

**EXTRAORDINARY GAZETTE**



**THE SOUTH AUSTRALIAN  
GOVERNMENT GAZETTE**

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ADELAIDE, MONDAY, 23 DECEMBER 2013

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## DEVELOPMENT ACT 1993: SECTION 48 (8)

## DECISION BY THE GOVERNOR

*Preamble*

1. On 5 June 2003 a major development declaration was made for the subdivision and development of land at Buckland Park near Virginia north of Adelaide. The Minister for Urban Development and Planning gave notice in the *Government Gazette* that he was of the opinion that it was appropriate for the proper assessment of the development of major environmental, social or economic importance that Section 46 of the Development Act 1993 applied to any development of a kind listed in Schedule 1 of that notice in parts of the State listed in Schedule 2 of that notice.

2. On 4 January 2007, the earlier declaration from 5 June 2003 was varied to amongst other things, expand the major development declaration.

3. The declaration was subsequently varied again by notice in the *Government Gazette* on 12 June 2008 to include some extra land parcels within the major development declaration.

4. A proposal from Walker Corporation Pty Ltd (hereafter 'the proponent') to develop a substantial staged residential and commercial development at Buckland Park was the subject of a development application lodged in May 2007 ('the major development').

5. The major development has been the subject of an Environmental Impact Statement (EIS) and has been assessed in accordance with Section 46 and Section 46B of the Development Act 1993. On 4 February 2010 provisional development authorisation with reserved matters was granted for the following components:

- Land Division, creating eight super lots which include the five residential land division stages, employment lands, recreation/water management and transport infrastructure areas shown in plans 19000p01—r3, r5 and r6, 5 November 2009 (Fyfe Engineers Surveyors);
- Stage 1 land division (Super Lot 1 under the land division application) which comprised 614 residential allotments, a school site, display centre and shopping /community centre over 62.23 hectares;
- Proposed partial closure of Legoe Road under Part 7A (Section 34C (2) (a) (ii)) of the Roads (Opening and Closing) Act 1991 (to take effect on a day to be fixed by subsequent order of the Governor or Planning Minister published in the *Gazette*);
- Construction of a Neighbourhood Centre as set out in the detailed drawings;
- Construction of a display village as detailed by the proponent; and
- Future stages of the development (2-5) which will be determined when detailed land division applications are lodged.

6. The proponents requested modifications in the decision notice provided on 4 February 2010 to allow more practicality in implementing the proposal and satisfying the reserved matters and conditions of approval. The Minister for Urban Development and Planning approved these amendments on 21 October 2010.

7. A further amendment to the development decision was provided on 10 March 2011 to satisfy the reserved matters related to employment of a Community Worker d(4), provision of power through an electricity provider reserved matter d(9), negotiation with DECS/Virginia Primary School on the need for demountable class rooms d(11) and liaison with the City of Playford in relation to provisions of library services d(6). These reserved matters were translated into conditions of approval on 10 March 2011.

8. The proponent lodged a request on 28 February 2011 (modified by a letter dated 11 July 2011) for an amended Land Division plan for Stage 1 (including a further 5 sub-stages) of the Buckland Park Development. The number of allotments was reduced from 614 to 609 (for the entire Stage 1), with an increase in open space of 7.4 hectares. The road hierarchy and lot layout was also amended following discussions with the City of Playford and other agencies. A Request to increase the number of display homes from 32 to 45 was also dated 11 March 2011. The following dot points indicate which reserved matters were satisfied and were transferred to conditions of approval on 15 September 2011:

- Draft Residential Guidelines and Encumbrance [reserved matter (a)]. Letter provided by Walker Corp on 11 April 2011.
- Provision of an Affordable Housing Plan, in relation to the provision of affordable housing in the land division for Stage 1 [reserved matter (b)]. Letter provided by Walker Corp 15 April 2011.
- Community Bus timetabling and staffing (Playford Council) [reserved matter (D3)]. Letter provided by Walker Corp 1 June 2011.
- Agreement for water services (SA Water) [reserved matter (D6)]. Letter from Walker Corp 8 November 2010.
- Agreement for gas services (APA) [reserved matter (D7)]. Letter 21 June 2011.
- Proponent to prepare a Recreation Facilities Strategy for Stage 1 in collaboration with the City of Playford's Buckland Park Project Control Group (D4). Letter 6 July 2011.

The Proponent and the Department for Transport, Energy and Infrastructure (DTEI) also reached agreement that the following reserve matter could be transferred to a condition of approval:

- Final Design drawings for the signalised intersection of Legoe Road with Port Wakefield Road to the satisfaction of DTEI. [reserved matter (D1)]. Letter provided by DTEI to Walker Corp on 29 June 2011.

In addition the following dot point indicates that reserved matter which was satisfied and was removed entirely from the notice provided on 15 September 2011:

- Amendment of the Land Division to create a 40 m buffer between the subject land and SA Potatoes [reserved matter (C)]. Amended Stage 1 plan provided by Walker Corporation on 28 February 2011 resolves this matter.

9. Letters received from Walker Corporation dated 16 August 2011 and from the City of Playford also dated 16 August 2011 concerning reserved matter D(5) concerning the Maintenance schedules and handover and defects liability periods have been received and are deemed to be satisfied and will be moved to conditions of approval (included in the Landscape and engineering designs information).

10. Letters received from Walker Corporation dated 15 November 2011 concerning reserved matter D(2) concerning emergency access and D(8) the flood access plan have been received and approved by the relevant authorities. In addition a letter received by Walker Corporation dated 7 December 2011 concerning reserve matter D(9) the grade separated intersection has now been approved by DTEI (minute of 8 December from Director Road Transport Policy and Planning of DTEI to Director Planning and Assessment at Department of Planning and Local Government (DPLG)). These reserve matters were deemed to be satisfied and were moved to condition of approval in the attached decision.

11. Previously it was deemed necessary to remove as reserved matters those relating to building rules assessment and display village design and install items (e) (f) and (g) as Conditions in the notice below. This is to provide consistency with other recent decisions under Section 48 of the Development Act 1993.

12. In letters submitted by Walker Corporation on 5 December 2011 and 13 July 2012 the proponent applied for and gained development authorisation (under delegation) on 24 January 2013 for the following:

- (a) an extension of time for the completion of the new signalised road intersection with Port Wakefield Road from 31 October 2013 until 31 October 2014 (letter of 5 December 2011);
- (b) removal of obligation to recycled water (purple pipes) to individual homes (letter of 13 July 2012 section 4 only, with attached letters from SA Water also an email on 7 November from Walker Corp specifying that the purple pipes removal of obligation refers to individual homes only), a letter from the Corporation of the City of Playford dated 21 November 2012 and an email dated 26 November 2012; and
- (c) delay of timing to handover of substation site to ETSA Utilities (now known as SA Power Networks) from prior to electrification of Stage 1 to December 2014 (letter of 13 July 2012 section 5 only with attached letter from ETSA Utilities).

13. I am satisfied that an appropriate EIS and Assessment Report have been prepared in relation to the major development, in accordance with Sections 46 and 46B, Division 2 of Part 4 of the Development Act 1993 and have had regard to it when considering the major development, along with all relevant matters under section 48(5) of the Development Act 1993.

14. I, as the Governor in Executive Council, have decided to grant this variation to the development authorisation to specified components of the major development under Section 48(B) of the Development Act 1993, subject to conditions.

15. On 23 December 2010 a Development Plan Amendment (DPA) was authorised by the Minister for Urban Development and Planning which provides policy guidance for the residential, commercial and other uses of Buckland Park as expressed in the approved Master plan for the site.

16. In a letter and Report dated 2 May 2013 submitted by Walker Corporation, the proponent has sought to vary their development authorisation to provide a permanent pump station, temporary tanks for the storage of waste water for up to 350 allotments (in stage 1) and associated infrastructure. This development is to be located within the proposed 'Stage 5' of the Superlot area given development authorisation on 3 February 2010.

17. A Development Application for Land Division (292/D079/12) dated 17 October 2012 was lodged to provide an allotment for the proposed pump station and holding tanks and forms part of this decision.

#### Decision

I intend in this *Gazette* notice to change the following:

Add to Part A, Condition 1 the relevant letters including:

- Letter from EPA dated 24 July 2012 commenting on separation distances for proposed WWMF;
- Letter from Walker Corporation of 3 May 2013 and attached 'Development Application for a Waste Water Management Facility';
- Letter from the City of Playford dated 21 June 2013;
- Email from Department of Health and Ageing from Tony Farror dated 31 May 2013; and
- Land Division application 292/D079/12 dated 17 October 2013.

Add to Part A a new heading named 'Waste Water Management Facility'.

Add to Part A conditions which state:

WASTE WATER MANAGEMENT FACILITY  
( 'WWMF' ) FOR STAGE 1

#### Noise

21. The plant building to be constructed of:
  - (a) 200 mm block walls or 100 mm precast concrete walls; and
  - (b) Metal deck roof (e.g. colour bond or equivalent).
22. No natural ventilation or un-attenuated louvers in the building enclosure.
23. Double Solid Core door with compression acoustic seals (a metal roller door is not recommended).
24. Ventilation system (air inlet and air outlet) with sound power level not exceeding 77 dBA re 10<sup>-12</sup> W.
25. The generator to be located on the western side of the plant building (shielded from the eastern and south eastern residences) and housed in an acoustic attenuator so its total sound power is less than 85 dBA. The location of the generator is critical and must be on the western side of the building.
26. Sewer pumps to be located within the plant building.

#### Road Access

27. The temporary roadway is proposed to follow the Right of Way outlined in Land Division 292/D079/12 which aligns with the creation of a public road as identified within approved Stage 1 subdivision plans referenced in this *Gazette* Notice.

28. Prior to construction, indicative design detail for the temporary roadway must be submitted to the City of Playford for review. The design of the roadway should include:
  - Appropriate capture and disposal of stormwater run-off;
  - Appropriate signage is considered for the junction of the temporary roadway to Riverlea Boulevard;
  - Proposed maintenance requirements are outlined to ensure the integrity of the temporary roadway is monitored and replaced when necessary; and
  - A management plan for decommissioning the temporary roadway is prepared, so as to ensure that temporary road material is removed from site prior to construction of the final roadway.

29. Final design detail for the construction of the roadway as a public road will be required to be submitted to Council prior to construction.

#### Management Plans

30. A Facility Management Plan must be prepared in conjunction with SA Water, the system operator and Walker Corporation prior to the Facility's commissioning.

#### Bunding of Storage Tanks

31. The wastewater storage tanks to be installed with a bunded compound. This must be designed to meet the requirements of the EPA guideline 'Bunding and Spill Management (2007)'.

#### Odour Management

32. Prior to the operation of the WWMF, an odour monitoring plan for the operation of the pump station and storage tanks must be prepared to the reasonable satisfaction of the EPA and must be implemented as per the plan details.
33. Prior to the operation of the WWMF, a management plan for the operation of the biofiltration bed fitted to the vacuum pump station must be prepared to the reasonable satisfaction of the EPA and must be implemented at all times during the operation of the pump station.

