DANGEROUS SUBSTANCES ACT 1979

Appointments

I. JOHN RAU, Minister for Industrial Relations in and for the State of South Australia, hereby appoint the following persons as authorised officers for the purposes of the Dangerous Substances Act 1979, pursuant to Section 7 of the Dangerous Substances Act 1979:

- Kimberley Louise Michel; and
- Jacqui Quarton.

Dated 20 December 2014.

JOHN RAU, Deputy Premier, Minister for Industrial Relations

DEVELOPMENT ACT 1993: SECTION 46 (4)

Preamble

The Minister for Urban Development and Planning previously made a declaration under Section 46 (1) of the Development Act 1993, which was gazetted in the Gazette of 1 May 2007, at pages 1429-1430, which I am satisfied ought to be revoked.

Section 46 (4) of the said Act allows me as the Minister for Planning to revoke the notice.

NOTICE

PURSUANT to Section 46 (4) of the Development Act 1993, I, John Rau, Minister for Planning, hereby revoke the declaration gazetted in the Gazette of 1 May 2007, at pages 1429-1430.

Dated 29 December 2014.

JOHN RAU, Deputy Premier, Minister for Planning

DEVELOPMENT ACT 1993, SECTION 48: DECISION BY THE DEVELOPMENT ASSESSMENT COMMISSION UNDER DELEGATION FROM THE GOVERNOR

Preamble

1. A proposal from the Cape Jaffa Development Company (hereafter 'the applicant') to develop a multi-component residential marina at Cape Jaffa, on the Limestone Coast has been under consideration under Division 2 of Part 4 of the Development Act 1993.

2. The proposal has been the subject of an Environmental Impact Statement and an Assessment Report under Sections 46 and 46B of the Development Act 1993 and is hereafter referred to as the ‘proposed Major Development’.

3. The proposed Major Development was the subject of a development application lodged on 20 February 2003, by the applicant. The said application has been amended and expanded upon by the applicant’s Environmental Impact Statement, dated April 2005, the applicant’s Response to Submissions, dated September 2005 and additional correspondence dated 4 November 2005, 10 November 2005 and 18 April 2006.

4. Reserved matters of (a) the proposed use of the future development site on Figure 3.6 in the EIS and (b) proposed use and extent of the wetland vegetation on the eastern side of the development was granted approval by the Development Assessment Commission as delegate of the Governor on 11 May 2006.

5. Application was made to the Development Assessment Commission as delegate of the Governor, for a decision regarding the division of land for the proposed development. Approval was granted on 17 August 2006.

6. An application for approval for the Building Rules approval for Stage 1 Breakwaters and Waterway Edge construction was made on 14 August 2006. Approval was granted on 7 September 2007.

7. An application for approval for an Industrial Shed was made by the Kingston Council on 26 September 2007. Approval was granted on 18 October 2007.

8. An application for approval for Building Rules Certification for an Industrial Building was made on 12 October 2007.

9. An application for approval for a land division for the Industrial Area and a concrete batching plant was made on 17 May 2007.

10. An application for approval of two land divisions for three allotments and 20 community title allotments for the commercial marina berths was made on 7 December 2007 and 10 December 2007.

11. An application for acknowledgement of 'Substantial Commencement' was made on 30 July 2008.

12. An application for approval of a Signal Mast was made on 20 August 2008.


15. An application for approval of a variation to the EIS covering the relocation of the Borefield and connecting pipes was made on 9 May 2008.

16. An application for acknowledgement that Condition of Approval 12 has been met was made on 9 May 2008.

17. An application for the approval of a variation to an existing retaining wall at Lot 523 to allow for a garage with setback of 5.5 m.

18. Application has now been made for a minor land division to divide a large residential waterfront allotment into four smaller allotments.

19. The Development Assessment Commission has, in considering the application, had regard to all relevant matters under Section 48 (5) of the Development Act 1993.

20. The Development Assessment Commission is satisfied that there is no requirement to prepare a further or amended Environmental Impact Statement.

21. For ease of reference the conditions attached to the Cape Jaffa Marina development authorisation are republished in full with new drawing reference added to Condition 1. Conditions 31-37 have been added to the authorisation.

Decision

PURSUANT to Section 48 (7) (b) (ii) of the Development Act 1993 and having regard due to the matters set out in Section 48 (5) and all other relevant matters, the Development Assessment Commission exercising the power of the Governor delegated by notice in the South Australian Government Gazette dated 12 January 2006, pursuant to Section 48 (8), varies the Cape Jaffa marina development authorisation dated 12 January 2006 as subsequently varied on the dates set out in paragraphs 4-17 of the preamble of this decision, by inserting an additional drawing reference to Condition 1 of the development authorisation that:

Pursuant to Section 48 (6) and Regulation 64 (1) reserves a decision on the following matters:

(i) compliance with the Building Rules in relation to all aspects of the proposed major development (refer to Conditions and Notes to the Applicant below);

(ii) specify all matters relating to the provisional development authorisation as matters in respect of which conditions of this authorisation may be varied or revoked, or new conditions attached; and

(iii) specify for the purposes of Section 48 (11) (b) the period of two years from the date of the original notice dated 12 January 2006 as the time within which substantial work must be commenced on site, failing which I may cancel this authorisation.

For ease of reference the conditions of the authorisation as amended to date are republished in full hereunder.

