bank et al)
  - 459 Morphett Rd, Oaklands Park (Solver & Bridgestone)

#### Agency

- Jim Psyridis, DPTI Transport - presented

#### Council

- Alex Wright, Marion
- Warwick Deller-Coombs, Marion

The State Commission Assessment Panel discussed the application.

### **RESOLVED**

It is recommended that the State Commission Assessment Panel:

1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.
2. That the State Commission Assessment Panel is satisfied that the proposal generally accords with the related Objectives and Principles of Development Control of the Marion (City) Development Plan.
3. To grant Development Plan Consent (and Land Division Consent) to the proposal by Scentre Management Limited C/- Masterplan for the staged expansion of the existing Westfield Marion Shopping Centre – including the duplication of the mall at ground level (totalling some 12,891m<sup>2</sup> of additional retail floor area); construction of a new Entertainment and Lifestyle Precinct over levels 1 and 2 (a total of 5,223m<sup>2</sup>); reconfiguration of the existing car parking; construction of a four level mezzanine car park and new pedestrian promenade; the installation of a ticketless parking system; removal of regulated trees; and associated landscaping at 293 to 297 Diagonal Road, Oaklands Park subject to the following reserved matters and conditions of consent.

## RESERVED MATTERS

1. Pursuant to Section 33(3) of the *Development Act 1993*, the following matters shall be reserved for further assessment, to the satisfaction of the State Commission Assessment Panel, prior to the granting of Development Approval:

1.1 Final details of the stormwater design, including any proposed onsite retention and reuse, shall be provided. The stormwater design shall reflect the staged delivery of the project.

The final stormwater design shall be accompanied by a detailed Stormwater Management Plan and include:

- The provision of an underground services survey to determine the location and condition of existing stormwater infrastructure;
- A minimum of 50m<sup>3</sup> of plumbed-in retention tanks to toilets; and
- The provision of a suitable gross pollutant trap to prevent grease, oil, sediment, litter and other substances from entering the Council's stormwater drainage system.

*Reason: to ensure that the stormwater system is designed and constructed in accordance with Australian Standards and recognised engineering best practices.*

1.2 Final waste management details shall be in the form of a detailed Waste Management Plan – prepared to reflect the staged delivery of the project – and must ensure that:

- All waste and other rubbish is stored in a manner that prevents insanitary conditions, unreasonable nuisance or pollution to the environment;
- All waste storage areas are screened from public view; and
- Waste collection can be undertaken so as not to cause unreasonable nuisance to adjoining residential land in the locality.

*Reason: to ensure that the waste collection service can be undertaken in accordance with the plans and supporting information as approved.*

1.3 A detailed Landscape Plan and Planting Schedule shall be provided. The Landscape Plan must reflect the staged delivery of the project and in particular, demonstrate:

- The provision of a suitable mix and density of native trees, shrubs and groundcovers, 50% of which shall be at least 1.5 metres in height at the time of planting;
- The provision of a suitable mix and density of landscaping that frames key pedestrian walkways;
- That all plantings can be suitably maintained so as to not obstruct the views of drivers or pedestrians entering or exiting the site;
- The suitable replacement of regulated trees in accordance with Regulation 117 (2) of the Development Regulations 2008; and
- The measures undertaken to ensure protection of existing (retained) regulated trees (Tree Protection Plan).

*Reason: to ensure that landscaping is established and maintained in an orderly manner.*

Satisfaction of the above Reserved Matters is delegated to the Unit Manager Development Assessment.

## **RESERVED CONDITIONS**

1. Pursuant to Section 33(1) of the *Development Act 1993* the State Commission Assessment Panel reserves its decision on the form and substance of any further conditions of Development Plan Consent that it considers appropriate to impose in respect of the Reserved Matters, and this is delegated to the relevant Unit Manager Development Assessment.

## **PLANNING CONDITIONS**

1. The development granted Development Plan Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.

## **ENVIRONMENT**

2. Any external lighting of the site, including car parking areas and buildings, shall be designed and constructed to conform with Australian Standards and must be located, directed and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site. A final lighting plan – consistent with the staged delivery of the project – shall be provided to the satisfaction of the State Commission Assessment Panel in consultation with the City of Marion prior to the issuing of Development Approval for each stage.