#### Future Uses

34. It is noted that the temporary storage tanks for the WWMF will be sited within a future residential area (both roadways and allotments). As such, upon decommissioning of the storage tanks a site contamination audit should be undertaken to ensure that this area is suitable for future residential development.

35. If development is delayed, adequate measures should be in place to ensure management and maintenance of the facility by Walker Corporation.

#### LAND DIVISION FOR WWMF

36. While this allotment may be required to be created as part of the initial construction works for the site, if the required infrastructure is not installed, the proposed allotment should not be utilised for any future residential purposes.
37. SA Water Corporation advise that all internal piping that crosses the allotment boundaries must be sewerred or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

*For ease of understanding the entire Development Authorisation notice is reproduced below including the amendments.*

PURSUANT to Section 48 of the Development Act 1993 and having due regard to the matters set out in Section 48 (5) and all other relevant matters, I under delegation from the Governor:

- (a) grant this development authorisation in relation to the amended (and further staged) Stage 1 (Land Division for 609 residential allotments, construction of a Neighbourhood Centre and Display Village and construction of necessary roads and reserves and the Land Division (Amended Super Lot Plan dated 11 July 2011) under Section 48 (6) subject to the conditions set out in Part A below);

- (b) specify all matters relating to this development authorisation as matters in respect of which conditions of this authorisation may be varied, revoked, or new conditions attached; and
- (c) specify for the purposes of Section 48 (11) (b) the period up until 31 October 2014 as the time within which substantial work must be commenced on site, failing which the Governor may cancel this authorisation.

PART A: CONDITIONS OF DEVELOPMENT AUTHORISATION

1. Except where minor amendments may be required by other legislation, or conditions imposed herein, the major development shall be undertaken in strict accordance with the following documents:

- Development Application from Walker Corporation dated May 2007 (except to the extent that it may be varied by a subsequent document in this paragraph);
- Buckland Park Environmental Impact Statement and Appendices dated March 2009 Walker Corporation (except to the extent that it may be varied by a subsequent document in this paragraph);
- Buckland Park Response Document and Appendices dated October 2009 Walker Corporation (except to the extent that it may be varied by a subsequent document in this paragraph);
- Letter dated 10 November 2009 from Walker Corporation—Additional information on Sea Level Rise;
- Letter dated 10 November 2009 from Walker Corporation—Additional information on Access during a Flood Event;
- Letter dated 12 November 2009 from Walker Corporation—Redesigned illustrations of the Super Lot Proposal for the Master Plan;
- Letter dated 17 November 2009 from Walker Corporation—Additional Information on Mosquitoes;
- Letter dated 18 November 2009 from the Walker Corporation—Schedule of Infrastructure;
- Letter dated 24 November 2009 from Walker Corporation—Additional Information on Flood and Stormwater;
- Drawing Numbers specified below provided in consolidated maps dated 9 November 2009 Cover sheet Revision 3;
- Letter dated 17 December 2009 setting out the details of the ‘Display Homes’ in the display village;
- Assessment Report prepared by the Minister for Urban Development and Planning dated January 2010;
- Letter dated 1 March 2010 regarding Provisional Approval February 2010;
- Letter dated 19 July 2010 from Walker Corporation Reserved Matter d(6) regarding Water provision/SA Water;
- Letter dated 8 November 2010 from Walker Corporation Reserved Matter d(6) regarding Water and wastewater provision;
- Letter dated 8 November 2010 from Walker Corporation—Reserved Matter (d)(9) Electricity provision;
- Letter dated 8 November 2010 from Walker Corporation—Reserved Matter (d)(4) Community Worker;
- Letter dated 22 November 2010 from Walker Corporation—wording of OEMMP condition;
- Letter dated 2 December 2010 from Walker Corporation—Reserved Matter (d)(6) Library Services;
- Letter dated 10 November 2010 from Walker Corporation—Reserved Matter (d)(11) DECS/Virginia Primary;
- Letter dated 28 February from Walker Corporation description of proposed modifications including Stage 1 (later amended in letter from 11 July 2011);
- Letter dated 11 March 2011 from Walker Corporation proposed modifications to Display home numbers to 45;
- Letter dated 11 April 2011 from Walker Corporation Reserved Matter (a) Draft Residential guidelines and draft encumbrance document;
- Letter dated 15 April 2011 from Walker Corporation—Reserved Matter (b) Affordable Housing;
- Letter dated 1 June 2011 from Walker Corporation—Reserved Matter d(3) Community Bus;
- Letter dated 21 June 2011 from Walker Corporation—Reserved Matter d(7) provision of gas;
- Letter dated 29 June 2011 from DTEI—Reserved matter d(1);
- Letter dated 6 July 2011 from Walker Corporation—Reserved Matter D(4) Recreational Strategy;
- Letter dated 1 July 2011 from Walker Corporation—Amended Super Lot plan with grade separation intersection land allowance;
- Letter dated 11 July 2011 from Walker Corporation with final Land Division plans;
- Letter dated 5 August 2011 from Walker Corporation for time extension on completion of reserve matters to 21 December 2011;
- Letter dated 16 August 2011 from Walker Corporation regarding D(5) landscaping maintenance schedules and handover and defects liability periods (including Report from Swanbury and Penglase August 2011, Ref 10127, Rev E);
- Letter dated 6 September 2011 from City of Playford regarding D(5);
- Letter dated 15 November 2011 from Walker Corporation regarding reserved matter D2 (second emergency access);
- Letter dated 15 November 2011 from Walker Corporation regarding reserved matter D8 (Flood access plan);
- Minute from Director Transport Policy and Planning DTEI to Director Planning and Assessment DPLG dated 10 November 2011, regarding D(8) (Flood access plan);
- Letter dated 7 December 2011 from Walker Corporation regarding reserved matter D9 (ultimate grade separated intersection);
- Minute from Director Transport Policy and Planning DTEI to Director Planning and Assessment dated 8 December 2011 regarding D(9) ultimate grade separated intersection;
- Letter from Walker Corporation of 5 December 2011 for extension of time for completion of the Port Wakefield Road intersection from 31 October 2013 to 31 October 2014;
- Letter from Walker Corporation of 13 July 2012, Sections 4 and 5 only with attached letters from SA Water (14 May 2012) and ETSA;
- Email from Walker Corporation on 7 November 2012 relating to the use of recycled water to individual homes.
- Letter from City of Playford regarding removal of Purple Pipes obligation dated 21 November 2012;
- Email from City of Playford ‘clarification of Council correspondence regarding Recycled Water Infrastructure for Buckland Park’ dated 26 November 2012.
- Letter from EPA dated 24 July 2012 commenting on separation distances for proposed WWMF;
- Letter from Walker Corporation of 3 May 2013 and the attached ‘Development Application for a Waste Water Management Facility’;
- Email from Department of Health and Ageing dated 31 March 2013;
- Letter from the City of Playford dated 31 May 2013; and
- Land Division application 292/D079/12 dated 17 October 2012.

## DRAWINGS

REF	Rev	Author	Title	Date
2108183A-SK-019	F	Parsons Brinckerhoff	Buckland Park proposed interchange	With letter of 7/12/11
A056410	Issue C	Alexander Symonds	Superlot concept Plan Division Sheets 1-3	15/6/11
A056410.00P1 PROP1	Issue E	Alexander Symonds	Stage Concept Land Division Sheets 1-6	1 8/7/11
A056410.00P1 LM1	Rev B	Walker Corporation & Alexander Symonds	Precinct Residential Allotment Mix Modification	1 8/7/11
A056410.00P1 PC1	Rev C	Walker Corp & Alexander Symonds	Precinct Residential Pedestrian and cycling network	1 8/7/11
A056410.00P1 FC1	Rev C	Walker Corp & Alexander Symonds	Precinct Residential Special Fencing Control	1 8/7/11
A056410.00P1 SALE DV1	Rev B	Walker Corp & Alexander Symonds	Precinct Display Village Plan	1 8/7/11
CMS—01	Rev 1	Walker Corp	Concept Neighbourhood Centre	Feb 2009
0713115SK29	Rev 0	Swanbury Penglase	Stage Neighbourhood Centre Landscape Concept	1 March 2009

*Neighbourhood Centre*

2. The layout of parking areas for the Neighbourhood centre shall meet the Australian/New Zealand Standard 2890.1:2004, Parking Facilities—Off-street car parking and line markings and Australian Standard 2890.2-2002 Parking Facilities—Off-street commercial vehicle facilities (including service areas).

3. Access and egress from the car parking areas of the Neighbourhood centre shall be designed in accordance with the Australian/New Zealand Standard 2890.1 2004, Parking Facilities, Part 1 Off-street car parking.

4. All car parking areas, driveways and vehicle manoeuvring areas for the Neighbourhood centre and display village shall be properly maintained at all times.

5. Any traffic control devices shall be designed and constructed in accordance with the main standard of the Manual of Uniform Traffic Control Devices—AS 1742.

6. Lighting shall be provided within the car parking area of the Neighbourhood centre including the open space/park/playground and land division in accordance with: Street lighting and lighting for outdoor car parks AS/NZS; Lighting for roads and public spaces, in particular, lighting for outdoor car parks AS/NZS.

7. Access and egress from the car parking areas of the Neighbourhood centre shall be designed in accordance with the Australian/New Zealand Standards for Commercial vehicles 2890.2.

8. That all plant that is located on the roofed area of the Neighbourhood centre shall be housed within a contained area as part of the roof design and shall not be openly visible.

9. Proponent to commit to employment of a Community worker after discussions with the City of Playford on the role and employment conditions of the worker.

*Engineering Design*

10. Stormwater Management Plan for Stage 1 be negotiated with City of Playford, the Environment Protection Agency ('EPA') and the Department of Environment, Water and Natural Resources and to the satisfaction of the Development Assessment Commission as delegate of the Minister.

11. Water-sensitive urban design measures and practices shall be adopted for the management of run-off, including stormwater capture and reuse.

12. Proponent to prepare water storage treatment and reuse system within Stage 1 for City of Playford approval.

13. The proponent will prepare a landscape strategy for Stage 1, which will:

- set desired character;
- set urban design objectives;
- set design themes and principles;
- nominate street tree themes;
- design pedestrian paths and cycle ways (including provision for bicycle parking);
- include Management plans for landscape items; and
- include the already agreed maintenance schedules, handover and defects liability periods provided in the Swanbury and Penglase Report of August 2011, Ref 10127, Rev E.

14. A signalised intersection at the junction of Port Wakefield Road/Legoe Road must be provided by the proponent to the satisfaction of Department of Planning, Transport and Infrastructure (DPTI) and approved by the Development Assessment Commission on behalf of the Minister.

15. Detailed design of local roads to be constructed and commissioned in accordance with City of Playford specifications and to the City of Playford's approval.

16. Any traffic control devices for residential areas shall be designed and constructed in accordance with the main standard of the Manual of Uniform Traffic Control Devices—AS 1742.