Consolidated Version of Conditions of Authorisation

1. 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:

(a) The following drawings contained in the letter from Simon Tonkin on behalf of the Cape Jaffa Development Company to Planning SA dated 11 November 2005, outlining the final amended application:
Following information received relating to a variation request for the Borefield and associated pipes location and achieving COA 12 requirements relating to the wastewater treatment facility and storage lagoon, from MasterPlan, 9 May 2008, Ref.: 11655LEO702.docx.

Including:

- Figure 1, October 2007, Water Supply Cape Jaffa Anchorage #1124;
- Figure 2, Infrastructure Layout Plan 2008 #1124,

and as amended by the following drawings from the attached conditions. The wastewater treatment plant and treated wastewater storage lagoon shall be located and constructed in strict accordance with the plans, drawings and additional information contained in:

- Cape Jaffa Anchorage Marina—WWTP Additional Information letter dated 14 April 2008 from Jeff Tyler, Tonkin Consulting to Planning SA (20050683LA37/JT/JT).
- Cape Jaffa Anchorage Stage 1 and 2 Wastewater Storage Lagoon Geometric Setout Plan for Cape Jaffa Development Company by Tonkin Consulting, Job Number 2005 0683, Sheet Number’s 115, 116 and 117, Revision B.

In addition, the following drawings, including planning report and letter from Masterplan (Wayne Gladigau) on 8 August 2014 and appended to the Assessment Report:

Including:

- Planning Report Proposed Community Facility at Harbour View, Cape Jaffa for the Cape Jaffa Group 14270REP01.docx
- Site layout 322 A-001 Rev 1 dated 2013/01
- Ground Floor Plan 322 A-100 Rev 3 dated 2013/01
- Elevations 322 A-110 Rev 1 dated 2013/01
- Elevations 322 A-111 Rev 1 dated 2013/01
- 3D Views 01 322 A-120 Rev 1 dated 2013/01
- 3D Views 01 322 A-121 Rev 1 dated 2013/01
- Perspectives 322 A-122 Rev 1 dated 2013/01
- Site Plan Proposed Community Facility by Masterplan July 2014 DS:14270_1.0
- Location Plan by Masterplan July 2014 DS:14270_1.0
• Letter dated 25 August 2014 from Mark Hayward Cape Jaffa Anchorage
• Letter by Masterplan to John Rau dated 8 August 2014

(b) The following documents:
- Development application, ‘Cape Jaffa Anchorage Marina Development’ prepared by Simon Tonkin (Masterplan) on behalf of the Cape Jaffa Development Company dated 20 February 2003, (except to the extent that it may be varied by a subsequent document in this paragraph).
- Environmental Impact Statement, Cape Jaffa Anchorage Marina prepared by the Cape Jaffa Development Company dated February 2005 (except to the extent that it may be varied by a subsequent document in this paragraph).
- Response to Submissions document, Cape Jaffa Anchorage Marina Development prepared by the Cape Jaffa Development Company dated 19 September 2005 (except to the extent that it may be varied by a subsequent document in this paragraph).
- Assessment Report prepared by the Minister for Urban Development and Planning dated December 2005 including an appended report from Simon Tonkin of Masterplan dated 4 November 2005 (except to the extent that it may be varied by a subsequent document in this paragraph).
- Letter from Simon Tonkin of Masterplan dated 11 November 2005, outlining the final amended application and listing appropriate plans.
- Letter from Simon Tonkin of Masterplan dated 18 April 2006, concerning reserved matters (b)(ii) and (b)(iii) from Governor’s decision on 12 January 2006.
- Final Land division application 640/D004/06 lodged electronically on EDALA with the Development Assessment Commission on 1 August 2006.
- Building Rules Certification package for Stage 1 Breakwater and Waterway edge construction dated 14 August 2006 by Tecon Australia Pty Ltd.
- Letter from Kingston District Council on 28 September 2007 for an Industrial Building to be constructed by Templeton Constructions.
- An email from Templeton Constructions (Graham Dowie) on 10 October 2007 outlining proposed colour scheme for shed (Colorbond Slate Grey).
- Letter from Kingston District Council on 12 October 2007 for Building Rules Certification for an Industrial Building to be constructed by Templeton Constructions.
- Letter from Masterplan on 17 May 2007 for Concrete Batching Plant, including relevant attached information related to the Concrete Batching Plant.
- Letter from Masterplan on 20 August 2008 for a Signal Mast (15 m in height).
- Letter from Masterplan, 9 May 2008, Ref.: 11655LET02.docx including relevant attached information on the Borefield and associated pipes, wastewater treatment facility and storage lagoon.
- Letter from Masterplan, 3 November 2008, with application for alteration to existing retaining wall for a garage at Lot 523, with setback of 5.5 m.

2. The applicant shall submit further information and application(s) in relation to the matter that has been reserved.

3. Subject to Condition 4, no building works on any part of the development may commence until a favourable decision has been notified to the applicant by the Governor or the Governor’s delegate in respect of the reserved matter referred to in sub-paragraph (i), in paragraph (b) of the Decision section above.

4. The applicant may commence a stage of building works before receiving the Governor’s decision concerning building rules compliance for other stages (refer matter (i) in paragraph (b) of the Decision section above). No building works shall commence on a stage of the development until a favourable decision in relation to building rules compliance in respect of that stage has been notified in writing to the applicant by the Governor or the Governor’s delegate.

