



# *Development Assessment Commission*

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## **Minutes of the 530th Meeting of the Development Assessment Commission held on Thursday, 8 October 2015 commencing at 1.00 PM Basement Level, 28 Leigh Street, Adelaide**

### **1. OPENING**

#### **1.1. PRESENT**

Presiding Member	Simone Fogarty
Members	Helen Dyer (Deputy Presiding Member) Chris Branford Peter Dungey Sue Crafter Dennis Mutton
Secretary	Sara Zuidland
Principal Planner	Mark Adcock
DPTI Staff	Leif Burdon (Agenda Item 3.1) Daniel Pluck (Agenda Item 3.2) Yasmine Alliu (Agenda Item 3.3)

#### **1.2. APOLOGIES** – David O’Loughlin

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### **2. DEFERRED APPLICATIONS** – Nil.

### **3. NEW APPLICATIONS**

- 3.1 **ALDI c/- Ekistics**  
DA 080/E017/15  
**198 Belair Road, Hawthorn**  
City of Mitcham  
Proposal: Supermarket with associated advertising, car parking and landscaping

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

Applicant(s)

- Nigel Uren – ALDI
- Rebecca Thomas – Ekistics
- Jason Schulz – DASH Architects
- Paul Morris – GTA
- Deborah Donald – O'Brien Traffic
- Paul Clohesy – Select Architects
- Joe LaSpina – Wallbridge & Gilbert

Representor

- Fraser Bell, Thomson Geer Lawyers (acting on behalf of the Representor)
- Melissa Mellen – MYF (acting on behalf of the Representor)

Council

- Brett Miller – City of Mitcham
- Mark Swanbury – City of Mitcham
- Jon Wiley – City of Mitcham

The Commission discussed the application.

**RESOLVED**

1. RESOLVE that the proposed development is NOT seriously at variance with the policies in the Development Plan.
2. RESOLVE to grant delegated authority to the Principal Planner – DAC to determine the Reserved Matters
3. RESOLVE to grant Development Plan Consent (and Land Division Consent) to the proposal by ALDI Stores C/- Ekistics for a Supermarket (Shop - ALDI) with basement car parking, associated advertising, fencing, retaining walls and landscaping at 198 Belair Road, Hawthorn, subject to the reserved matters, conditions and advisory notes.

**Reserved Matters**

1. Provision of pedestrian access at the southern end of the ramp at Belair Road.
2. Provision of additional landscaping to the Angas Road frontage, that includes at least one additional mature tree.

**Planning Conditions:**

1. That except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the details and plans, including the amended plans as submitted in Development Application No: No 080/E017/15.

**Plans – Select Architects**

ALDI Stores – Proposed ALDI Food Store, 198-200 Belair Road, Hawthorn SA 5062 – Proposed Site & Car Park Layout Plan – DA03 – Rev C – Date 23/09/15

ALDI Stores – Proposed ALDI Food Store, 198-200 Belair Road, Hawthorn SA 5062 – Proposed Retail Park Layout Plan – DA04 – Rev C – Date 22/09/15

ALDI Stores – Proposed ALDI Food Store, 198-200 Belair Road, Hawthorn SA 5062 – Roof Plan – DA05 – Rev B – Date 22/09/15  
ALDI Stores – Proposed ALDI Food Store, 198-200 Belair Road, Hawthorn SA 5062 – Proposed Elevations 1 – DA06 – Rev C – Date 22/09/15  
ALDI Stores – Proposed ALDI Food Store, 198-200 Belair Road, Hawthorn SA 5062 – Proposed Elevations 2 – DA07 – Rev D – Date 23/09/15  
ALDI Stores – Proposed ALDI Food Store, 198-200 Belair Road, Hawthorn SA 5062 – Proposed Section – DA08 – Rev B – Date 22/09/15  
ALDI Stores – Proposed ALDI Food Store, 198-200 Belair Road, Hawthorn SA 5062 – 3D Perspective View 1 – DA09 – Rev D – Date 23/09/15  
ALDI Stores – Proposed ALDI Food Store, 198-200 Belair Road, Hawthorn SA 5062 – 3D Perspective View 2 – DA10 – Rev D – Date 23/09/15  
ALDI Stores – Proposed ALDI Food Store, 198-200 Belair Road, Hawthorn SA 5062 – Proposed Signage Plan – DA11 – Rev C – Date 22/09/15  
ALDI Stores – Proposed ALDI Food Store, 198-200 Belair Road, Hawthorn SA 5062 – Proposed Signage Details – DA12 – Rev B – Date 02/07/15  
ALDI Stores – Proposed ALDI Food Store, 198-200 Belair Road, Hawthorn SA 5062 – Proposed Material Selection – DA13 – Rev A – Date 29/06/15  
ALDI Stores – Proposed ALDI Food Store, 198-200 Belair Road, Hawthorn SA 5062 – 3D Perspective View 3 – DA17 – Rev A – Date 22/09/15  
ALDI Stores – Proposed ALDI Food Store, 198-200 Belair Road, Hawthorn SA 5062 – 3D Perspective View 4 – DA18 – Rev B – Date 23/09/15