17. Engineering construction plans for roads, drainage and footpaths and intersections to the satisfaction of the City of Playford.

18. Any Traffic control devices for the commercial and industrial areas shall be designed and constructed in accordance with the main standard of the Manual of Uniform Traffic Control Devices—AS 1742.

19. Cut and fill batters required for road works shall be in accordance with the requirements of the Engineering Design Guidelines of the City of Playford.

20. Proponent to enter into an agreement with an electricity provider for the provision of required upgrades.

21. Final Design drawings for the signalised intersection of Legoe Road with Port Wakefield Road to the satisfaction of the Department of Planning, Transport and Infrastructure.

22. Proponent to enter into an SA Water Agreement for all water and wastewater requirements for Stage 1 (where appropriate).

23. Proponent to demonstrate that adequate arrangements have been made for the provision of reticulated gas to Stage 1, which includes a new 200 mm steel main from the Epic Gas Gate station to the site.

## WASTE WATER MANAGEMENT FACILITY FOR STAGE 1 (WWMF)

*Noise*

24. The plant building to be constructed of:

- (a) 200 mm block walls or 100 mm precast concrete walls; and
- (b) Metal deck roof (e.g colour bond or equivalent).

25. No natural ventilation or un-attenuated louvres in the building enclosure.

26. Double Solid Core door with compression acoustic seals (a metal roller door is not recommended).

27. Ventilation system (air inlet and air outlet) with sound power level not exceeding 77 dBA re 10<sup>-12</sup> W.

28. The generator to be located on the western side of the plant building (shielded from the eastern and south-eastern residences) and housed in an acoustic attenuator so its total sound power is less than 85 dBA. The location of the generator is critical and must be on the western side of the building.

29. Sewer pumps to be located within the plant building.

#### *Road Access*

30. The temporary roadway is proposed to follow the Right of Way outlined in Land Division 292/D079/12 which aligns with the creation of a public road as identified within approved Stage 1 subdivision plans referenced in this *Gazette* Notice.

31. Prior to construction, indicative design detail for the temporary roadway must be submitted to the City of Playford for review. The design of the roadway should include:

- Appropriate capture and disposal of stormwater runoff;
- Appropriate signage is considered for the junction of the temporary roadway to Riverlea Boulevard;
- Proposed maintenance requirements are outlined to ensure the integrity of the temporary roadway is monitored and replaced when necessary; and
- A management plan for decommissioning the temporary roadway is prepared, so as to ensure that temporary road material is removed from site prior to construction of the final roadway.

32. Final design detail for the construction of the roadway as a public road will be required to be submitted to Council prior to construction.

#### *Management Plans*

33. A Facility Management Plan must be prepared in conjunction with SA Water, the system operator and Walker Corporation prior to the Facility's commissioning.

#### *Bunding of Storage Tanks*

34. The wastewater storage tanks to be installed with a banded compound. This must be designed to meet the requirements of the EPA guideline 'Bunding and Spill Management (2007)'.

#### *Odour Management*

35. Prior to the operation of the WWMF, an odour monitoring plan for the operation of the pump station and storage tanks must be prepared to the reasonable satisfaction of the EPA and must be implemented as per the plan details.

36. Prior to the operation of the WWMF, a management plan for the operation of the biofiltration bed fitted to the vacuum pump station must be prepared to the reasonable satisfaction of the EPA and must be implemented at all times during the operation of the pump station

#### *Future Uses*

37. It is noted that the temporary storage tanks for the WWMF will be sited within a future residential area (both roadways and allotments). As such, upon decommissioning of the storage tanks a site contamination audit should be undertaken to ensure that this area is suitable for future residential development.

38. If development is delayed, adequate measures should be in place to ensure management and maintenance of the facility by Walker Corporation.

#### LAND DIVISION FOR WWMF

39. While this allotment may be required to be created as part of the initial construction works for the site, if the required infrastructure is not installed, the proposed allotment should not be utilised for any future residential purposes.

40. SA Water Corporation advise that all internal piping that crosses the allotment boundaries must be sewered or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries

#### *Residential Development*

41. Residential Guidelines and an Encumbrance document incorporating all details as per the Response Document shall be provided for any Community titled and Torrens Titled allotments.

42. Proponent to implement the agreed (with City of Playford) Recreation Facilities Strategy (May 2010) for Stage 1 as required

#### *Prior to Commencement of Construction Work*

43. A construction Environment Monitoring and Management Plan for Stage 1 is completed to the satisfaction of the Environment Protection Agency and the Development Assessment Commission on behalf of the Minister.

44. Operational Environment Monitoring and Management Plans for the Neighbourhood Centre and Display Village are completed to the satisfaction of the Environment Protection Agency (EPA) and the Development Assessment Commission on behalf of the Minister.

45. Compliance with the Building Rules in relation to the Neighbourhood Centre of the Major Development for Stage 1 prior to construction.

46. Compliance with the Building Rules in relation to the Display Village of the Major Development for Stage 1.

47. Final Design of the 45 dwellings proposed in the display village centre.

#### *During Construction*

48. Normal operating hours for construction activities and construction truck movements to and from the site shall be from 7 a.m. to 7 p.m. Monday to Saturday inclusive.

49. Stockpiled soils shall be suitably managed to control dust emissions, erosion and weed infestation.

50. Undeveloped allotments shall be left in a neat and tidy condition, with soil surfaces stabilised to minimise erosion.

#### *Prior to Registration of New Allotments*

51. The Proponent must:

- (a) enter into a legally binding agreement with the Minister for Planning or his delegate dedicating a portion of the total Stage 1 residential allotments to the provision of affordable housing such that 15% of the total residential development will meet the 'affordable housing criteria' as determined by the Minister by notice in the *South Australian Government Gazette* on October 2009 as amended by further notice from time to time; and
- (b) provide a Plan, developed to the satisfaction of the Director, Affordable Housing and Asset Strategy within the Department of Families and Communities, for Stage 1 of the development showing the proposed location of the 15% of dwellings that will meet the affordable housing criteria.

52. The proponent shall provide two copies of certified surveyed plans for Stage 1, which satisfy compliance with Section 51 and the subsequent issue of Certificates of Title.

53. Landscaping and streetscaping of the common areas of the site shall commence prior to the issuing of the Certificates of Title for Stage 1 of the land division, and when established shall be maintained in good health and condition at all times. A plant shall be replaced if and when it dies or becomes seriously diseased. A weed control plan shall also be implemented.

54. That the acoustic barriers and fencing surrounding the open space and along any boulevards shall be treated with a suitable anti-graffiti coating to facilitate easy removal of graffiti.

55. Proponent to provide accurate projections of resident populations to allow Department of Health to plan for local and regional health services prior to the registration of the first residential allotment, and thereafter at 12 month intervals.

56. Final agreement between the City of Playford and the proponent for the provision, timetabling and staffing of the community bus to be provided by the proponent as per the Infrastructure Schedule in the supporting information provided by the proponent in November 2009.

#### *During the Neighbourhood Centre's Operation*

57. All car parking areas, driveways and vehicle manoeuvring areas for the neighbourhood centre and display village shall be properly maintained at all times.

58. Waste disposal vehicles and general delivery vehicles shall only service the Neighbourhood Centre development between the hours of 7 a.m. and 7 p.m. Monday to Saturday inclusive, and shall only load or unload within the confines of the subject land.

59. The waste and any general storage areas of the Neighbourhood Centre buildings and car parking areas shall be kept in a neat, tidy safe, healthy condition, contained and hidden from view at all times.

*Deemed 'Substantial Commencement'*

Substantial Commencement will be deemed to be the completion of the road intersection works with Port Wakefield Road and are to be completed by 31 October 2014.

PART B: NOTES TO PROPONENT

1. The following is advised to the proponent:

(a) *Building Rules*

The proponent must obtain a Building Rules assessment and certification from either the City of Playford or a private certifier (at the proponent's option) and forward to the Minister all relevant certification documents as outlined in Regulation 64 of the Development Regulations 2008 in relation to the building works for the Neighbourhood Centre and Display village; and

Pursuant to Development Regulation 64, the proponent is especially advised that the City of Playford or private certifier conducting a Building Rules assessment must:

- provide to the Minister for Planning a certification in the form set out in Schedule 12A of the Development Regulations 2008 in relation to the building works in question; and
- to the extent that may be relevant and appropriate:
  - (i) issue a Schedule of Essential Safety Provisions under Division 4 of Part 12; and
  - (ii) assign a classification of the buildings under these regulations; and
  - (iii) ensure that the appropriate levy has been paid under the Construction Industry Training Fund 1993.

Regulation 64 of the Development Regulations 2008 provides further information about the type and quantity of all Building Rules certification documentation for major developments required for referral to the Minister for Planning. The City of Playford or private certifier undertaking Building Rules assessments must ensure that the assessment and certification are consistent with the provisional development authorisation (including its Conditions and Notes).

(b) *A Construction, Environmental Management and Monitoring Plan covering preconstruction and construction phases*

A Construction Environmental Management and Monitoring Plan (CEMMP) covering both preconstruction and construction phases shall be prepared in consultation with the EPA, before its submission to the Development Assessment Commission on behalf of the Minister. The CEMMP shall include the following:

- reference to, and methods of adherence to, all relevant EPA policies and codes of practice for construction sites, including the inclusion of a copy of Schedule 1 of the Environment Protection Act 1993 as an Appendix to the Construction Environmental Management and Monitoring Plan to ensure contractors are aware of EPA requirements;
- address management issues during construction and including a site audit (or as required by EPA);
- timing, staging and methodology of the construction process and working hours (refer also to conditions outlining working hours);
- a risk assessment relating to the potential impacts of construction activities;
- traffic management strategies during construction, including transport beyond the development site;
- management of infrastructure services during construction;
- control and management of construction noise, vibration, dust and mud;

- stormwater and groundwater management during construction;
- control and management of any floodwater risk across the site;
- identification and management of contaminated soils and groundwater, should these be encountered;
- site security, fencing and safety and management of impacts on local amenity for residents, traffic and pedestrians;
- disposal of construction waste, any hazardous waste and refuse in an appropriate manner according to the nature of the waste;
- protection and cleaning of roads and pathways as appropriate; and
- overall site clean-up.

The CEMMP should be prepared taking into consideration, and with explicit reference to, relevant Environment Protection Authority policies and guideline documents, including the Environment Protection (Noise) Policy 2007.