*Reason: to mitigate interface impacts to adjacent properties and roads from light spill.*

## **TRAFFIC AND PARKING**

3. A Pedestrian Traffic Management Plan shall be provided to the satisfaction of the State Commission Assessment Panel, in consultation with the City of Marion prior to Development Approval for Stage 2.

*Reason: to ensure the provision of safe and efficient pedestrian movement throughout the development site.*

4. All vehicle car parks, driveways and vehicle entry and manoeuvring areas shall be designed and constructed in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009) 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 SCAP prior to occupation or use of the development.

*Reason: to ensure car parking is delivered in accordance with sound engineering practice.*

5. An additional 46 bicycle parks shall be provided prior to the completion of Stage 1 of the development.

*Reason: to ensure that bicycle parking is delivered in accordance with the relevant guiding principles of the Development Plan.*

## **COMMISSIONER OF HIGHWAYS CONDITIONS**

6. All required road works associated with the development shall be designed and installed to the Department of Planning, Transport and Infrastructure's (DPTI) satisfaction. All associated costs (including project management and any necessary road lighting and drainage upgrades) shall be borne by the applicant.
7. The largest vehicle permitted on-site shall be restricted to a 19-metre articulated vehicle (AS 2890.2-2002).
8. All commercial vehicle facilities shall be designed in accordance with AS 2890.2-2002).

9. A final access and car parking plan shall be submitted to the satisfaction of the State Commission Assessment Panel in consultation with the Commissioner of Highways. All access points and car parking shall be in accordance with this plan.
10. Any obsolete crossovers/accesses shall be closed and reinstated to Council's kerb and gutter standards at the applicant's cost. This work shall be completed prior to the operation of the development.
11. A Traffic Management Plan for the construction period and peak operational period(s) of the development shall be prepared in consultation with the Commissioner of Highways and the City of Marion. This plan shall detail the types, volumes and distributions of traffic associated with the development as well as how traffic associated with the development, particularly the traffic entering and exiting the site, will be safely managed whilst minimising the interference to the free flow of traffic on the adjacent roads. The potential impacts to infrastructure within the road reserve shall also be addressed.

*Reasons: the conditions seek to ensure the ongoing use and management of the arterial roads (Diagonal Road; Morphett Road; and Sturt Road) in a safe and orderly manner.*

#### **ADVISORY NOTES**

- a. This Development Plan Consent will expire after 12 months from the date of this Notification, unless final Development Approval from Council has been received within that period or this Consent has been extended by the State Commission Assessment Panel.
- b. The applicant is also advised that any act or work authorised or required by this Notification must be substantially commenced within 1 year of the final Development Approval issued by Council and substantially completed within 3 years of the date of final Development Approval issued by Council, unless that Development Approval is extended by the Council.
- c. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent. 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. 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).
- d. 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, where applicable, “Environmental Management of On-site Remediation” – the minimise environmental harm and disturbance during construction.
- e. The Metropolitan Adelaide Road Widening Plan shows that a strip of land up to 4.5 metres in width may be required from portions of the Sturt Road, Morphett Road and Diagonal Road frontages of this site along with additional land at the Sturt Road / Morphett Road and Sturt Road / Diagonal Road corners for future road purposes. The plan also shows a strip of land up to 2.13 metres in width may be required from portion of the Morphett Road frontage of the site for future road purposes.

The consent of the Commissioner of Highways is required under the Metropolitan Adelaide Road Widening Plan Act 1972 for all new building works located on or within 6 metres of the possible requirements. As the subject development does not encroach further into the requirements than the existing development, consent is not required in this instance.

- f. It is noted that portions of the footpaths along the Morphett Road frontage of the site appear to be contained within private property. It is recommended that all road infrastructure be located fully within road reserve. Accordingly, a land division dedicating the necessary portions of land to road should be undertaken.

- g. It should be noted that the portions of the access control system will require the approval of Council or the Commissioner of Highways in accordance with Section 17 of the Road Traffic Act 1961.
- h. The applicant shall contact DPTI's Traffic Operations Section, Networking Planning Engineer, Ms Teresa Xavier on telephone 8226 8389 or via email at Teresa.Xavier@sa.gov.au to discuss the proposed road works prior to undertaking any detailed design.