**Traffic Report – GTA consultants**

Proposed ALDI Store Hawthorn – Transport Impact Assessment – for Select Architects – Ref# 15A1169081 078081 – Issue: B – Date 26/06/15

**Acoustic Report – Sonus Pty Ltd**

ALDI Hawthorn – Environmental Noise Assessment – S4217.6C5 – Date June 2015

**Stormwater Management Report – Wallbridge & Gilbert**

ALDI Store – Corner of Belair Rd & Angas Rd, Hawthorn – Stormwater Management Report – Job No. WAD150142 – Rev: D – Date 29 June 2015  
ALDI Store – Corner of Belair Rd & Angas Rd, Hawthorn – Floodplain Assessment – Job No. WAD150142 – Rev: C – Date 26 June 2015

**Additional Information**

Ekistics - ALDI Hawthorn – Planning Statement – prepared on behalf of ALDI Stores – Ekistics - Date 1 July 2015  
Ekistics – ALDI Hawthorn – Response to Representations and Agency Comments – Application 080/E017/15 – Ref No.: 001007-004 – Date 24 September 2015  
GTA Consultants – DA 080/E017/15 Supermarket (shop – ALDI) – Response to Representations regarding traffic matters – Ref: #15A1169081 – Date 22 September 2015  
Arborman Tree Solutions – 198 Belair Road, Hawthorn – Exploratory Excavation – Ref: ATS3170-HawBelRd – Date 26 June 2015

2. 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.
3. All car parking areas, driveways and vehicle manoeuvring areas shall be maintained at all times to the reasonable satisfaction of the Development Assessment Commission.

4. All materials and goods shall be loaded and unloaded within the boundaries of the subject land.
5. The following additional measures shall be undertaken by vehicles operating within the loading bay, in accordance with the Ekistics Planning Report and Sonus Acoustic Report forming part of the application:
  - Truck refrigeration and reversing beepers (only outside of store opening hours) for semi-trailer delivery vehicles shall be turned off prior to entering the site
  - Prime movers shall be turned off during unloading
  - No loading or unloading occurring outside the loading dock area
  - Loading or unloading occurring inside using a pallet jack only (no forklifts to be used).
6. That no semi-trailer deliveries shall occur between 7.30am to 9.30am and 3.00pm to 6.00pm Monday to Friday and between 9.00am and 12.00pm on Saturdays.
7. The largest vehicle permitted on site shall be restricted to a 14.0 metre semi trailer
8. Rubbish collection is restricted to between the hours of 9:00am and 7:00pm pm on a Sunday or public holiday, and 7:00am and 7:00pm on any other day in accordance with the 'Noise from Rubbish Collection' section (page 4) within the Sonus Acoustic Report dated June 2015.
9. All vehicles shall enter and exit the site in a forward direction
10. Prior to Development Approval, the applicant/developer shall prepare a final detailed Stormwater Management Plan to the satisfaction of the Development Assessment Commission.
11. A proprietary stormwater treatment device (i.e. Gross Pollutant Trap) shall be installed to the carpark in accordance with EPA Water Quality Guidelines. This system shall be regularly inspected, cleaned and maintained in good working order, with gross pollutants, sediments, oil and grease removed by the facility operator (at regular intervals) for the life of the development.
12. 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.
13. The landscaping shown on the plans forming part of the application shall be established prior to the operation of the development and shall be maintained at all times with any diseased or dying plants being replaced.
14. 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.
15. Details of any air conditioning or air extraction plant or ducting to be placed on the exterior of the building in association with this development shall be submitted to and approved by the Development Assessment Commission.

16. An appropriate Construction Environment Management Plan (CEMP) which addresses the mitigation or minimisation of impacts (especially from noise and dust) during the construction phase shall be prepared and implemented. Dust generated by machinery and vehicular movement during site works, and any open stockpiling of soil or building materials at the site, must be suppressed to ensure that dust generation does not become a nuisance off-site. Site development machinery should generally not be operated outside the hours of 7 AM to 6 PM daily.
17. No additional signs shall be displayed upon the subject land other than those identifying the parking area access points and those shown on the approved plans. If any further signs are required, these shall be the subject of a separate application.