5. A decision on building rules compliance (refer reserved matter (i) in paragraph (b) of the Decision section above) will only be made after a Building Rules assessment and certification has been undertaken and issued by the Kingston District Council or a private certifier, in accordance with the provisions of the Development Act 1993 and after the Minister for Urban Development and Planning receives a copy of all relevant certification documentation, as outlined in Regulation 64 of the Development Regulations 1993 (refer to ‘Notes to the Applicant’ below for further information).

6. A Management, Maintenance and Monitoring (MMM) Agreement between the Kingston District Council and the Cape Jaffa Anchorage Marina Development Company shall be drafted and finalised, prior to being submitted to the Governor or her delegate (refer to Conditions and Notes below).

7. Before any works commence, a Construction Environmental Management and Monitoring Plan (CEMP) to cover the pre-construction and construction phases shall be prepared in consultation with and approved by the Environment Protection Authority and Planning SA, to address management issues during construction.

8. An Operational Environmental Management and Monitoring Plan (OEMMP) for the operational phase of the development shall be prepared to the reasonable satisfaction of the Environment Protection Authority, other government agencies and the Kingston District Council, prior to it being submitted to the Governor or her delegate (refer to Conditions and Notes to the Applicant below).

9. All works and site activities shall be undertaken in accordance with the approved Construction Environmental Management and Monitoring Plan.

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

11. Armour rock used for breakwaters and revetments shall not be contaminated by fine sediment.

12. The wastewater collection and treatment system shall be designed to ensure that the general obligations of the Environment Protection (Water Quality) Policy 2003 are met, and to ensure that effluent does not overflow or escape from drains, pipes, sumps, tanks, storage/treatment basins, into any waterways or into stormwater drains which do not drain into the effluent collection, treatment and disposal system, except where the effluent complies with criteria in the above policy, or escapes to or is infiltrated from adjacent groundwater. The treated wastewater storage lagoon leak detection and management system shall be suitably engineered to ensure that it has adequate capacity to capture and contain any potential lagoon liner leaks and groundwater intrusion. The proponent shall submit an ‘As Constructed Report’ for the wastewater treatment plant and treated wastewater storage lagoon to the Environment Protection Authority within two months of the construction work for these facilities being completed. Approval for the wastewater treatment plant from the relevant authority under the Public and Environmental Health Act 1987, has been obtained, re: letter Tony Farrer (Delegate Minister of Health), 19 September 2008, Ref.: WCS 2630.

13. The proponent will provide underground power supply, public lighting, a sustainable water supply and telephone supply to each allotment in accordance with and to engineering design standard plans approved by the electricity, mains water and telephone public utility authorities.

14. The applicant shall ensure that there is no discharge of stormwater into the marine basins, waterways or marine environment for rainfall lower than and including 1:20 year ARI events.

15. The land to be used for land-based allotments shall be formed to prevent stormwater flows entering into the waterways.

16. Water-sensitive urban design measures and practices shall be adopted for the management of run-off, including stormwater capture and re-use.
17. Undeveloped allotments shall be left in a neat and tidy condition, with soil surfaces stabilised to minimise erosion.

18. Roads, drainage, footpath and intersection designs (i.e. engineering construction plans) shall be finalised in accordance with the requirements of the Department for Transport, Energy and Infrastructure and the Kingston District Council, prior to construction commencing. Road and drainage designs shall include water table levels, drainage inverts and pavement details. The roads and drainage works shall be built according to these designs.

19. Road designs shall not affect existing natural drainage lines in such a way as to cause flooding.

20. The applicant shall bear all costs with providing a Type BAR Treatment (sealed shoulder widening to provide a right turn treatment on the Southern Ports Highway) at the intersection of the Southern Ports Highway/Cape Jaffa Road as shown in the Arrangements for Traffic Engineering Practice, Part 5—Intersections at Grade’ to a standard suitable to the Department of Transport, Energy and Infrastructure before the issue of title occurs for Allotment No. 170 on the attached plan of division.

21. Appropriate navigational aids shall be erected in prominent locations, in consultation with the Department for Transport, Energy and Infrastructure, prior to use of the facility for boating purposes.

22. Access systems for all floating boat moorings shall be capable of adjustment or be readily adaptable to projected long-term sea level rise and all marina mooring structures shall be designed in accordance with the Australian Standard AS 3962-2001 Guidelines for Design of Marinas.

23. The public boat ramp facility shall be designed in accordance with the South Australian Boating Advisory Committee’s Guidelines for Planning, Design and Construction of Boat Launching Facilities.

24. Vehicular access to the beach shall not be provided, apart from Emergency vehicles, once the boat ramp is constructed and operational in the marina (as this relates to the Major Developments declared area).

25. The boat refuelling area and marine toilet pump-out facility shall be designed to meet the requirements of the Environment Protection Authority, the Department for Transport, Energy and Infrastructure and the Country Fire Service (CFS) respectively and shall be in place prior to commencement of operation of the marina.

26. The water contained in the marina basin shall be kept to a quality appropriate for secondary contact recreation, public amenity and the maintenance of marine aquatic ecosystems, as stipulated from time to time by the ANZECC Australian Water Quality Guidelines for Fresh and Marine Waters.

27. Normal operating hours for construction activities and truck movements to and from the site shall be from 7 a.m. to 7 p.m., Monday to Saturday inclusive. If it is considered necessary for construction to be undertaken on Sundays, construction hours shall be from 9 a.m. to 6 p.m. on Sundays (refer to Notes to the Applicant relating to Environment Protection Authority noise emission policies).