## 2.2.2 DeLorean Energy

DA 361/L007/18

### 1-2 Gidgie Court, Edinburgh Parks

City of Salisbury

Proposal: Construction of a waste to energy anaerobic digestion plant: organic waste reception, storage, treatment and disposal; and production of electrical energy, bio methane and thermal heat. Removal of 7 regulated trees, 11 significant trees. Installation of signage.

The Presiding Member welcomed all in attendance to the State Commission Assessment Panel hearing:

#### Applicants

- James Levinson, Botten Levinson - presented
- Hamish Jolly, Biogass Renewables - presented
- Joseph Oliver, Biogass Renewables

#### Representors

- Anthony Moore – presented (left at 11.50am)
- Stuart Henry QC – presented / representing:
  - Mayfield Property Holdings Pty Ltd
  - Des Ahrns, Bev Ahrns & Ahrns Handling Equipment Pty Ltd
- James Hilditch
- Laura Antoniazzi

#### Council

- Aaron Curtis, Salisbury
- Michael Sumito, Salisbury

#### Agency

- Dennis Linard, EPA
- Courtney Stollznow, EPA
- Alison Field, CSO
- Jessica Nankivell, CSO

The State Commission Assessment Panel discussed the application.

#### **PREAMBLE**

Based on the information provided during the assessment process, the State Commission Assessment Panel is of the view that the proposal (as a general industry), is on balance, an appropriate use within the zone. The Panel notes that the Urban Employment Zone makes provision for a broad range of uses in PDC1 which includes industry. It is also noted that the application sufficiently meets performance requirements of the zone provisions including PDC4 and should not impede the operations of established land uses.

#### **RESOLVED**

1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.

2. That the State Commission Assessment Panel is satisfied that the proposal generally accords with the related Objectives and Principles of Development Control of the Salisbury Council Development Plan.
3. To grant Development Plan Consent to the proposal by DeLorean Energy for construction of an anaerobic digestion facility and associated works at 1-2 Gidgie Court, Edinburgh Parks subject to the following conditions of consent.

#### **RESERVED MATTERS**

1. Pursuant to Section 33(3) of the *Development Act 1993*, the following matters shall be reserved for further assessment, to the satisfaction of the State Commission Assessment Panel, prior to the granting of Development Approval:
  - A reconsideration of the siting of the main receival building further to the west to enable the retention of some of the significant/regulated trees identified for removal.
  - The final design, external materials and colours of the office building.
  - A final landscaping plan which includes relevant details in respect to plant species selections, mature height levels, establishment and maintenance strategies.

#### **PLANNING CONDITIONS**

1. The development granted Development Plan consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

*Reason: to ensure the development is undertaken in accordance with its approved plans.*

2. Prior to the commencement of construction, a Traffic Management Plan (prepared in consultation with the local Council) shall be submitted to the reasonable satisfaction of the State Commission Assessment Panel.

*Reason: to manage traffic impacts to the local and arterial road network.*

3. Prior to the commencement of construction, a Civil Plan (prepared in consultation with the local Council) shall be submitted to the reasonable satisfaction of the State Commission Assessment Panel. This plan shall include relevant details in respect to finished floor and site levels, cut and fill levels, service infrastructure, pavement details, stormwater management, water quality systems and driveway crossover specification and verge alternations.

*Reason: to provide adequate details to the local Council.*

4. All external finishes shall have surfaces which are of a low light reflective nature.

*Reason: to ensure the proposal blends into the local environment.*

5. Materials likely to be windblown shall not be handled or stored outside of the building.

*Reason: to ensure appropriate waste management procedures are followed.*

6. All doors around the perimeter of the facility shall be kept closed during operations, except where otherwise required to facilitate the movement of materials by forklift/front end loader or during the entry and exit of trucks.

*Reason: to ensure the development complies with the Environment Protection (Air Quality) Policy 2016.*

7. Except where otherwise approved, no materials, goods or containers shall be stored in the designated car parking area or manoeuvring areas at any time.