**ADVISORY NOTES:**

- a) The development must be substantially commenced within 12 months of the date of this Notification, unless this period has been extended by the Development Assessment Commission.
- b) The applicant is also advised that any act or work authorised or required by this Notification must be completed within 3 years of the date of the Notification unless this period is extended by the Commission.
- c) The applicant will require a fresh consent before commencing or continuing the development if unable to satisfy these requirements.
- d) The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent or Development Approval.
- e) Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow.
- f) The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0300).
- g) The Environment Protection (Water Quality) Policy 2003 requires any person who is undertaking an activity, or is an occupier of land to take all reasonable and practicable measures to avoid the discharge or deposit of waste from that activity or land into any waters or onto land in a place from which it is likely to enter any waters (including the stormwater system).

The policy also creates offences that can result in on-the spot fines or legal proceedings. The following information is provided to assist with compliance with this legislation:

- i. Building and construction must follow sediment control principles outlined in the "Stormwater Pollution Prevention – Code of Practice for the Building and Construction Industry (EPA, 1999). Specifically, the applicant must ensure:

During construction no sediment should leave the building and construction site. Appropriate exclusion devices must be installed at entry points to stormwater systems and waterways.

A stabilised entry/exit point should be constructed to minimise the tracking of sand, soil and clay off site. However, should tracking occur, regular clean-ups are advised.

- ii. Litter from construction sites is an environmental concern. All efforts should be made to keep all litter on site. The applicant should ensure that bins with securely fitted lids, capable of receiving all waste from building and construction activities, are placed on site.
- iii. All building and construction wastewaters are listed pollutants under the Environment Protection (Water Quality) Policy 2003 and as such must be contained on site.

It is important that the applicant familiarise themselves with the terms of the Policy and ensure that all contractors engaged by the applicant are aware of the obligations arising under it. For further information the applicant may contact the Environment Protection Authority on telephone (08) 8204 2004.

- h) All signage viewable from Belair Road shall not contain any element of LED or LCD display.
- i) No element of the signage from Belair Road shall flash, scroll, move or change.
- j) Illuminated signage that is viewable from Belair Road shall be limited to a maximum luminance of 200Cd/m<sup>2</sup> and non-illuminated signage shall be finished in a material of low reflectivity to minimise the likelihood of sun/headlamp glare.
- k) The utilisation of Trailer Mounted Variable Message Displays for advertising purposes shall not be permitted on or adjacent to the subject land.
- l) The following notes provide information for the benefit of the applicant:
  - i. The Metropolitan Adelaide Road Widening Plan (MARWP) shows a possible requirement for a 4.5 metres x 4.5 metres corner cut-off at the junction of Angas Road with Belair Road. It is noted that Select Architects, Proposed Site & Carpark Layout Plan, Project A1054, Drawing DA03, Revision A, dated 29.6.15 shows that a corner cut-off will be provided and this will be clear of all building works. DPTI supports that and recommends that a 3.0 x 3.0 metre corner cut off (at a minimum) is formally set aside at no cost to this department at the time of any future land division over the site. No further land is required at this time.
  - ii. The consent of the Commissioner of Highways under the MARWP Act is required to all building works on or within 6.0 metres of the corner cut-off requirement. Accordingly, the attached consent form and three copies of the approved site plans must be provided to DPTI for consent purposes. Consent can be anticipated.
  - iii. DPTI reserves the right to review the operation of the Angas Road / Belair Road junction and restrict movements during peak periods if the signal operation becomes impacted or there is an increase in accidents and incidents related to these movements.

### 3.2 **Peregrine Corporation**

DA 354/E001/15

#### **328 Senate Road, Risdon Park**

Port Pirie Regional Council

Proposal: Demolition of an existing service station and construction of new 'On the run' integrated service station complex including associated car parking and signage and co-branded retail with associated drive through facilities

Simone Fogarty and Helen Dyer were not present for the hearing of this item. The Commission appointed Chris Branford to act as Presiding Member for this item.

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

#### Applicant(s)

- Thuy Luu-Nguyen – Peregrine
- Robert King – Peregrine
- Dave Murray – GHD
- Jason Turner – Sonus

#### Representor

- Glenn Shepherd via teleconference.

The Commission discussed the application.