28. Landscaping and streetscaping of the site with locally endemic plant species shall commence prior to the issuing of Certificates of Title for each stage of the land division and when established must be maintained in good health and condition at all times. A plant must be replaced if or when it dies or becomes seriously diseased within the first growing season after the plant dies or becomes seriously diseased. A weed control program shall also be implemented.

29. The Kingston District Council shall be given seven days notice, prior to the commencement of works, and be provided with the name and contact facilities for the person responsible for co-ordinating site works by this approval.

30. Road Construction/Design:

(a) Seal

Streets shall be surfaced with a two coat bitumen seal of 14 mm seal overlay with a 7 mm seal, with a total seal width in accordance with Clause (e) below.

(b) Pavement Construction—Base

The following minimum standards shall apply:

- To comply with standard APRG 21 for residential areas.
- Commercial roads will be developed and designed to the reasonable satisfaction of the Kingston District Council.
- To be compacted to 98% dry density ratio (AS1289.5.2.1).
- Minimum soak CBR at above compaction to be 80.
- Minimum thickness of 200 mm.
- Level tolerance on completed course –10 mm, +10 mm.

(c) Seal for Intersections

At the discretion of Council all intersections associated with the development including the circular end of cul-de-sacs in residential areas shall be sealed with 25 mm thickness asphaltic concrete (hotmix) laid in compliance with Department for Transport, Energy and Infrastructure standard specifications, and with maximum aggregate size of 10 mm for a distance of 10 m from the intersection or at the entrance to the cul-de-sac.

At the discretion of Council, all intersections associated with the development including the circular end of cul-de-sacs in commercial areas shall be sealed with 40 mm thickness asphaltic concrete (hotmix) laid in compliance with Department for Transport, Energy and Infrastructure standard specifications and with maximum aggregate size of 10 mm for a distance of 10 m from the intersection or at the entrance to the cul-de-sac.

In the case of ‘T’ intersections or cross road intersections within a development, the specified seal shall be provided at the intersection and for a distance of 10 m from the intersection in each direction on each road.

(d) Cul-de-sac Ends

Cul-de-sac ends shall have a seal of 9 m radius to accommodate the operation of refuse collection vehicles and other larger vehicles.

(e) Road Reserve and Road Width

Council requirements for road reserves shall be as follows:

- Road Reserves (Entrance to cul-de-sacs) 12.5 m.
- Road Reserves (Other) 15 m.
- Cul-de-sac Ends Road Reserves (circular) 25 m.
- Cul-de-sac Ends Road Reserves (other) to be agreed with Kingston District Council.

All Other Streets (e.g. commercial) to be to the reasonable satisfaction of the Kingston District Council.

The following minimum road seal widths shall apply:

- All Residential Streets 7 m.
- Cul-de-sac (entrance) 6 m.
- Cul-de-sac Ends (circular) 9 m radius.
- Cul-de-sac Ends (other) to the reasonable satisfaction of the Kingston District Council.

All Other Streets (e.g. commercial) to be agreed with the Kingston District Council.

(f) Footpaths

- Provide interlinking footpaths, walkways and/or bicycle tracks within the development area that shall allow safe passage of pedestrian or bicycle traffic to the reasonable satisfaction of the Kingston District Council.
- Footpaths, walkways and/or bicycle tracks shall have a minimum 3 m width where the track will be used as a dual bicycle and walking thoroughfare and be designed and constructed with appropriate materials to the reasonable satisfaction and approval of the Kingston District Council.
(g) **Water Tables and Kerbing**
- Both edges of all streets shall be protected by the provision of an extruded kerb and gutter or concrete edge beam of a cross section approved by the Kingston District Council.
- The concrete edge beam shall have top surface flush with the finished bitumen surface as approved by the Kingston District Council.
- Generally, if raised kerbing is installed, the kerb and gutter shall have a mountable type profile approved by the Kingston District Council.
- Pram ramps complying with the requirements of AS1428-1993, Clause 5.8 shall be constructed wherever a footpath intersects a kerb line and at an opposite street corners.
- Pram ramps shall be of reinforced concrete construction at least 100 mm thick.
- Spoon drains shall be constructed with top profile approved by the Kingston District Council. Spoon drains shall have a minimum thickness at 200 mm and shall be reinforced with F82 mesh centrally placed.
- All concrete used for pram ramps, vehicle access, crossing and spoon drains will be grade 25 mpa/20 mm. Concrete in extruded kerb and gutter and medium kerbing shall have a minimum 28 day strength of 20 mpa.