*Reason: to ensure the development complies with the Environment Protection (Air Quality) Policy 2016.*

8. Stormwater systems shall be designed and constructed to cater for minor storm flows (Industrial/Commercial ARI = 10 years). The design of the stormwater system shall ensure that no stormwater is discharged onto any adjoining land. Surface stormwater is to be managed in a manner that ensures no ponding of water against buildings and structures, no creation of any insanitary condition, and no runoff into neighbouring property for the major storm event ARI = 100 years.

*Reason: to ensure that stormwater is appropriately managed.*

9. All driveways and parking areas shall be constructed with either brick paving, concrete or bitumen to a standard appropriate for the intended traffic volumes and vehicle types. Individual car parking bays shall be clearly line marked. Driveways and car parking areas shall be established prior to the approved use commencing and shall be maintained at all times.

*Reason: to provide for adequate manoeuvring and site access.*

10. Semi-mature native tree species (>1m in height) indigenous to the local area shall be planted on a 2 for 1 basis to compensate for the removal of each regulated tree and on a 3 for 1 basis for each significant tree. The replacement tree planting shall occur within six months of the commencement of site operations and be in a suitable position within the landscaped area on site.

*Reason: to ensure that screen plantings are maintained and replaced where necessary.*

11. All pruning work shall be undertaken by a qualified arborist and in accordance with *Australian Standard 4373-2007: Pruning of Amenity Trees*.

*Reason: to ensure that existing plantings are maintained.*

12. All works within the vicinity of the regulated/significant trees located on-site shall be undertaken in accordance with the recommendations made in the arborist report from Arborman Tree Solutions, dated Friday 14 September 2018 (document ID ATS5157-1-2GidCtDIR).

*Reason: to ensure that existing plantings are maintained.*

13. Landscaping shown on the approved plans 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.

*Reason: to ensure that screen plantings are maintained and replaced where necessary.*

14. Security fencing to be constructed using chain wire mesh in PVC coated black or similar.

*Reason: to provide security with regard to the local environment.*

15. All external lighting on the site shall be designed and constructed to conform to Australian Standard (AS 4282-1997).

*Reason: to provide security with regard to the local environment.*

Environment Protection Authority – directed conditions

16. Prior to commencement of operations, all noise mitigation measures must be installed as outlined in section 5 of the *Environmental Noise Assessment* prepared by Herring Storer Acoustics, dated February 2019 (document reference: 23621-5-18204).

*Reason: to ensure the development complies with EPA noise requirements.*

17. Prior to operation, all operational areas must be sealed with concrete (or other impervious material).

*Reason: to ensure the potential for surface contamination is minimised.*

18. Prior to the commencement of operations, bunding must be installed and all liquids and waste materials must be stored within the bunded area so as to contain any spillages that may occur. Note: Information on bunding is available in the *EPA Guidelines: Bunding and Spill Management* (2012) [http://epa.sa.gov.au/files/47717\\_guide\\_bunding.pdf](http://epa.sa.gov.au/files/47717_guide_bunding.pdf)

*Reason: to ensure the development complies with EPA contamination requirements.*

19. Prior to commencement of operations, the Schlumberger Iron Oxide Scrubber must be installed and operational.

*Reason: to ensure the development complies with the Environment Protection (Air Quality) Policy 2016.*

**ADVISORY NOTES**

- a. This Development Plan Consent will expire after 12 months from the date of this Notification, unless final Development Approval from Council has been received within that period or this Consent has been extended by the State Commission Assessment Panel.
- b. The applicant is also advised that any act or work authorised or required by this Notification must be substantially commenced within 1 year of the final Development Approval issued by Council and substantially completed within 3 years of the date of final Development Approval issued by Council, unless that Development Approval is extended by the Council.
- c. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent. 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. 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).
- d. A Construction Environment Management Plan (CEMP) shall be prepared and implemented in accordance with current industry standards in accordance with the Environment Protection Authority guideline 'Construction environmental management plans' 2016 (see [http://www.epa.sa.gov.au/business\\_and\\_industry/environmental\\_planning/position-statements-and-guidelines](http://www.epa.sa.gov.au/business_and_industry/environmental_planning/position-statements-and-guidelines)) to minimise environmental harm and disturbance during construction.
- e. An Operational Environment Management Plan shall be prepared and implemented by the applicant in accordance with the Environment Protection Authority guidelines.
- f. In relation to Condition 10, replacement trees must not be a species listed in Regulation 6A(5)(b) of the *Development Regulations 2008*, or a tree belonging to a class of plant declared by the Minister under Chapter 8 Part 1 of the *Natural Resources Management Act 2004*. The trees shall be maintained in good condition at all times and replaced if necessary.