(c) *Operational Environment Management Plan*

1. The Operational Environment Management Plan would need to be prepared for the commercial components, to the reasonable satisfaction of the EPA, the Department of Environment, Water and Natural Resources and the City of Playford, prior to construction commencing, for approval by the Development Assessment Commission on behalf of the Minister.
2. The proponent is advised that noise emissions from the Neighbourhood centre and residential (display village) development will be subject to the Environment Protection (Noise) Policy 2007 and the Environment Protection Act 1993.
3. If the development is not substantially commenced by 31 October 2014 the Governor may cancel this development authorisation.
4. The proponent is advised of the General Environmental Duty under Section 25 of the Environment Protection Act 1993, which provides that a person must not undertake any activity, which pollutes, or may pollute, without taking all reasonable and practical measures to prevent or minimise harm to the environment.
5. The proponent is advised of the requirement to comply with the EPA's 'Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry' during demolition and construction of the development.
6. The proponent is advised that the Development Act 1993 outlines the roles and responsibilities of the applicant and the City of Playford for matters relating to building works during and after construction of the Neighbourhood centre and display village and associated works.
7. Partial closure of Legoe Road under Part 7A (Section 34C (2) (a) (ii)) of the Roads (Opening and Closing) Act 1991 as described in drawing number 19000PO2—r5 Issue 5—Sheets 1-4 to take effect on a day to be fixed by subsequent order of the Governor or Planning Minister published in the *Gazette*, once surveyed Land Division plans have been submitted and alternate physical access is provided to all affected allotments.
8. Section 51 of the Development Act 1993 will apply to the land division in that the proponent will need to satisfy the requirements of this section in order to implement this land division, including completion of the signalised intersection at the junction of Port Wakefield Road/Legoe Road.
9. This approval does not include any approval for dwellings as it is not part of this application.

10. This approval does not include any approval for signs (as defined as 'Development' under the Development Act 1993) as it is not part of this application.
11. The provisions of the Food Act 2001, and associated food regulations apply.
12. Any Sanitation units installed in the Neighbourhood Centre will be installed as per the requirements of the Public and Environmental Health Act (1987).
13. That provision shall be made for secure storage of shopping trolleys within the neighbourhood complex at night to the reasonable satisfaction of the City of Playford.  
In addition to the Building Code of Australia, the proponent must comply with the Disability Discrimination Act 1992 (Cth), in planning access for the disabled.
14. The main standard for traffic control devices is the Manual of Uniform Traffic Control Devices—AS 1742. There are many standards under AS 1742 covering the various traffic control devices that may need to be referred to.
15. As per Schedule 8, Item 23, Development Regulations 2008, and the Affordable Housing Act 2007 for the proposal to include 15% affordable housing.
16. The proponent should note that they and their contractors must comply with the requirements of the Aboriginal Heritage Act, 1988.
17. The proponent should note that they and their contractors must comply with the Adelaide Dolphin Sanctuary Act 2005 and the general duty of care under that Act.
18. Proponent to undertake vegetation surveys and to complete a Significant Environmental Benefit (SEB) with attached Vegetation Management Plans to the satisfaction of the Department of Environment, Water and Natural Resources for Stages 2-5 where native vegetation exists on the site (there is no native vegetation in Stage 1).
19. Approval for further Road closures under the Roads (Opening and Closing Act) 1991 will be required in future stages of the development and will proceed through the normal (Council) process in relation to this matter.
20. The proponent must take all reasonable and practicable measures to prevent odour impacts at sensitive receivers (in the form of environmental nuisance) from all odour sources including the pump stations, storage tanks and the effluent transfer and transport.
21. The management plan for the biofiltration bed associated with the WWMF should include how aspects of the biofiltration such as moisture control, microbial efficiency, condition and maintenance will be monitored and managed.
22. The Minister has a specific power to require testing, monitoring and auditing under Section 48C of the Development Act 1993.

Given under my hand at Adelaide, 23 December 2013.

KEVIN SCARCE, Governor

#### DEVELOPMENT ACT 1993, SECTION 48

##### DELEGATION OF POWER BY THE GOVERNOR

###### *Preamble*

1. I have given a provisional development authorisation pursuant to Section 48 of the Development Act 1993 for the development of the Plympton Mixed Use Development, which authorisation is published in the *South Australian Government Gazette*.

2. I wish to delegate certain of my powers under Section 48 to the Minister for Planning.

###### *Delegation*

PURSUANT to Section 48 (8) of the Development Act 1993 and with the advice and consent of the Executive Council, I delegate to the Minister for Planning.

- (a) my power to assess and approve the reserved matters specified in the said provisional development authorisation;
- (b) my power under Section 48 (7a) to permit any variation associated with the said provisional development authorisation;
- (c) in relation to the said provisional development authorisation, or any variation thereof, my power to vary or revoke conditions or to attach new conditions, under Section 48 (7) (b);
- (d) if all reserved matters specified in the said provisional development authorisation have been approved, my power to grant a final development authorisation required under Section 48 (2) (b) (i);
- (e) my power under Section 48 (2) (a) to refuse a final development authorisation; and
- (f) my power to cancel the provisional development authorisation or any final development authorisation granted under Section 48 (2) (b) whether in accordance with Section 48 (11) or in accordance with the terms of any of the conditions of the authorisation permitting cancellation.

Given under my hand at Adelaide, 23 December 2013.

KEVIN SCARCE, Governor

#### DEVELOPMENT ACT 1993, SECTION 48

##### DECISION BY THE GOVERNOR

###### *Preamble*

1. On 24 May 2007 the Minister for Urban Development and Planning published in the *South Australian Government Gazette* a declaration under Section 46 of the Development Act 1993 ('the Act') in respect of any development of a kind listed in Schedule 1 of that notice in the parts of the State listed in Schedule 2 of that notice. The declaration was varied on 29 January 2009 to expand the parts of the State listed in Schedule 2 by including one additional property and the declaration incorporating that variation is hereinafter referred to as 'the Major Project' declaration.

2. A development proposed by the Palmer Group to construct a mixed residential and commercial retail complex on the corner of Anzac Highway and Marion Road at Plympton is the subject of a Development Application lodged on 2 July 2007. That application was subsequently varied on 29 January 2009 and 17 May 2013. The proposed development is of a kind listed in Schedule 1 and in a part of the State listed in Schedule 2 of the Major Project declaration.

3. In accordance with the Major Project declaration the proposed development has been under consideration under Division 2 of Part 4 of the Act. The proposed development has been the subject of a Development Report in May 2009, an amended Development Report in May 2013 and an Assessment Report under Sections 46, 46D and 47 of the Act and is hereafter referred to as the 'proposed Major Development'.

4. I am satisfied that the amended Development Report and the Assessment Report prepared in relation to the proposed Major Development are appropriate and have had regard, when considering the proposed Major Development, to all relevant matters under Section 48 (5).

5. I have decided to grant a provisional development authorisation to the proposed Major Development whilst reserving the decision on specified matters until further assessment of the proposed development.

###### *Decision*

PURSUANT to Section 48 of the Act and with the advice and consent of the Executive Council and having due regard to the matters set out in Section 48 (5) and all other relevant matters, I:

- (a) grant a provisional development authorisation in relation to the proposed Major Development under Section 48 (6) subject to the conditions set out in Part B below;

- (b) pursuant to Section 48 (6) reserve my decision on the matters specified in Part A below;
- (c) specify under Section 48 (7) (b) (i) all matters which are the subject of conditions herein and all reserved matters herein as matters in respect of which the conditions of this authorisation may be varied or revoked or new conditions attached and separately to specify the matter of the completion of the works as a matter in respect of which a condition may be imposed in any final authorisation to be granted; and
- (d) specify for the purposes of Section 48 (11) (b) the period of two years from the date of this provisional development authorisation as the time within which substantial work must be commenced on site, failing which I may cancel this authorisation under Section 48 (11) and proceed to refuse a final development authorisation under Section 48 (2) (a).

#### PART A: RESERVED MATTERS

The following are the matters reserved for further assessment:

- (a) detailed design plans and drawings for all structures on site for approval by the Minister for Planning. The final designs, plans and drawings must show the layout of the structures on the site cross-sections as well as elevations and drawings for each component of the development and the sustainability measures proposed by the proponent;
- (b) a Building Sustainability Plan that includes details of the objectives and measures to be implemented to achieve energy and water efficiencies, the use of recycled materials, minimisation of emissions and waste minimisation/recycling for the proposed development. This would need to be shown on the plans and elevations where applicable. The Plan must include targets and measures as well as an analysis using a Green Star Rating Tool;
- (c) a legally binding agreement, under Section 57 of the Development Act 1993, between the proponent and the Minister for Housing and Urban Development (or his delegate) dedicating a portion of the residential apartments to the provision of affordable rental housing such that 15% of the total residential development will meet the 'affordable housing criteria' as determined by the Minister in Regulation 4 of the South Australian Housing Trust Regulations 2010 (as amended by further notice from time to time). A Plan shall be prepared, to the reasonable satisfaction of Renewal SA, for the development showing the proposed location of the 15% of dwellings that will meet the affordable housing criteria;
- (d) a Waste Management Plan for each component of the development, prepared to the reasonable satisfaction of Zero Waste, the Environment Protection Authority and City of West Torrens Council;
- (e) a Developer Agreement with the Department of Planning, Transport and Infrastructure for the required works. The works shall include (but not be limited to) the following:
  - (i) vehicle movements to and from Marion Road at Elizabeth Avenue and Mabel Street be restricted to left turn in and left turn out only by closing the median openings on Marion Road. As part of this work, the right turn lane on Marion Road for vehicles turning right into Anzac Highway to head east shall be extended to maximize storage at this location;
  - (ii) vehicle movements at the two-way access point to the car park on Anzac Highway shall be restricted to left turn in, left turn out and right turn in only. Right turn out movements shall not be permitted to occur in any form. To accommodate right-in movements, the U-turn facility shall be modified to prohibit U-turns from the north-east or, in the event that the design cannot entirely prohibit the above movements, the U-turn on Anzac Highway shall be closed entirely and access restricted to left turn in and left turn out only;
- (iii) a left turn deceleration lane shall be provided at the Marion Road access to the car park. This shall be designed in accordance with the Austroads Guide to Road Design Part 4A and Department of Planning, Transport and Infrastructure standards;
- (iv) a separate right turn phase shall be provided at the Marion Road/Anzac Highway intersection for the eastern approach. Additionally, the phase times for the right turn movement from Anzac Highway into Cross Road shall be increased. These modifications shall be to the satisfaction of the Department of Planning, Transport and Infrastructure at the cost of the developer. This shall be undertaken prior to occupation of the development;
- (v) the right turn lane on Anzac Highway western approach shall be extended by a minimum of 20 metres;
- (vi) sufficient land shall be set aside along the Marion Road and Anzac Highway property frontages to accommodate the required road works and to provide Disability Discrimination Act 1992 ('DDA') compliant footpaths (any new or relocated footpath must be no narrower than the existing footpaths). All land required from the site to facilitate this requirement shall be vested to road at no cost to Council or the Department of Planning, Transport and Infrastructure;
- (vii) all road works and improvements required to accommodate the proposed development shall be designed and constructed to the satisfaction of the Department of Planning, Transport and Infrastructure with all costs (design, construction and project management) being borne by the developer. With regards to the design, the developer is required to seek approval for the concept plan from the Department of Planning, Transport and Infrastructure's Metropolitan Region, Senior Access Management Engineer, Catherine Magraith on telephone (08) 8226 8325, before undertaking any detailed design work. All road works and improvements shall be completed prior to occupation of the development;
- (viii) the five car parking spaces on the southern side and the eight spaces on the northern side of the Marion Road access aisle shall be removed from the proposal to minimize conflict adjacent to the Marion Road access point; and
- (ix) the three car parking spaces immediately south of the two-way access point on Anzac Highway shall be removed from the proposal to minimize conflict adjacent to the Anzac Highway access point;
- (f) a Traffic and Parking Management Plan, prepared to the reasonable satisfaction of the Department of Planning, Transport and Infrastructure and City of West Torrens Council, including legally binding agreements between the proponent and the responsible road authority for any necessary works and arrangements;
- (g) a detailed Landscaping Plan for the site;
- (h) a detailed Stormwater Management Plan prepared to the reasonable satisfaction of the Environment Protection Authority and City of West Torrens Council; and
  - (i) a Construction Environmental Management and Monitoring Plan for the pre-construction and construction phases prepared to the reasonable satisfaction of the Environment Protection Authority and the City of West Torrens Council.