(h) **Drainage**
- A detailed drainage design shall be provided for all of the proposed development, and if necessary, due to existing land form, include areas outside the proposed development but within the drainage catchment affecting the development.
- Design shall be in accordance with procedures in the current edition of ‘Australian Rainfall and Run-off (IEA)’ or to the reasonable satisfaction of the Kingston District Council.
- As a general rule return period is to be five years, but engineering discretion should be used in areas where storm damage may be more significant (i.e. shopping areas, end of cul-de-sacs, etc.).
- Drainage computations are required to be prepared by a qualified and experienced Engineer and submitted with the detailed engineering drawings for the proposal.
- All stormwater run-off attributable to the proposal shall be adequately disposed of within the development area in accordance with the development authorisation or variations thereof.
- As a general rule, side entry pits shall be spaced at no greater than 100 m and at closer spacing if required, depending on conditions and detailed design.
- Drainage bores and associated settlement tanks shall be constructed to meet the requirements of Council and the Department of Primary Industries and Resources. Drainage capacity of any bore shall exceed the calculated drainage discharge for the designated stormwater system and the bore is to be proved to the reasonable satisfaction of the Kingston District Council.
- Storage basins capable of holding the run-off of the designated rainfall storm shall be provided at suitable locations if drainage bores prove to be unacceptable.
- Spoon drains, when required at junctions, shall be constructed to maintain the pavement width of the through street and to ensure continuity of flow of all stormwater. A spoon drain shall not be constructed across a through street.
- All stormwater storage basins shall be provided with appropriate warning signs to the reasonable satisfaction of the Kingston District Council.
- Council requires a separate drainage reserve in land divisions of adequate area to provide stormwater treatment and retention for a one in five year storm event in residential areas and a one in 10 year storm event in other zones. Any requirements above these limits may be incorporated into the public open space calculation.
- Swale drains shall be constructed with side slopes of three horizontal: one vertical to facilitate maintenance slashing. The longer general gradients shall be no steeper than that consistent with avoidance of scouring, have regard to soil type, vegetation cover and the design flow average velocity. Where site conditions are not consistent with this requirement, the drain shall be rock lined, or shall incorporate steps or drop structures, with appropriate protection against local scouring. Details of these provisions shall be subject to the specific approval of the Kingston District Council.

(i) **Street Lighting**
- Street lighting shall be provided throughout the subdivision. The following minimum categories (AS 1158.0-1997) will apply.
- Roads B2.
- The street lights and poles shall be of a type approved by the Kingston District Council.

(j) **Street Names, Numbers and Signage**
- All naming of roads shall be in accordance with Section 219 of the Local Government Act 1999.
- All numbers assigned to allotments shall be in accordance with Section 220 of the Local Government Act 1999.
- Kingston District Council reserves the right to name all roads.
- Street signs shall be supplied (from an approved supplier) and erected so as to indicate the appropriate streets to the reasonable satisfaction of the Kingston District Council.

(k) **Landscaping and Tree Planting**
All proposed landscaping and tree planting proposed as part of the development shall be provided to the reasonable satisfaction of the Kingston District Council.

(l) **Electricity Supply**
Electricity supply shall be under-grounded throughout the subdivision. The proponent shall make arrangements with ETSA for the provision of an adequate electricity supply to each allotment.

(m) **Water Supply**
Water supply services shall be installed in accordance with Australian Standard AS/NZS 3500.1.2 and any other relevant approvals and standards for the installation of a full reticulated water system, for the provision of an adequate water supply to each created allotment and in accordance with the development authorisation granted by the Governor.

(n) **Sewer and Waste Water Disposal**
- The proponent shall be responsible for the design and construction of a suitable sewer and waste water system to service the allotments within the subdivision and in accordance with the development authorisation granted by the Governor.
- The proponent shall provide Council with a full design and specifications for the sewer and waste water disposal system. All design specifications to meet the requirements of the Kingston District Council.

(o) **Reserves and Easement for Stormwater Drainage and Electricity Supply**
- The requirements of the Electricity’s Trust of South Australia with respect to the provision of easements shall be met.
• Drainage reserves under the control of the Kingston District Council shall be provided over any storm-water retention basin, settling pond, gross pollution trap or like structure, not located on a road reserve.

\( p \) Open Space

• The proponent, at the discretion of Council, may be required to provide open space associated with the development to satisfy the requirements of the Development Act provisions.

• The proponent shall provide all open space reserves as shown in the approved layout plan.

• In the event that the requirements as to the provision of open space are not satisfied, the proponent shall forward the appropriate monetary contribution for the open space requirement to Council as applicable under the Development Act or the State Government Planning and Development Fund. (All contributions received by Council will be appropriated to an open space development reserve fund).

31. 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 Kingston District Council to the occupation or use of the development.

32. That the air conditioning or air extraction plant or ducting shall be screened such that no nuisance or loss of amenity is caused to residents and users of properties in the locality to the reasonable satisfaction of the Development Assessment Commission.

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

34. Graffiti shall be removed within five business days of the graffiti becoming known or visible in the timely removal of graffiti being the responsibility of the operators of the development.

35. 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.


37. Amplified music should not be played at the development unless it is designed to meet, and the playing of music has regard

\( r \) Defects Liability Period

• The proponent shall lodge with Council (unless Council is the construction contractor) a standard agreement to indemnify Council against any defects that occur in the engineering works within 12 months of the date of practical completion. The date of practical completion will be the date that Council accepts the engineering works.

• The agreement shall provide for the faults to be rectified by the applicant or to reimburse Council the full costs of all necessary works.

• Council will notify the proponent in writing of practical completion.

• The proponent is required to notify Council when the following phases of the engineering works have been achieved and will not proceed until such works have been inspected and approved (including appropriate testing if required) by Council:
  - Base preparation prior to placement of pavement in all roads and footpaths.
  - Kerb preparation alignment including base compaction and alignment.
  - Prior to backfilling trenches for underground storm-water and effluent drainage.
  - Prior to placing seal coat.

\( s \) Nuisance

The proponent shall control dust and noise nuisance as the project proceeds. In the most adverse climatic conditions, operations shall be suspended if necessary to reduce nuisance and to avoid undesirable environmental impacts. All operations shall be conducted in the most efficient and reasonable manner. The Environment Protection Authority requirements shall be observed.