#### **RESOLVED**

1. RESOLVE that the proposed development is NOT seriously at variance with the policies in the Development Plan.
2. RESOLVE to grant Development Plan Consent with the following planning conditions and notes attached:

#### **Planning Conditions**

1. That except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the details and following plans submitted in Development Application No. 354/E001/15

#### Plans

ADS Architect Plans

03/08/2015 – 14JN1193/sk01/g – Redevelopment Site and Floor Plan

03/08/2015 - 14JN1193/sk02d – Elevations

03/08/2015 - 14JN1193/sk03c – Elevations

#### Other

- 19m Semi-Trailer – Turn Path Analysis – May 2015 – job no. 33-17057 rev no. A (SK001)
- 8.8m MRV – Turn Path Analysis – May 2015 – job no. 33-17057 rev no. A (SK002)
- B99 - Turn Path Analysis – May 2015 – job no. 33-17057 rev no. A (SK003)
- Sonus Pty Ltd - On the Run Port Pirie – Environmental Noise Assessment Report, Ref. S4476C1, October 2014

2. That prior to operation of the restaurant a carbon filtration system (Odor-Gard<sup>(c)</sup> or equivalent) shall be installed to mitigate odour from the cooking operations in accordance with the manufacturers design and specification. Ongoing maintenance shall also be undertaken in accordance with manufacturer's specification to the reasonable satisfaction of the Development Assessment Commission.
3. The acoustic measures recommended on pages 6 to 11 of the 'Sonus Pty Ltd - On the Run Port Pirie – Environmental Noise Assessment Report, Ref. S4476C1, October 2014' shall be implemented prior to commencement of the use herein approved on the site.
4. 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 satisfaction of the Development Assessment Commission prior to the occupation or use of the development.
5. That all car parking areas, driveways and vehicle manoeuvring areas shall be maintained at all times to the reasonable satisfaction of the Development Assessment Commission.
6. That all materials and goods shall be loaded and unloaded within the boundaries of the subject land.
7. That all fuel deliveries are restricted to between the hours of 7.00am to 10.00pm.
8. That the applicant shall submit a detailed landscaping plan for approval by the Development Assessment Commission prior to the commencement of site works. The landscaping shown on that approved plan shall be established prior to the operation of the development and shall be maintained at all times
9. That the development and the site shall be maintained in a serviceable condition and operated in an orderly and tidy manner at all times.
10. That all trade waste and other rubbish shall be stored in covered containers prior to removal and shall be kept screened from public view.
11. That the air conditioning and/or air extraction plant and/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.
12. 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.
13. 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.
14. All redundant crossovers shall be reinstated with Council standard kerb and gutter at the applicants cost prior to commencement of operation of the development.



## **EPA Conditions**

15. Development must be undertaken in accordance with the Construction Environment Management Plan, Redevelopment of BP Port Pirie Service Station prepared by Fyfe Pty Ltd (Ref. 80017-12 Rev B), dated 13 April 2015.
16. The applicant must engage a suitably qualified and experienced site contamination consultant to implement the Construction Environment Management Plan, Redevelopment of BP Port Pirie Service Station prepared by Fyfe Pty Ltd (Ref. 80017-12 Rev B), dated 13 April 2015, and to:
  - a) manage and dispose of contaminated material in accordance with EPA and other relevant guidelines (as stated in the CEMP); and
  - b) validate Underground Storage Systems (USS) excavations in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 (ASC NEPM) and other EPA guidelines prior to backfilling or replacement of USS (which includes the preparation of a validation report).
17. The applicant must provide a copy of the validation report for the excavations of the Underground Storage Systems (USS) to the EPA and Development Assessment Commission prior to occupancy of the redeveloped site.
18. All fuel storage tanks (apart from diesel and LPG tanks) must be fitted with a Stage 1 vapour recovery system (which includes the underground storage tank vent pipes being fitted with a pressure vacuum relief valve) that directs the displaced vapours back into the tanker during filling.
19. The space between the walls of all double-walled fibreglass tanks must be filled with a gel that is monitored for any changes in colour. Any changes in colour must be promptly investigated and rectified.
20. All fuel lines between the tanks and dispensers must be fitted with pressure leak detection sensors. In the event of a fuel leak, the lines must lose pressure and immediately signal an alarm, which must be promptly investigated.
21. Following installation of the in-ground fuel tanks, all trafficked areas must be hard surfaced using either bitumen, concrete or other impervious material.
22. The forecourt canopy must be designed to extend beyond the bunded area by one metre for every three metres of canopy height to minimise the entry of clean stormwater.
23. All runoff from hard paved areas in the refuelling and fuel delivery area must be diverted to a 10,000 litre blind tank (with alarm), which is emptied as necessary by an EPA licensed waste transporter to an appropriate waste facility.
24. Any sludge and oily waste collected within the blind tank is considered waste and must be removed by an EPA licensed waste transporter to a licensed waste depot.