- g. All cranes be used in consultation with Edinburgh RAAF Airbase by contacting:

Mr J Smith, Manager Technical Services  
Department of Defence  
Building EP2  
PO Box 1500  
Edinburgh SA 5111

Mr T Hogan  
Estate and Infrastructure Group  
Department of Defence  
[DSRGIDEP.executivesupport@defence.gov.au](mailto:DSRGIDEP.executivesupport@defence.gov.au)

*Environment Protection Authority notes:*

- h. 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 practicable 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.
- i. An environmental authorisation in the form of a licence is required for the operation of this development. Conditions of licence may include requirements to:
- a. undertake post commissioning monitoring to validate the inputs used in the model for all identified pollutants of concern
  - b. undertake on-going H<sub>2</sub>S monitoring of pre-scrubber and post scrubber biomethane
  - c. prepare a contingency plan to outline measures that would be actioned in the event that roller doors and/or bio-filters/scrubber fail or in the event that H<sub>2</sub>S is detected at sensitive receivers.
- j. The applicant is required to contact the Environment Protection Authority before acting on this approval to ascertain licensing requirements. Information on applying for a licence (including licence application forms) can be accessed here: [http://www.epa.sa.gov.au/business\\_and\\_industry/applying\\_for\\_a\\_licence](http://www.epa.sa.gov.au/business_and_industry/applying_for_a_licence):
- a. 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.
  - b. EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following web site: <http://www.epa.sa.gov.au>.
- k. The applicant is reminded that demolition and construction is required to be carried out so that it complies with the construction noise provisions of the *Environment Protection (Noise) Policy 2007*.
- l. Improvements to the adjacent public realm areas, including proposals to plant in the landscaped verge require the approval of the Salisbury Council and are not part of this planning consent.

2.3. **RESERVED MATTERS** - Nil

3. **CROWN DEVELOPMENTS (ADVISORY ITEMS)**

3.1. **DEFERRED APPLICATIONS** – Nil

### 3.2. NEW APPLICATIONS

#### 3.2.1 Simec Zen Energy C/- AECOM

DA 660/V001/19

**Lot 2 Port Paterson Road, Port Paterson**

Port Augusta City Council

Proposal: Construction of a 100MW battery energy storage system and associated infrastructure.

The Presiding Member welcomed all in attendance to the State Commission Assessment Panel hearing:

Applicants

- Tom Hateley, AECOM - presented
- Tom Hill, Simec Zen Energy - presented
- Chris Lim, DTTI

Agency

- Jim Psyridis, DPTI Transport

The State Commission Assessment Panel discussed the application.

#### **RESOLVED**

That the State Commission Assessment Panel provide its recommendation in confidence (included in SCAP Confidential Minutes – 13 June 2019) to the Minister for Planning, in relation to the proposal by Simec Zen Energy for construction of a 100 MW batter energy storage system and associated infrastructure at Lot 2 Port Paterson Road, Port Paterson.

*Note: a Decision Notification Form will be forwarded to all representors once the Minister has made a decision on the application.*

#### 4. MAJOR DEVELOPMENTS - Nil

#### 5. OTHER BUSINESS

#### 6. NEXT MEETING

6.1. Thursday 27 June 2019 at ODASA, 28 Leigh Street, Adelaide SA 5000

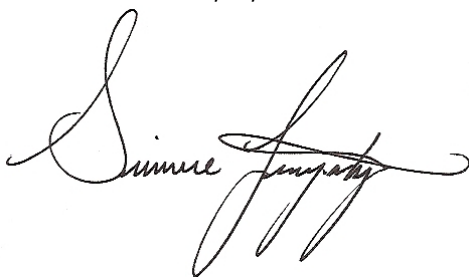
#### 7. CONFIRMATION OF THE MINUTES OF THE MEETING

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

#### 8. MEETING CLOSE

The Presiding Member thanked all in attendance and closed the meeting at 5.30pm.

Confirmed 13/06/2019



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Simone Fogarty  
PRESIDING MEMBER