#### PART B: CONDITIONS OF PROVISIONAL DEVELOPMENT AUTHORISATION

1. The development authorisation granted hereunder is provisional only, does not operate as a final development authorisation and does not therefore authorise implementation of the proposed Major Development. Only an authorisation granted under Section 48 (2) (b) (i) can operate to authorise implementation of the proposed Major Development, which authorisation would only be granted after the reserved matters have been assessed and approved for each specific stage.

1a. Except where minor amendments may be required by other legislation, or by conditions imposed herein, the proposed Major Development shall be undertaken in strict accordance with the following documents and drawings:

- Highway Inn Properties Pty Ltd—290 Anzac Highway, North Plympton—Transit Orientated Development Proposal—Planning Application—2 July 2007;
- Development Report—Mixed Use Development—Anzac Highway and Marion Road—Plympton—May 2009;
- Plympton Mixed Used Development—Amendment to Development Report—Prepared by Connor Holmes—May 2013;
- Plympton Mixed Use Development—Response Report—Prepared on behalf of the Palmer Group—July 2013; and
- Assessment Report for the Development Report for the Plympton Mixed Use Development Anzac Highway and Marion Road—November 2013.

#### *Building Work*

2. Before any building work is undertaken on the site, the building work must be certified by a private certifier, or by some person determined by the Minister for Planning, as complying with the provisions of the Building Rules.

#### *Staging and Completion*

3. The proponent must address the reserved matters and submit relevant documentation for approval within 12 months hereof failing which I may cancel this provisional authorisation and exercise my power to refuse approval to the development under Section 48 (2) (a).

4. Any final development authorisation granted under Section 48 (2) (b) (i) shall be subject to a condition that the proponent must complete substantial work on-site within two years of the date of this provisional development authorisation, failing which I may cancel the final authorisation.

5. In addition, any final development authorisation granted under Section 48 (2) (b) shall be subject to a condition that the proponent must comply with the following staging and timing requirements failing which I may cancel the authorisation:

- Stage 1—two years from the date of final development authorisation to complete basement car park, ground floor supermarket, ground floor retail, commercial, west tower—24 two bedroom apartments and East Tower—16 two bedroom apartments;
- Stage 2—four years from the date of final development authorisation to complete Serviced Apartments; and
- Stage 3—seven years from the date of final development authorisation to complete North Tower.

#### *Built Form*

6. The development as described at a maximum overall height of 48.3 metres Australian Height Datum ('AHD') shall not penetrate the Adelaide Airport Obstacle Limitation surface ('OLS') airspace protected for aircraft operations. Any further proposed addition to the structure above the maximum height, including aerials, masts and vent/exhaust stacks, would be subject to a separate assessment.

7. The development and the site shall be maintained in a serviceable condition and operated in an orderly and tidy manner at all times.

8. The eastern side of the West Tower shall provide adequate screening to a height of 1.7 metres from floor level to prevent overlooking to the adjacent existing residences.

9. Provision shall be made for secure storage of trolleys within the complex at night to the reasonable satisfaction of the City of West Torrens Council.

#### *Lighting*

10. All external lighting of the site, including car parking areas and buildings, shall be designed and constructed to conform with appropriate Australian Standards and shall be located, directed and shielded and of such limited intensity that no demonstrable nuisance or loss of amenity is caused to any person beyond the site.

11. Any lighting proposed shall conform to airport lighting restrictions and shall be shielded from aircraft flight paths to the satisfaction of Adelaide Airport Limited.

#### *Signage*

12. Appropriate ('way-finding') signage for directing pedestrians to public transport shall be installed to the reasonable satisfaction of the Minister for Planning.

13. The colours and illumination of signage associated with the site shall not create a glare or distraction to passing drivers and shall not interfere with the operation of adjacent traffic signals.

14. No element of LED or LCD display shall be included in the design of any signs visible from the adjacent road network.

15. Any signs associated with the development shall not interfere with existing traffic control devices or result in distraction or confusion of motorists. Any signs must be simple, effective and easily assimilated. Under no circumstance shall signs be allowed to flash, scroll or move as this would result in undesirable distraction to motorists.

16. Trailer mounted variable signs shall not be used on or adjacent to the subject site for advertising purposes.

#### *Waste Management*

17. Waste disposal vehicles and general delivery vehicles shall only service the development between the hours of 7 a.m. and 7 p.m., Monday to Saturday inclusive and shall only load or unload within the confines of the subject land.

18. The waste and general storage and service/operational areas of the shopping centre and car parking area shall be kept in a neat, tidy, safe and healthy condition at all times.

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

20. The service area access door/screening gate on Elizabeth Avenue shall remain closed at all times other than when loading or unloading is taking place.

#### *Parking and Access*

21. That all car parks, driveways and vehicle manoeuvring areas shall conform to Australian Standards and be constructed, drained and paved with bitumen, concrete or paving bricks in accordance with sound engineering practice and appropriately line marked to the reasonable satisfaction of the Development Assessment Commission prior to the occupation or use of the development.

22. All car parking areas, driveways and vehicle manoeuvring areas shall be properly maintained at all times.

23. All loading and unloading, parking and manoeuvring areas shall be designed and constructed to ensure that all vehicles can safely enter and exit the subject land in a forward direction.

24. The loading docks and associated access points shall be designed to facilitate 19 metre semi-trailers.

25. The indented bus stop and taxi rank adjacent the Anzac Highway frontage of the site shall be relocated and or modified to the satisfaction of the Department of Planning, Transport and Infrastructure.

26. All redundant crossovers shall be removed and be replaced with kerb and gutter to Council standards, with all costs being borne by the applicant.

27. A kerb extension shall be provided to prohibit trucks turning right into Elizabeth Avenue from the service delivery exit to the reasonable satisfaction of the City of West Torrens Council.

#### *Stormwater*

28. No stormwater shall be permitted to discharge on surface to Anzac Highway or Marion Road. Any modifications to stormwater infrastructure as a direct result of the development shall be at the expense of the developer.

29. 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.

#### *Construction Activities*

30. Normal operating hours for construction activities (including truck movements) to and from the site shall be from 7 a.m. to 7 p.m., Monday to Saturday inclusive.

31. Any machinery, plant operating equipment, lighting, building façade designs or sound devices associated with the proposed development shall not impair or impinge upon the enjoyment or safety of residents of the apartment complex, adjoining properties (or occupiers thereof) or the local traffic and pedestrian environment and shall comply with the Environment Protection (Noise) Policy 2007, Environment Protection (Industrial Noise) Policy 1994 and the Environment Protection (Machine Noise) Policy 1994.

#### PART C: NOTES TO PROPONENT

1. In respect of the reserved matters, the following is advised to the proponent:

##### (a) Building Rules

The proponent must obtain a Building Rules assessment and certification from either the City of West Torrens Council or a private certifier (at the proponent's option) and forward to the Minister all relevant certification documents as outlined in regulation 64 of the Development Regulations 2008.

Pursuant to Regulation 64 of the Development Regulations 2008, the proponent is especially advised that the City of West Torrens Council private certifier conducting a Building Rules assessment must:

- provide to the Minister for Planning a certification in the form set out in Schedule 12A of the Development Regulations 2008, in relation to the building works in question; and
- to the extent that may be relevant and appropriate:
  - (i) issue a Schedule of Essential Safety Provisions under Division 4 of Part 12;
  - (ii) assign a classification of the building under these regulations; and
  - (iii) ensure that the appropriate levy has been paid under the Construction Industry Training Fund 1993.

Regulation 64 of the Development Regulations 2008 provides further information about the type and quantity of all Building Rules certification documentation for Major Developments required for referral to the Minister for Planning. The City of West Torrens Council or private certifier undertaking Building Rules assessments must ensure that the assessment and certification are consistent with the provisional development authorisation (including its Conditions and Notes).

##### (b) Final designs for each component of the development

In regard to reserved matter (b), final design should address the following:

- roof plans for all areas of the development;
- roof areas for the shopping centre buildings shall be constructed out of a non-reflective material;
- details showing the air intake vents for the basement car park and venting details for any restaurant/cafes;
- details of lighting for the basement and ground level car park;
- details of the colours proposed for the development;
- redesign of the external car park to incorporate additional safe and direct paths for cyclists and pedestrians (including crossing points designed to highlight the presence of cyclists and pedestrians);
- plans showing the location of secure bicycle parking for residents of the East and North Tower;
- acoustic treatment details that meet noise criteria as set out in:
  - AS 1276-1979: methods for determination of sound transmission class and noise isolation class of building partitions;
  - AS ISO 140.8-2006: acoustics—measurement of sound insulation in buildings and of building elements, laboratory measurements of the reduction of transmitted impact noise by floor coverings on a heavyweight standard floor; and

- AS/NZS 1269.2-1998: occupational noise management—noise control management;

- all building work shall comply with the prescriptive requirements of the Building Code of Australia in particular AS2419.1, AS2441, AS 2118.1, AS2444, BCA Spec E1.8, BCA Tables E2.2a and E2.2b, BCA Part E3 and AS2293.1;
- exhaust hoods for car park ventilators shall be designed to direct exhaust fumes away from adjacent development. Car park ventilation should be directed away from open spaces and higher amenity areas, towards major roadways;
- kitchen exhausts from the restaurants/cafes should be flued to direct odour away from the serviced apartments;
- all mechanical plants/air conditioning shall be housed/enclosed within the roof area as part of the design and any noise would be mitigated through the use of noise attenuating design measures;
- air conditioning intakes on buildings should be located as far as is practicable from transport corridors;
- air conditioning systems should include filtration to remove fine particles where ambient air quality is very poor (this is reliant on sealed positive pressure apartments in which access to unfiltered ambient air is not recommended);
- the requirements of the *Ministers Specification SA 78B Construction requirements for the control of external sound* (February 2013);
- all building work shall comply with the prescriptive requirements of the Building Code of Australia ('BCA') and in particular: fire hydrant coverage to be provided in accordance with AS2419.1, fire hoses to be provided in accordance with AS2441, automatic sprinkler protection to be provided in accordance with AS2118.1, portable fire extinguishers to be provided in accordance with AS2444, a fire control centre to be incorporated in accordance with BCA Spec E1.8, smoke hazard management provisions in accordance with BCA Tables E2.2a and E2.2b, lift installations in accordance with BCA Part E3 and exit and emergency lighting to be installed in accordance with AS2293.1;
- the Metropolitan Fire Service would need to be consulted and involved with the design, approval and commissioning phases as required under the Development Regulations 2008. For further advice on fire safety the contact person is Fire Safety Engineer, David Kubler on telephone 8204 3611. Should variations to the prescriptive requirements of the BCA be proposed, suitably justified 'alternative solutions' should be presented to the Metropolitan Fire Service ('MFS') South Australia for comment and document in accordance with Regulation 28 of the Development Regulations 2008. The MFS recommends that the developer liaise with the Department in the early design phase to ensure that a cost effective installation that would also meet the operational needs of the fire service can be achieved; and
- details on odour management between uses.