## Advisory Notes

- a) The development must be substantially commenced within 12 months of the date of this Notification, unless this period has been extended by the Development Assessment Commission.
- b) The applicant is also advised that any act or work authorised or required by this Notification must be completed within 3 years of the date of the Notification unless this period is extended by the Commission.
- c) The applicant will require a fresh consent before commencing or continuing the development if unable to satisfy these requirements.
- d) The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent or Development Approval.
- e) Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow.
- f) The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0300).
- g) The applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
- h) It is noted that the Construction Environment Management Plan, Redevelopment of BP Port Pirie Service Station (Ref. 80017-12 Rev B, 13 April 2015) refers to draft guidelines which are not yet in use. The correct reference should refer to the EPA Guideline for Management of On-site Remediation (2006) and the Guidelines for Assessment and Remediation of Groundwater (2009).
- i) If, in carrying out the activity, contamination is identified which poses actual or potential harm to the health or safety of human beings or the environment that is not trivial (taking the land use into account), the applicant may need to remediate the contamination in accordance with EPA guidelines.
- j) If, at any stage, contamination is identified which poses actual or potential harm to water that is not trivial, a notification of contamination which affects or threatens groundwater (pursuant to section 83A of the Environment Protection Act 1993) must be submitted to the EPA.
- k) EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following web site:  
<http://www.epa.sa.gov.au>
- l) Signage should be designed in accordance with DPTI "Advertising Signs – Assessment Guidelines for Road Safety" (August 2014). The document is available via the following link:  
[http://www.dpti.sa.gov.au/\\_data/assets/pdf\\_file/0019/145333/DPTI-Advertising-Signs-Assessment-Guidelines.pdf](http://www.dpti.sa.gov.au/_data/assets/pdf_file/0019/145333/DPTI-Advertising-Signs-Assessment-Guidelines.pdf)

- m) That the applicant liaise with Council with the objective of extending landscaping onto adjacent Council land on both road frontages.

3.3 **DPTI**

DA 080/V015/15

**Road reserves, medians or Council road reserves along Sturt Road, Oak Avenue, Mimosa Terrace, Main South Road, Maidstone Road, Burbank Avenue, Shepherds Hill Road, University Drive, Flinders Drive, Laffer Drive and the Southern Expressway in the suburbs of Bedford Park and Clovelly Park.**

City of Marion

City of Mitcham

Proposal: Darlington Upgrade Project –Removal of 63 regulated trees and 23 significant trees and pruning of 13 regulated trees and 2 significant trees

Sue Crafter was not present for the resolution of this item.

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

Applicant(s)

- Emma Fell – DPTI
- Matthew Jones – DPTI

Council

- Steve Hooper – Marion Council
- Councillor Raelene Telfer – Marion Council

The Commission discussed the application. The Commission agreed with the Project Manager that DPTI will provide a short additional briefing to accompany the recommendation to provide criteria and assurances on the approach to minimising tree damaging activities.

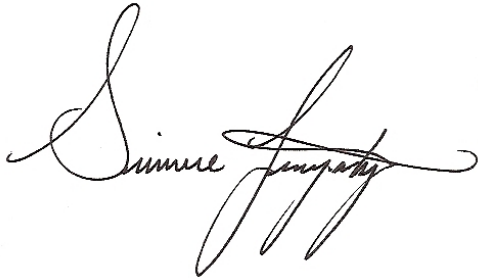
**RESOLVED**

1. RESOLVE to make a recommendation to the Minister for Planning.
4. **ADJOURN TO INNER METROPOLITAN DEVELOPMENT ASSESSMENT COMMITTEE**
5. **MAJOR DEVELOPMENTS – Nil.**
6. **ANY OTHER BUSINESS – Nil.**
7. **NEXT MEETING – TIME/DATE**
  - 7.1. Thursday, 15 October 2015 site visit to Cactus Beach.
8. **CONFIRMATION OF THE MINUTES OF THE MEETING**
  - 8.1. **RESOLVED** that the Minutes of this meeting held today be confirmed.

**9. MEETING CLOSE**

The Presiding Member thanked all in attendance and closed the meeting at 5.10 PM

Confirmed            /            /2015

A handwritten signature in black ink, appearing to read "Simone Fogarty". The signature is written in a cursive style with large, sweeping loops.

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Simone Fogarty  
PRESIDING MEMBER