31. Building

• All fixes shall be suitably corrosion proofed to meet the requirements for a near marine location.

• The Owner/Builder shall give Council a minimum of one business day’s notice of the following:
  - (i) commencement of building work on the site;
  - (ii) the intention to place concrete for construction;
  - (iii) completion of the building work and any items required by Development legislation.

• Where the distance between the catwalk and the finished surface below at low tide exceeds 1 m that part of the catwalk shall have balusters or horizontal wires with openings limited so as not to permit at any time a 125 mm sphere to pass through.

32. Adequate provision shall be made to minimise the effects of extreme storm events on the structural stability of the retaining wall to be located along the frontage of all water front allotments.

33. The proponent shall install the grassed swales and detention basins as outlined in the ‘Cape Jaffa Anchorage Environmental Impact Statement, February 2005’.

34. The proponent shall develop and implement a maintenance schedule to ensure that the stormwater treatment device is maintained in a fully operational manner.

35. Stormwater from the site shall be managed to ensure that is does not pollute the underground aquifer.

36. The proponent shall implement the Soil Erosion and Drainage Management Plan prior to the commencement of construction of the site in accordance with the principles outlined in the Stormwater Pollution Prevention Code of Practice for Local, State and Federal Governments. The plan shall be submitted to the planning authority prior to construction commencing.

37. All building allotments shall be capable of connection to sewer.

Concrete Batching Plant

38. The development shall be carried out in accordance with the plans (reference job No. 05-10602) and details in the variation to the development authorisation except for as otherwise varied by any conditions that follow.
The application shall be a standards or environmental order under the Public Environmental Authority.

All stockpiles of raw materials shall be located within storage bunkers/bays, and stored below the height of the bunker walls. The storage bunkers/bays shall be oriented to minimise the effects of the prevailing wind (i.e. prevailing wind direction must be taken into account). Sprinklers shall be installed and utilised as required to minimise dust generation.

The aggregate bins and hoppers shall be fitted with a three-sided and roofed cover suitable for minimising the potential for generation of windborne material where a front-end loader is used.

Covering is considered best practice for the loading of sand and aggregate via a front-end loader. Dust can be further minimised by ensuring gradual feed into the hopper, and by minimising the drop distance of material (i.e. by appropriate management). The use of wetted raw materials in dry weather can further minimise potential for emissions.

The cement storage silo shall be fitted with an appropriately sized fabric filter incorporating an effective fabric-cleaning device to eliminate emissions due to the displacement of air whilst filling. The silo shall be fitted with a high level visible and audible alarm, complete with a test circuit, to guard against overfilling. It shall also be fitted with automatic delivery shutdown.

Any material likely to degrade water (concrete admixtures, etc.) shall be stored within a roofed and bunded compound/area, which has a capacity of at least 120% of the volume of the largest container to be stored within the bund, and which is designed and constructed to prevent the escape of material into surface or underground water resources.

The operation of the plant shall incorporate an effective wastewater management system to collect, treat as necessary, and re-use wastewater generated at the site. The applicant shall ensure that wastewater generated at the site is collected for offsite disposal by a licensed waste depot.

The plant may operate from 5 a.m. to 5 p.m., seven days per week during the construction program of the marina provided that no sensitive receptors are located within 200 m of the Concrete Batching Plant, shown as the shaded area in Figure 2, Appendix C of the application. Following the completion of the marina and/or once a sensitive receptor is located within 200 m of the plant, the plant may operate from 6 a.m. to 5 p.m., Monday to Saturday. Operation outside of these hours may only be granted for special projects following application to the Environment Protection Authority.

### Notes to the Applicant

1. Tenure arrangements for the private moorings should be negotiated with the Department for Transport, Energy and Infrastructure.

2. All construction works shall be undertaken in accordance with the approved Construction Management Plan and Soil Erosion and Drainage Management that form part of the Governor’s development application and approved prior to titles for allotments being granted. The permits should show all easements and reserves.

3. Binding arrangements (to the reasonable satisfaction of the Development Assessment Commission) need to be made for the permanent management and maintenance of the approved marina proposal as part of the Governor’s development authorisation dated 12 January 2006.

4. Two copies of certified survey plans, as required under the Real Property Act 1886, should be lodged with the Development Commission for the issue of Certificate of Title, prior to titles for allotments being granted. The plans should show all easements and reserves.

5. The new sewerage system has been assessed as part of this development application and approved subject under the Public and Environmental Health Act 1987, has been obtained, re: letter from the Kingston District Council or private certifier. Where the wastewater treatment plant and any subsequent irrigation an environmental authorisation will be required under the Environment Protection Act 1993. A licence under the Environment Protection Act 1993, will be required by the applicant prior to operation of the wastewater treatment plant. An Irrigation Management Plan will be required under this licence.

6. The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole of the site, including construction, do not pollute the environment in a way which causes or may cause environmental harm.

### Terms of demonstrating the duty

1. Prior to earthworks and construction work commencing, and the works being undertaken in accordance with this plan.

2. The proponent’s attention is drawn to the EPA Information Sheet No. 7 ‘Construction Noise’ that provides guidance on minimising the potential for off-site impacts from noise associated with construction and building activities.

8. Control measures such as water sprinkling, minimising soil disturbance and discontinuing work during high winds should adequately address potential for dust problems from the construction of the land division.