##### (c) Building Sustainability Plan

In relation to reserved matter (c), the Building Sustainability Plan should address energy consumption and green house emissions below the current levels to satisfy environmental performance. The approach to the design of this proposal should exceed the requirements of Part J of the Building Code on Energy Efficiency and as discussed in the Development Report ('DR') and the amendment to the DR to provide energy efficiency to achieve a 5-star rating for the serviced apartment component and aim to provide a 5-Star Green Star Green Building Council of Australia ('GBCA') Rating for the commercial component.

##### (d) Waste Management Plan

The Waste Management Plan shall address the following:

- construction associated with the shopping centre tenancies and serviced apartments;

- the operational and ongoing waste for the shopping centre, including recycling and waste minimisation;
- servicing arrangements and waste removal provisions for the whole of the development (including commercial and retail);
- ongoing waste management for the serviced apartment component; and
- reference to Zero Waste SA in partnership with the Property Council and Renewal SA, a better practice guidance for medium density, high density and mixed use developments, which includes the following:
  - internal design (waste management systems, for example chutes or compactors);
  - collection areas (ease of access to bins by residents, enclosure sizes, visual amenity);
  - bin presentation areas (visual amenity, access and egress for collection vehicles); and
  - waste collection (noise and sensitive adjacent users).

(e) *Traffic and Parking Management Plan*

In regard to the Traffic Parking and Management Plan should address the following:

(a) *Parking Management:*

- the layout of the car parking areas (including basement car parking) and service bays shall meet the Australian/New Zealand Standard 2890.1:2004, parking facilities—off-street car parking and line markings and Australian Standard 2890.2-2002 parking facilities—off-street commercial vehicle facilities (including service areas);
- the final plans and details should ensure that sufficient secure bicycle parking and end of trip facilities are provided and that visitor bicycle parking rails are well positioned for passive surveillance. The location of secure bicycle parking for residents and employees should be indicated on the plans. The bicycle parking facilities shall be designed in accordance with Australian Standard 2890.3-1993 and the AUSTROADS, Guide to Traffic Engineering Practice Part 14—Bicycles;
- the on-site parking shall be designed in accordance with the Australian/New Zealand Standard 2890.1:2004 and 2890.6:2009. All facilities for commercial vehicles shall conform to Australian Standard 2890.2:2002;
- the car park shall be appropriately line marked and signed to ensure the desired flow of traffic through the site;
- all bicycle parking facilities shall be designed in accordance with Australian Standard 2890.3-1993 and the AUSTROADS, Guide to Traffic Engineering Practice Part 14—Bicycles;
- access and egress from the car parking areas shall be designed in accordance with the Australian/New Zealand Standard 2890.1:2004, Parking Facilities, Part 1—off-street car parking;
- turning areas and loading bays required for semi-articulated delivery vehicles shall meet Australian Standards for off-street parking facilities (AS 2890.1 for cars and AS 2890.2 for commercial vehicles); and
- lighting shall be provided within the basement car parking area and at the grade car parking area in accordance with the public lighting code in AS 1680.2.1-1993, AS/NZS 1158:2007 and AS/NZS 1680.

(b) *Traffic Management:*

- the entry only into the car park from Anzac Highway shall be designed to maximize pedestrian safety;
- any traffic control devices shall be designed and constructed in accordance with the main standard of the Manual of Uniform Traffic Control Devices—AS 1742;

- driveway grades shall be set in accordance with AS2890;
- the main standard for traffic control devices is the Manual of Uniform Traffic Control Devices—AS 1742. There are many standards under AS 1742 covering the various traffic control devices that may need to be referred to. They are as follows:
  - AS 1742 Manual of uniform traffic control devices;
  - general introduction and index of signs—Australian Road Rules supplement;
  - supp.1 (int);
  - 1742.2 Part 2: traffic control devices for general use;
  - 1742.3 Part 3: traffic control devices for works on roads;
  - 1742.4 Part 4: speed controls;
  - 1742.9 Part 9: bicycle facilities;
  - 1742.10 Part 10: pedestrian control and protection;
  - 1742.11 Part 11: parking controls; and
  - 1742.13 Part 13: local area traffic management; and
- service vehicles are required to turn left out to Marion Road. The alignment of the exit movement should be tightened up and angled appropriately to force large vehicles to turn left out as intended. 'NO TRUCK' signs should also be considered to prevent service vehicles from turning right out to use the nearby residential streets. Details are required on how this will be achieved.

(f) *Landscaping Plan*

In regard to reserve matter (g) the Landscaping Plan should provide the following:

- details shall be provided showing street furniture, shading devices and lighting;
- planting details;
- Elizabeth Avenue streetscape details, landscaping and streetscape to Elizabeth Avenue will be addressed in consultation with the City of West Torrens Council;
- location of tanks for water reuse for irrigation purposes;
- a detailed species list including local indigenous plants;
- the planting of semi-mature trees (not less than 2-3 metres in height) within the car parking area;
- all landscaping approved as part of the application shall be established prior to the occupation of the premises;
- a watering system shall be installed and operated so that all plants receive sufficient water to ensure their survival and growth;
- landscaping shall be designed to incorporate water conservation principles and devices (Water Sensitive Urban Design);
- the proposed landscaping contribution to the Urban Forest program;
- the inclusion of details for any proposed Green infrastructure (green walls/roofs);
- open spaces containing trees and other vegetation should be established between housing and transport corridors to increase natural air filtering processes; and
- trees should be planted along major roadways to increase natural air filtering processes.

(g) *Stormwater Management Plan*

In regard to reserve matter (h) the Stormwater Management Plan should address the following:

- all stormwater design and construction should be in accordance with Australian/New Zealand Standards, AS/NZS 3500-2003 and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property;
- the Environment Protection Authority ('EPA') requires the following be included:
  - how the first flush will be managed;
  - how the stormwater will be managed during the construction phase;
  - that any stormwater discharging from the site will occur in accordance with the Environment Protection (Water Quality) Policy 2003;
  - how sediment run-off from the site will be minimised as well as sediment stockpiles; and
  - maintenance of stormwater management and infrastructure;
- the City of West Torrens Council request that the applicant enters into discussions with the City Assets Department to establish an effective and well integrated stormwater management system;
- the proponent is advised of the requirement to comply with the EPA's 'Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry' during demolition and construction of the development;
- development/s shall have no deleterious effects on the quality or quantity of surface water or the natural environments that rely on this water;
- development/s shall have no deleterious effects on the quality or quantity of groundwater or the natural environments that rely on this water. In particular, the following conditions shall apply:
  - effluent disposal systems (including leach drains) to be designed and located to prevent contamination of groundwater;
  - groundwater levels at the site (basement car park) need to be included; and
  - if any dewatering will be required (an activity that may require an EPA licence).

All extensions to water/wastewater networks will be assessed on their individual commercial merits. Where more than one development is involved, one option will be for SA Water to establish an augmentation charge for that area to equitably share the costs amongst those requiring and/or benefiting from the provision of the additional infrastructure. Any proposed augmentation charge will be assessed on its individual commercial merits;

- if the existing water/wastewater infrastructure requires an extension or new approach mains to serve any proposed development, the developer/s will be required to meet the costs associated with these works;
- when a proposed development adversely impacts upon the capacity of existing water/wastewater infrastructure the developer will be required to meet the cost of upgrading or augmenting the infrastructure to service the proposed water demands and/or wastewater discharges;
- the developer is also required to meet the costs of providing all water supply mains within the development site itself, including all water and wastewater pumping stations, pumping mains and water tanks;
- all new water supply mains constructed to serve commercial/industrial areas shall be a minimum size of 150 mm diameter. This is to provide an adequate water supply for industry as well as for fire protection purposes;
- similarly all new wastewater collection pipes required to serve commercial/industrial areas shall be a minimum size of 225 mm diameter and all property connections shall be a minimum size of 150 mm

diameter. Where areas are being served by existing 150 mm diameter sewers, restrictions may be imposed on the types of development permitted in view of the smaller size mains;

- construction of water supply, wastewater and recycled water infrastructure will need to comply with SA Water Infrastructure Standards; and
  - any proposed industrial or commercial developments will be subject to an SA Water Trade Waste agreement to permit the discharge of trade waste to the sewer network. Industrial and large dischargers may be liable for quality and quantity loading charges.
- (h) *Construction Environmental Management and Monitoring Plan for the preconstruction, construction and operational phases*

The Construction Environmental Management and Monitoring Plan ('CEMMP') should be prepared taking into consideration and with explicit reference to relevant Environment Protection Authority policies and guideline documents, including the Environment Protection (Noise) Policy 2007 and air quality National Environment Protection Measures ('NEPM'). A CEMMP covering both pre-construction and construction phases shall be prepared in consultation with the Environment Protection Authority before its submission to the Minister for approval. The CEMMP shall include the following:

- reference to and methods of adherence to all relevant Environment Protection Authority ('EPA') policies and codes of practice for construction sites, including the inclusion of a copy of Schedule 1 of the Environment Protection Act 1993 as an Appendix to the Construction Environmental Management and Monitoring Plan to ensure contractors are aware of EPA requirements;
- Soil Erosion and Drainage Management Plan (including dust management);
- timing, staging and methodology of the construction process and working hours (refer also to condition outlining working hours);
- a risk assessment relating to the potential impacts of construction activities that includes the staging of the development;
- traffic management strategies during construction of both the basement car park and the shopping centre and apartment complex, including transport beyond the development site;
- site contamination audit—provide a site history report that identifies any activities or potential for site contamination to have occurred from 2009 to present. The EPA advises that the site history report should:
  - be prepared by a site contamination consultant in accordance with Schedules A and B of the National Environment Protection (Assessment of Site Contamination) Measure 1999 ('NEPM');
  - document the preliminary investigations at the site carried out in accordance with the NEPM;
  - determine whether a potentially contaminating land use as described in Appendix 1 of Planning Advisory Notice 20 ('PAN 20') has occurred with the potential to cause site contamination affecting the site; and
  - provide statements in relation to the existence of site contamination at the site. 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;
- management of infrastructure services during construction and re-establishment of local amenity and landscaping;

- control and management of construction noise, vibration, dust and mud;
- engineering and structural issues associated with construction of the basement car park and overhead landscaping;
- stormwater and groundwater management during construction;
- identification and management of contaminated soils and groundwater, should these be encountered;
- site security, fencing and safety and management of impacts on local amenity for residents, traffic and pedestrians;
- disposal of construction waste, any hazardous waste and refuse in an appropriate manner according to the nature of the waste;
- protection and cleaning of roads and pathways;
- overall site cleanup; and
- to address management and site issues during construction and site contamination will need to demonstrate compliance with the National Environment Protection (Ambient Air Quality) Measure (1998) and with the National Environment Protection (Air Toxics) Measure (2011).