9. Any information sheets, guideline documents, codes of practice, technical bulletins can be accessed on the following website:

10. Approvals will be required for all components of the development, not hereby approved, including:

   - The land division.
   - The marina moorings and other marina facilities.
   - The public boat ramp, hard stand, boat maintenance facilities and car park areas.
   - The boat refuelling and boat effluent disposal facility.
   - Installation of navigational aids.
   - All residential, commercial, retail, tourist related and other buildings.

11. Pursuant to Development Regulation 64, the applicant is directed to the Kingston District Council or private certifier conducting a Building Rules assessment must:

   (t) provide 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
(u) 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 Urban Development and Planning.

12. The Kingston District Council or private certifier undertaking Building Rules assessments must ensure that the assessment and certification are consistent with this provisional development authorisation (including Conditions or Notes that apply in relation to this provisional development authorisation).

13. Should the applicant 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 Environmental Impact Statement and Assessment Report referred to in this provisional development authorisation. If an application for variation involves substantial changes to the proposal, it will be processed pursuant to Section 47 of the Development Act 1993.

14. The applicant should liaise with the Department of Water, Land and Biodiversity Conservation in relation to any further testing of the proposed water supply and negotiate with DWLBC for provision of the already agreed water supply. It is acknowledged that the proponent has advised by letter (and attached documents) on 9 May of a variation to the EIS whereby the position of the borefield and associated pipeline has been altered.

15. Pursuant to the Harbors and Navigation Act 1993, the Council will be required to negotiate tenant arrangements with the Minister for Transport over the seabed on terms acceptable to the Minister prior to the commencement of construction.


17. The following management and monitoring plans may be incorporated into the CEMMP or OEMMP as appropriate:

- Irrigation (Reclaimed Water) Monitoring and Management Plan.
- Dredging Monitoring and Management Plan.
- Marine Construction Monitoring and Management Plan.
- Vegetation Monitoring and Management Plan.
- Site Construction Monitoring and Management Plan.
- Acid Sulphate Soils Monitoring and Management Plan.
- Stormwater Monitoring and Management Plan.

The following activities in relation to the components of the development hereby approved and/or requiring future approval will require licences under the Environment Protection Act 1993:

- Earthworks Drainage: the conduct of earthworks operations in the course of which more than 100 kilolitres of waste water containing suspended solids in a concentration exceeding 25 milligrams per litre is discharged directly or indirectly to marine waters or inland waters.
- Marinas and Boating Facilities: the conduct of:
  - facilities comprising pontoons, jetties, piers or other structures (whether on water or land) designed or used to provide moorings or dry storage for 50 or more powered vessels at any one time; or
  - works for the repair or maintenance of vessels with the capacity to handle five or more vessels at any one time or vessels 12 m or more in length.
- Dredging: removing solid matter from the bed or any marine waters by any digging or suction apparatus, but excluding works carried out for the establishment of a visual aid to navigation and any lawful fishing or recreational activity.

18. It is likely that as a condition of such licences the Environment Protection Authority will require the licensee to carry out specified environmental monitoring of water quality and to make reports of the results of such monitoring to it.

19. It is also likely that the Environment Protection Authority will require the identification to it of any vessels that visit the marina from international ports or from ports beyond Adelaide and the surrounding area, together with details of the routes travelled by such vessels (for the purpose of identifying the potential introduction of harmful marine species).

20. All works associated with the rehabilitation and remediation of the site must be undertaken in accordance with the General Environmental Duty as defined in Part 4, Section 25 (1) of the Environment Protection Act 1993, the Environment Protection (Water Quality) Policy 2003 and other relevant Environment Protection Policies made under Part 5 of the Environment Protection Act 1993, the ANZECZ Best Practice Guidelines for Waste Reception Facilities at Ports, Marinas and Boat Harbours in Australia and New Zealand, draft guideline Environmental Management of On-Site Rehabilitation and other relevant Environment Protection and Authorisation publications and guidelines.

21. The proponent is advised of the General Environmental Duty under Section 25 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.

22. The Management Plan for Acid Sulphate Soils should comply with Guidelines issued by the Coast Protection Board.

23. (a) The applicant is reminded of its obligations under the Aboriginal Heritage Act 1988, whereby during any works conducted, if an Aboriginal site, object or remains are found, authorisation from the Minister for Aboriginal Affairs and Reconciliation, is required to damage, disturb, interfere or remove the object, site or remains (pursuant to Section 23 of the Aboriginal Heritage Act 1988).

(b) The applicant should also have regard for the Section 23 authorisation (December 2004) and attendant conditions signed by the Minister for Aboriginal Affairs and Reconciliation in relation to the Cape Jaffa Anchorage proposal.

24. The applicant 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 Aboriginal Affairs and Reconciliation in the event that archaeological items (especially skeletal material) are uncovered during earthmoving.

25. The applicant and the Council after hand-over, must comply with the Public and Environmental Health Act 1987, in regard to the maintenance of suitable water quality within the marina basin (and any stormwater holding ponds) to protect public health and amenity.

26. The expression ‘secondary contact recreation’ includes activities such as wading, boating and fishing in which some human contact with the water may occur, but in which the probability of bodily immersion or the intake of significant amounts of water is minimal.
27. If foreign vessels are allowed to berth in the marina the mariner would need to consult with the Department for Transport, Energy and Infrastructure (Marine Safety section) to address any requirements of the Australian Quarantine Service (AQIS) and the Australian Customs Service.