2. Crane operations associated with construction should be the subject of a separate application to Adelaide Airport Limited (48 days prior notice required for any crane operations during construction). Crane assessment may also have to be conducted by the Civil Aviation Safety Authority ('CASA').

3. The developer should note that the height limit applies to antennae, masts and aerials that may be placed on top of the building, so the proponent should ensure that the building (plus envisaged structures on top of the building) do not infringe the Obstacle Limitation Surfaces ('OLS'). The Adelaide Airport Safety Manager has advised the building height would be just under the OLS, but masts and structures on top of the building would not be allowed. Any external lighting associated with the development or the use of cranes for construction on the site would need to be referred to the Federal Airports Corporation.

4. The Metropolitan Adelaide Road Widening Plan shows that a strip of land up to 4.5 metres in width may be required from the Anzac Highway and Marion Road frontages of the site, together with additional land from the Anzac Highway/Marion Road corner for the possible future upgrading of the Anzac Highway/Marion Road intersection. An additional 4.5 metres x 4.5 metres cut-off is required from the Marion Road/Elizabeth Avenue corner of the site. The consent of the Commissioner of Highways is required under the Metropolitan Adelaide Road Widening Plan Act for all new building works located on or within 6 metres of the above requirements. The required consent form should be completed and returned to the Department of Planning, Transport and Infrastructure with three copies of the final stamped approved plans.

5. Some of the subject land may need to be vested as part of the road reserve at no cost to Council and the Department of Planning, Transport and Infrastructure, to ensure that adequate footpath is maintained along Marion Road. Kerb widening to increase the radius of the curve to allow semi-trailers to negotiate the left turn out of Elizabeth Avenue may require some land to be vested as road reserve, at no cost to Council or the Department of Planning, Transport and Infrastructure, to ensure that an adequate public footpath is maintained at this location.

6. The Environment Protection Authority advises, given the significance of the forecast traffic changes, that air quality modelling should be undertaken, as clean air would be imperative to informing the design outcome.

7. The proponent is advised of the General Environmental Duty under Section 25 of the Environment Protection Act 1993 which provides that a person must not undertake any activity, which pollutes, or may pollute without taking all reasonable and practical measures to prevent or minimise harm to the environment.

8. The proponent is advised that the Development Act 1993 outlines the roles and responsibilities of the applicant and the City of West Torrens Council for matters relating to building works during and after construction of the shopping centre and apartment complex development and associated works.

9. The provisions of the Food Act 2001 and associated food regulations apply.

10. In addition to the Building Code of Australia, the proponent must comply with the Commonwealth Disability Discrimination Act 1992 in planning access for the disabled.

11. The Minister has a specific power to require testing, monitoring and auditing under Section 48C of the Development Act 1993.

12. If the development is not substantially commenced within two years of the date of the decision on the last of the reserved matters, the Governor may cancel this development authorisation.

13. The development shall include directional and way finding signage that indicates the short walking distance/time to the tram stop and bus stops.

14. Should additional signage be required, above and beyond the proposed pylon sign on Anzac Highway, these must be assessed to ensure that they would not impact on road safety, particularly given the complexity and nature of movements at this location.

Given under my hand at Adelaide, 23 December 2013.

KEVIN SCARCE, Governor

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DEVELOPMENT ACT 1993, SECTION 48  
DELEGATION OF POWER BY THE GOVERNOR

*Preamble*

1. I have granted a development authorisation pursuant to section 48 of the *Development Act 1993* to permit an upgrade and redevelopment of the existing smelting operations at Port Pirie by Nyrstar Port Pirie Pty Ltd, which authorisation is published in the *South Australian Government Gazette* of 23 December 2013.

2. I wish to delegate certain of my powers under section 48 to the Minister for Planning.

*Delegation*

PURSUANT to section 48(8) of the *Development Act 1993* and with the advice and consent of the Executive Council, I delegate to the Minister for Planning:

- (a) my power under section 48(7a) to permit any variation associated with the said development authorisation;
- (b) in relation to the said development authorisation, or any variation thereof my power to vary or revoke conditions, or to attach new conditions, under section 48(7)(b); and
- (c) my power to cancel the development authorisation whether in accordance with section 48(11) or in accordance with the terms of any of the conditions of the authorisation permitting cancellation.

Given under my hand at Adelaide, 23 December 2013.

KEVIN SCARCE, Governor

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DEVELOPMENT ACT 1993, SECTION 48  
DECISION BY THE GOVERNOR

*Preamble*

1. On 28 February 2013, the Minister for Planning published in the *South Australian Government Gazette* a declaration under Section 46 of the Development Act 1993 ('the Act') in respect of any development of a kind listed in Schedule 1 to the notice in the parts of the State listed in Schedule 2 to the notice.

2. A development proposed by Nyrstar Port Pirie Pty Ltd to upgrade and redevelop the existing smelting operations at Port Pirie, is the subject of a development application lodged on 8 March 2013.

3. In accordance with the declaration referred to in paragraph 1 (above), the proposed development has been under consideration under Division 2 of Part 4 of the Act. The proposed development has been the subject of a Public Environmental Report and an Assessment Report under Sections 46 and 46C of the Act, and is hereafter referred to as the 'proposed Major Development'.

4. I am satisfied that the Public Environmental Report and Assessment Report prepared in relation to the proposed Major Development are appropriate and have had regard, when considering the proposed Major Development, to all relevant matters under Section 48 (5).

5. I have decided to grant development authorisation to the proposed Major Development.

*Decision*

PURSUANT to Section 48 of the Development Act 1993 and with the advice and consent of the Executive Council, and having due regard to the matters set out in Section 48 (5) and all other relevant matters, I:

- (a) Grant development authorisation in relation to the proposed Major Development under Section 48 (6), subject to the conditions and notes set out below;
- (b) Specify under Section 48 (7) (b) (i) all matters which are the subject of conditions herein as matters in respect of which the conditions of this authorisation may be varied or revoked, or new conditions attached;
- (c) Specify for the purposes of Section 48 (11) (b) the period of two years from the date of this development authorisation as the time within which substantial work must be commenced on site, failing which I may cancel this authorisation under Section 48 (11).

CONDITIONS OF DEVELOPMENT AUTHORISATION

1. The proponent shall carry out the development generally in accordance with the:

- (a) Development Application, prepared by Parsons Brinkerhoff Australia Pty Ltd on behalf of Nyrstar, dated March 2013;
- (b) Public Environmental Report, prepared by COOE Pty Ltd (and Associates) on behalf of Nyrstar Port Pirie, dated August 2013; and
- (c) Response Document prepared by COOE Pty Ltd (and Associates) on behalf of Nyrstar Port Pirie Pty Ltd, dated October 2013.

2. The proponent shall prepare final engineering designs for the cooling water intake structure (and associated infrastructure) and the cooling water discharge pipeline and diffuser structure (and associated infrastructure) for approval by the Minister for Planning, prior to construction commencing. These designs shall demonstrate predicted dilution to meet EPA temperature criteria and shall be prepared in consultation with the Department for Environment, Water and Natural Resources and to the satisfaction of the Environment Protection Authority.

3. Once the cooling water discharge diffuser structure has been constructed and is operating, the achieved discharge dilution rate shall be field validated to test achievement of modelled predictions, including under worst case scenarios (such as a summer dodge tide with no wind).

4. The proponent shall undertake further air quality modelling and monitoring to validate modelled predictions, to the satisfaction of the Environment Protection Authority (EPA), as follows (unless modified by the EPA through future EPA licence conditions):

- (a) Additions to the current air quality monitoring network (together with the existing network) shall collect data for a minimum period of 12 months before start-up of new equipment, during commissioning of new equipment and for 12 months after new equipment is fully operational, including:
  - (i) Continuing to operate High Volume Air Samplers in the sector of dominant wind (i.e. to the north-west of the smelter);
  - (ii) Establishment of a sulphur dioxide (SO<sub>2</sub>) monitor on the western side of Port Pirie (such as a location at the Pirie West Primary School); and
  - (iii) Establishment of one continuous (i.e. 'real-time'), mobile lead monitor, together with relevant meteorological monitoring, to be used on a campaign basis at locations determined in consultation with the EPA, to aid in event recognition, source reconciliation and for process management (i.e. for site performance improvement).
- (b) The proponent shall quantify the reduction in PM<sub>10</sub> levels by developing and implementing a monitoring plan for PM<sub>10</sub> before, during and after construction.

5. The proponent shall prepare final detailed plans for the development (drawings, cross-sections and elevations), to the satisfaction of the EPA, for approval by the Minister for Planning, prior to construction commencing.

6. For the purposes of section 48 (11) (b) of the *Development Act 1993*, the proponent shall commence the development by substantial work on the site of the development within two years of the date of this authorisation.

7. The proponent shall have completed the development within five years of the date of this authorisation, failing which the authorisation may be cancelled.

8. No building work shall be undertaken unless the work has been certified by a private certifier, the Port Pirie Regional Council or by some person determined by the Minister for Planning, as complying with the provisions of the Building Rules (or the Building Rules as modified according to criteria prescribed by the Regulation). For the purposes of this condition 'building work' does not include plant and equipment or temporary buildings that are not permanently attached to the land.

9. Final engineering designs, structures and equipment not covered by the provisions of the Building Rules shall be prepared and independently certified by a registered Engineer, to the satisfaction of the Department of Planning, Transport and Infrastructure (Planning Division). A certificate as to the structural soundness of the proposed structures shall be submitted to the Department of Planning, Transport and Infrastructure (Planning Division), prior to the commencement of construction.