28. It is recommended that the applicant approach the Kingston District Council with a view to the Council enacting by-laws to manage activities associated with:

- The entrance channel and waterways to ensure safe navigation and to protect water quality.
- The boat ramp, washdown, slipways and hardstand.
- Refuelling facility and marine toilet pump-out facility.
- The residential development and reserves (including storm-water management devices).

29. The Kingston District Council will need to review and amend the zoning policies in the relevant Development Plan to reflect any development approved by the Governor and for future assessment and decision-making for buildings and structures not part of this provisional development authorisation.

30. Noise generated from the non-residential components of the development should not exceed:

1. 52dB(A) between the hours of 7 a.m. and 10 p.m. measured and adjusted at the nearest existing residential property in accordance with the Environmental Protection (Industrial Noise) Policy 1994.

2. 45dB(A) between the hours of 10 p.m. and 7 a.m. measured and adjusted at the nearest residential property in accordance with the Environment Protection (Industrial Noise) Policy 1994.

3. A short-term typical maximum noise level of 60dB(A) when measured at the nearest existing residential property.

31. In a land division, provision shall be made for a set-back distance of 2 m from the top of the edge treatments (for the construction of coastal protection works if required in the future).

32. A common building scheme encumbrance or equivalent device for the purpose of ensuring compliance with design standards for residential and other buildings will be required prior to the lodgement of development applications.

33. Binding legal arrangements (e.g. easements, encumbrances, charge-back arrangements, etc., as appropriate) between the proponent and allotment owners must be put in place, prior to application to the Registrar-General for the issue of new Certificates of Title, to ensure financial and management responsibilities related to the maintenance of edge treatments, the design and appearance of structures and the installation of future coastal protection works are clearly allocated. These arrangements should be to the reasonable satisfaction of the Development Assessment Commission.

34. Any further upgrading of the intersection of the Southern Ports Highway/Cape Jaffa Road shall be borne by the Department of Transport, Energy and Infrastructure and/or Council. The applicant will not be required to contribute to any further upgrading as this relates to the currently approved development.

35. An environmental authorisation in the form of a licence is required for the operation of the Concrete Batching Plant. The New Licence and the Australian that was submitted in May 2007 is considered to remain valid unless the information contained within the application changes. Please submit the necessary copy of development approval (i.e. this notice) for the Concrete Batching Plant.

36. A licence may be refused when the applicant has failed to comply with any conditions of development approval imposed at the direction of the Environment Protection Authority.

37. Any information sheets, guideline documents, codes of practice, technical bulletins, etc. that are referenced in these notes can be accessed at http://www.epa.sa.gov.au.

38. Based upon current knowledge and information the proposed development and development site is at some risk of coastal erosion and inundation due to extreme tides notwithstanding any recommendations or advice herein, or may be at future risk. Neither erosion nor the effect of sea level change on this can be predicted with certainty. Also mean sea level rise may rise by more than the 0.3 m assumed in assessing the land division applications. Accordingly neither the South Australian Coast Protection Board nor any of its servants, agents or officers accepts any responsibility for any loss of life and property that may occur as a result of such circumstances.

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

40. Due to the proximity of the proposed community facility to the waters of the marina it is recommended that water sensitive urban design (WSUD) measures be applied. It is essential that the receiving water is protected from increased runoff and pollutants in stormwater that is generally associated with urban development. Use of the principle WSUD assists in offsetting these effects of the urban development.

41. Consideration should be given to the EAP Guideline exhaust ventilation in commercial and institutional kitchens (2011) provides information for operators of commercial kitchens and potential impacts on nearby residents.

Given under my hand at Adelaide, 18 December 2014.

T. BYRT, Presiding Member, Development Assessment Commission

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**ELECTORAL ACT 1985**

*House of Assembly Results of the By-election for the District of Fisher*

A WRIT for the election of a member of the House of Assembly District of Fisher was issued on Saturday, 8 November 2014. Polling took place on Saturday, 6 December 2014 and the Writ was returned on Friday, 19 December 2014.

The result of the election is as follows:

- **District:** Fisher
- **Elected Candidate:** COOK, Nat
- **Affiliation:** Australian Labor Party

Pursuant to Section 96 (11) of the Electoral Act 1985, the following are the votes attributed to the two un-excluded candidates in the by-election for the District of Fisher.

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Number</th>
<th>Percentage</th>
<th>Affiliation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cook, Nat (elected)</td>
<td>10284</td>
<td>50.02%</td>
<td>ALP</td>
</tr>
<tr>
<td>Harris, Heidi</td>
<td>10275</td>
<td>49.98%</td>
<td>Liberal Party</td>
</tr>
</tbody>
</table>

K. MOUSLEY, Electoral Commissioner

EC5A 259/2014

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**ELECTORAL ACT 1985: PART 9, DIVISION 5**

*Declared Institutions*

Pursuant to Section 83 of the Electoral Act 1985, I, Kay Marie Mousley, Electoral Commissioner, hereby pronounce the following as declared institutions for the House of Assembly District of Davenport:

**THE SCHEDULE**

- Resthaven—Bellevue Heights, 47 Eve Road, Bellevue Heights, S.A. 5050.
- Estia Health (formerly Skyline Residential Care Facility), 40 Skyline Drive, Flagstaff Hill, S.A. 5159.

Dated 8 January 2015.

K. MOUSLEY, Electoral Commissioner

EC5A 289/2014