10. The proponent shall prepare a Construction Environmental Management Plan 'CEMP', to the satisfaction of the Environment Protection Authority and in consultation with an EPA accredited Site Contamination Auditor, the Department of Planning, Transport and Infrastructure (Transport Services) and the Port Pirie Regional Council, for approval by the Minister for Planning prior to the commencement of any construction or demolition works. The CEMP must include an Earth Moving Plan (including dust suppression), a Demolition Plan, a Dredging Management Plan, a Soil Erosion and Drainage Management Plan 'SEDMP', a Material Handling Procedures, a Waste Management and Recycling Plan, a Groundwater Management and Monitoring Plan and a Traffic Management Plan. The matters to be addressed in the CEMP shall generally include, but shall not be limited to, the management, mitigation, and monitoring of, and corrective actions/contingency plans in relation to the following matters:

- dust and sediment control;
- odour emissions;
- surface and groundwater management;
- site contamination;
- waste management (for all waste streams) and overall site clean-up (including litter);
- use and storage of chemicals, oil, construction-related hazardous substances and of other materials that have the potential to contaminate stormwater, groundwater or the marine environment (including emergency responses);
- noise emissions (including ongoing noise assessment and monitoring to ascertain the effectiveness of noise control measures);
- Aboriginal heritage requirements in accordance with the Aboriginal Heritage Act 1988;
- vegetation clearance;
- introduced plants and animals (including marine species);
- impacts on seagrass and marine flora;
- impacts on the marine environment (especially noise, erosion and turbidity);
- traffic management strategies;
- effect on existing infrastructure;
- impacts on adjacent land users;
- site security, fencing and safety and management of impacts on local amenity for residents, traffic and adjacent land users;

- periods and hours of construction and operation in accordance with the requirements of the Environment Protection (Noise) Policy 2007; and
- community complaints register regarding the above matters.

11. The proponent shall prepare an Operations Environmental Management Plan 'OEMP' for the operational phase of the development, to the satisfaction of the Environment Protection Authority and in consultation with the Department of Planning, Transport and Infrastructure (Transport Services) and the Port Pirie Regional Council, for approval by the Minister for Planning, prior to the operation of new plant. The OEMP must include an Air Quality Management Strategy, a Community Health Management Strategy, a Community Amenity Management Strategy, a Natural Resources Management Strategy, an Odour Management Strategy, a Sub-surface Quality Management Strategy, a Surface Water Quality Management Strategy, a Groundwater Management Strategy, a Visual Amenity Management Strategy and a Traffic Management Plan. The matters to be addressed in the consolidated OEMP shall generally include the management, mitigation, and monitoring of, and corrective actions/contingency plans in relation to impacts related to the operation of the upgraded smelter facility.

12. All works and site activities shall be undertaken in accordance with the approved Construction Environmental Management Plan 'CEMP' and Operations Environmental Management Plan 'OEMP'.

#### NOTES TO PROPONENT

1. In respect of Condition (2), the cooling water intake structure should be designed to have an intake velocity as close as possible to 0.2 metres/second, but no greater than 0.6 metres/second in order to minimise entrainment and entrapment of marine organisms as far as practicable. Where 0.2 metres/second cannot be achieved, the proponent should provide the rationale for the engineering designs.

2. Pursuant to regulation 64 of the *Development Regulations 2008*, the proponent is advised that the Port Pirie Regional Council or private certifier conducting a Building Rules assessment must:

- provide to the Minister a certification in the form set out in Schedule 12A of the *Development Regulations 2008* in relation to the building works in question; and
- to the extent that may be relevant and appropriate:
  - issue a Schedule of Essential Safety Provisions under Division 4 of Part 12;
  - assign a classification of the building under these regulations; and
  - ensure that the appropriate levy has been paid under the Construction Industry Training Fund 1993.

Regulation 64 of the *Development Regulations 2008* provides further information about the type and quantity of all Building Rules certification documentation for Major Developments required for referral to the Minister for Planning.

3. The Port Pirie Regional Council or private certifier undertaking Building Rules assessments must ensure that the assessment and certification are consistent with this development authorisation (including any Conditions or Notes that apply in relation to this development authorisation).

4. Should the proponent wish to vary the Major Development or any of the components of the Major Development, an application may be submitted, provided that the development application variation remains within the ambit of the Public Environmental Report and Assessment Report referred to in this development authorisation. If an application variation involves substantial changes to the proposal, pursuant to section 47 of the *Development Act 1993*, the proponent may be required to prepare an amended Public Environmental Report for public inspection and purchase. An amended Assessment Report may also be required to assess any new issues not covered by the original Assessment Report and a decision made by the Governor pursuant to section 48 of the *Development Act 1993*.

5. The proponent's CEMP and OEMP should be prepared taking into consideration, and with explicit reference to, relevant EPA policies and guideline documents, including, but not limited to: the Environment Protection (Air Quality) Policy 1994, the National Environment Protection (Ambient Air Quality) Measure 1998, the Environment Protection (Noise) Policy 2007, the Environment Protection (Water Quality) Policy 2003, the Environment Protection (National Pollutant Inventory) Policy 2008, the National Environment Protection (Assessment of Site Contamination) Measure 1999, the EPA Code of Practice for Materials Handling on Wharves 2007, EPA Bunding and Spill Management Guidelines 2012, EPA Handbooks for Pollution Avoidance and the EPA Stormwater Pollution Prevention Codes of Practice, in addition to other legislative requirements and Guidelines/Australian Standards requiring compliance.

6. The proponent is reminded of its obligations under the *Environment Protection Act 1993* to seek to vary the current EPA licence that applies to the smelter facility to take into account any relevant changes resulting from the approved development. The EPA has the responsibility of imposing licensing conditions, including the setting of air quality standards that must be met and it may impose more stringent requirements than are detailed in this authorisation.

7. All works and activities must be undertaken in accordance with the General Environmental Duty as defined in Part 4, Section 25 (1) of the *Environment Protection Act 1993* (which requires that a person must not undertake any activity, which pollutes, or may pollute, without taking all reasonable and practical measures to prevent or minimise harm to the environment), relevant Environment Protection Policies made under Part 5 of the *Environment Protection Act 1993* and other relevant publications and guidelines.

8. The proponent is reminded of its obligations under the Native Vegetation Regulations 2003, whereby any native vegetation clearance must be undertaken in accordance with a management plan that has been approved by the Native Vegetation Council that results in a significant environmental benefit on the property where the development is being undertaken, or a payment is made into the Native Vegetation Fund of an amount considered by the Native Vegetation Council to be sufficient to achieve a significant environmental benefit in the manner contemplated by Section 21 (6) of the *Native Vegetation Act 1991*, prior to any clearance occurring. It should be noted the Act also includes within the definition of native vegetation, native plants growing 'in or under waters of the sea' where the 'waters of the sea' includes 'any water that is subject to the ebb and flow of the tide'.

9. The proponent is reminded of its obligations under the *Aboriginal Heritage Act 1988* whereby any 'clearance' work, which may require permission to disturb damage or destroy Aboriginal Sites, must be undertaken with the full authorisation of the Minister for Aboriginal Affairs and Reconciliation, according to section 23 of the *Aboriginal Heritage Act 1988*.

10. The proponent, and all agents, employees and contractors, such as construction crews, must be conversant with the provisions of the Aboriginal Heritage Act 1988, particularly the requirement to immediately contact the Department of the Premier and Cabinet (Aboriginal Affairs and Reconciliation) in the event that archaeological items (especially skeletal material) are uncovered during earthmoving.

11. The proponent is reminded of its obligations under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*, not to undertake any activity that could have a significant impact on any matter of National Environmental Significance, without first referring it to Commonwealth Minister for the Environment for consideration.

12. As foreign vessels are allowed to berth at the wharf, the proponent would need to consult with the Department of Planning, Transport and Infrastructure (Marine Safety) to address any requirements of the Australian Quarantine Inspection Service and the Australian Customs Service.

13. The Minister has a specific power to require testing, monitoring and auditing under section 48C of the *Development Act 1993*.

Given under my hand at Adelaide, 23 December 2013.

KEVIN SCARCE, Governor

South Australia

## **Crown Land Management (Revocation of Dedication) Proclamation 2013**

under section 19(2) of the *Crown Land Management Act 2009*

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### **Preamble**

- 1 The following land is dedicated as an Open Space Reserve for certain purposes (see *Gazette 9.8.2007 p3267*) and has been granted in fee simple:  
Allotment 70 in Deposited Plan 49240, being land in Certificate of Title Register Book Volume 6028 Folio 910.
  - 2 It is now intended that the dedication of the land be revoked.
  - 3 On revocation of the dedication the land reverts to the status of unalienated Crown land (see section 19(4) of the *Crown Land Management Act 2009*).
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### **1—Short title**

This proclamation may be cited as the *Crown Land Management (Revocation of Dedication) Proclamation 2013*.

### **2—Commencement**

This proclamation comes into operation on the day on which it is made.

### **3—Revocation of dedication of land**

The dedication of the land defined in clause 1 of the preamble to this proclamation is revoked.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 23 December 2013

MFI13/034CS

South Australia

## **Planning (Revocation of Open Space Preservation) Proclamation 2013**

under section 62 of the *Planning Act 1982*

### **1—Short title**

This proclamation may be cited as the *Planning (Revocation of Open Space Preservation) Proclamation 2013*.

### **2—Commencement**

This proclamation comes into operation on the day on which it is made.

### **3—Revocation of prohibition**

- (1) The prohibition imposed in relation to the prescribed land by a proclamation that has force and effect under section 62 of the *Planning Act 1982* (as continued under section 21 of the *Statutes Repeal and Amendment (Development) Act 1993*) is revoked.
- (2) In subclause (1)—

***prescribed land*** means Allotment 51 in Deposited Plan 57182, being land in Certificate of Title Register Book Volume 5854 Folio 360.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 23 December 2013

MFI13/034CS

South Australia

## **Liquor Licensing (Dry Areas) Variation Regulations 2013**

under the *Liquor Licensing Act 1997*

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### **Contents**

#### **Part 1—Preliminary**

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- 3 Variation provisions

#### **Part 2—Variation of *Liquor Licensing (Dry Areas) Regulations 2012***

- 4 Variation of Schedule—Port Lincoln Area 1
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Liquor Licensing (Dry Areas) Variation Regulations 2013*.

#### **2—Commencement**

These regulations come into operation on the day on which they are made.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### **Part 2—Variation of *Liquor Licensing (Dry Areas) Regulations 2012***

#### **4—Variation of Schedule—Port Lincoln Area 1**

Schedule—Port Lincoln Area 1, clause 2—delete "until 18 December 2013"

#### **Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

#### **Made by the Governor**

with the advice and consent of the Executive Council  
on 23 December 2013

No 314 of 2013

MLI0042/13CS

Department of the Premier and Cabinet  
Adelaide, 23 December 2013

HIS Excellency the Governor in Executive Council has revoked the appointment of the Honourable Ian Keith Hunter, MLC, Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray and Minister for Aboriginal Affairs and Reconciliation as Acting Minister for Mineral Resources and Energy for the period from 7 January 2014 to 12 January 2014 inclusive, during the absence of the Honourable Tom Koutsantonis, MP.

By command,

JOHN ROBERT RAU, Acting Premier

DPC13/081CS

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Department of the Premier and Cabinet  
Adelaide, 23 December 2013

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Jennifer Mary Rankine, MP, Minister for Education and Child Development and Minister for Multicultural Affairs to be also Acting Minister for Mineral Resources and Energy for the period from 7 January 2014 to 12 January 2014 inclusive, during the absence of the Honourable Tom Koutsantonis, MP.

By command,

JOHN ROBERT RAU, Acting Premier

DPC13/081CS

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