

Minutes of the 50th Meeting of the State Commission Assessment Panel held on Thursday 4 April 2019 commencing at 9.30am ODASA, 28 Leigh St, Adelaide

1. **OPENING**

1.1. PRESENT	
Presiding Member	Simone Fogarty
Members	Mark Adcock Chris Branford Peter Dungey Sally Roberts
Secretary	Alison Gill
DPTI Staff	Karen Ferguson (Agenda Item 2.1.1) Malcolm Govett (Agenda Item 2.2.1) Jason Cattonar (Agenda Item 2.1.1, 2.2.1)
1.2. APOLOGIES	Dennis Mutton (Deputy Presiding Member)

2. SCAP APPLICATIONS

2.1. **DEFERRED APPLICATIONS**

2.1.1 Kaufland Australia

DA 050/E003/18 250 Churchill Road, Prospect

City of Prospect

<u>Proposal</u>: Construction of a retail complex, comprising a supermarket (4052sqm), stockroom and amenities (1607sqm combined) food hall (280sqm) and three (3) supporting tenancies (245sqm combined) and associated car parking and landscaping. Internally illuminated signs and one (1) pylon sign, solar roof panels (up to 3,000sqm) is proposed (not staged).

The Presiding Member welcomed the following people to address the State Commission Assessment Panel:

Applicants

- Jonathan Flint, Kaufland presented
- Daley Mackenzie, Kaufland
- Maximillian Wiedmann, Kaufland presented
- Chelsea Tomasin, Kaufland
- Kimberley Holmes, Kaufland
- Patrick Bezner, Kaufland
- Patrick Graham, Outerspace presented
- James Levinson, Botten Levinson presented
- Stephen Holmes, Holmes Dyer
- Sarah Gilmour, Holmes Dyer
- Tom Pierce, Eminent Properties

Council

- Mayor David O'Loughlin
- Cate Hart, Prospect presented
- Darren Starr, Prospect presented

Agency

• Thomas Herraman, DTTI - Investment

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.
- 2. That the State Commission Assessment Panel is satisfied that the proposal generally accords with the related Objectives and Principles of Development Control of the City of Prospect Development Plan.
- 3. To grant Development Plan Consent to the proposal by Kaufland Pty Ltd for Construction of a retail complex, comprising a supermarket (4052sqm), stockroom and amenities (1607sqm combined) and three (3) supporting tenancies (2455 sqm combined) and associated car parking and landscaping. Internally illuminated signs and one (1) pylon sign, solar roof panels (up to 3,000sqm) is proposed (not staged) at 250 Churchill Road, Prospect, subject to the reserved matter and the following conditions of consent.

RESERVED MATTER

That the applicant submit revised landscaping plans that incorporate at least an additional three (3) trees in the second row of the landscaping plan along the area of Churchill Road.

Reserve matter to be delegated to the reasonable satisfaction of the Unit Manager, Development Assessment.

PLANNING CONDITIONS

- 1. The development granted Development Plan Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.
- 2. The acoustic attenuation measures recommended in the acoustic report, dated 7 February 2019 by Resonate, shall be fully incorporated into the building rules documentation to the reasonable satisfaction of the SCAP. Such acoustic measures shall be made operational prior to the occupation or use of the development.

- 3. All vehicle car parks, driveways and vehicle entry and manoeuvring areas shall be designed and constructed in accordance with relevant 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 State Commission Assessment Panel prior to the occupation or use of the development.
- 4. All bicycle parks shall be designed and constructed in accordance with relevant Australian Standards and be made available for use at all times during operating hours.
- 5. There shall be a maximum of one (1) delivery at night (between 10PM and 7AM) which requires a 19m articulated refrigerated plant and sound supressing, broadband reversing alarm or spotter shall be used.
- 6. All car parking areas, driveways and vehicle manoeuvring areas shall be maintained at all times.
- 7. All Council, utility or state agency maintained infrastructure (i.e. roads, kerbs, drains, crossovers, footpaths, etc.) that is demolished, altered, removed or damaged during the construction of the development shall be reinstated to Council, utility or state-agency specifications. All costs associated with these works shall be met by the proponent.
- 8. The access points shall be located and constructed in accordance with Site Plan Project Number 201809 2Dwg TP-02, Revision r, and dated December 2018.
- 9. The new Churchill Road junction shall be located and designed in general accordance with Site Plan Project Number 201809 2Dwg TP-02, Revision r, and dated December 2018. As part of this work, the median opening opposite Redin Street shall be closed and replaced with a solid median. The design of the median shall consider the provision of a pedestrian refuge to facilitate pedestrian movements across Churchill Road.
- 10. All required roadworks associated with the Churchill Road junction shall be designed and constructed in accordance with Austroads Guides/Australian standards in consultation with the Department of Planning, Transport and Infrastructure (DPTI).
- 11. The largest vehicle permitted on-site shall be restricted to a 19-metre articulated vehicle (AS 2890.2-2002). These vehicles shall only be permitted to exit onto Churchill Road via left turn. Appropriate signage shall be installed at the exit to reinforce this requirement.
- 12. Any excavation adjacent to roads or rail corridors shall be designed and undertaken in a manner that does not impact on the structural stability or safety of the roads or rail corridors. Any damage to transport assets caused by the development shall be repaired to the satisfaction of the relevant authority at the applicant's cost.
- 13. Any obsolete crossovers/accesses shall be closed and reinstated to Council's kerb and gutter standards at the applicant's cost. The work shall be completed prior to the operation of the development.
- 14. All off-street car parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009. All commercial vehicle facilities shall be designed in accordance with AS 2890.2-2002.
- 15. Signage on this site visible from the adjacent roads shall not contain any element that flashes, scrolls, moves or changes, or imitates a traffic control device.
- 16. All illuminated signs visible from Churchill Road and Regency Road shall be limited to a low level of illumination (i.e. < 150Cd/M²).
- 17. The illuminated signage shall be permitted to use LED lighting for internal illumination of a light box only.

- 18. All mechanical services plant and equipment shall be located within the designated areas on the roof of the building and behind the mechanical plant screen to the extent shown in the Architectural Plans.
- 19. Prior to construction a Deed of Agreement or licence to occupy land held in the name of the Commissioner of Highways along the Churchill Road frontage, which identifies that the landscaping proposed in the Outer Space landscape drawings OS654_SK01,02,03,04,05,06 and 07 pertaining to the Churchill Road frontage be provided to the reasonable satisfaction of State Commission Assessment Panel.
- 20. A watering system shall be installed at the time landscaping is established and operated so that all plants receive sufficient water to ensure their survival and growth, with any dead or dying plants removed and replaced to the satisfaction of the State Commission Assessment Panel.
- 21. The recommendations detailed in the traffic management report dated 22 January 2019 by GTA consultants, forming part of this consent shall be fully incorporated into the development. Such measures shall be made operational prior to the occupation or use of the development.
- 22. All trade waste and other rubbish shall be stored in covered containers prior to removal and shall be kept screened from public view.
- 23. Waste service vehicles only to visit the site between 7.00am and 7.00pm Monday to Saturday (excluding public holidays) and 9.00am to 5.00pm Sundays (or public holidays).
- 24. All external lighting of the site, including car parking areas, advertising signs 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 as advised in Obtrusive Lighting Memorandum by bca engineers dated 24 January 2019.
- 25. Subject to legislative requirements for operating hours of large format retail businesses, the maximum hours of operation of the premises shall be restricted to the following times:

Monday – Friday:	12am to 9pm
Saturday:	12am to 5pm
Sunday:	11am to 5pm

26. Final detailed plans for Stormwater Management shall be submitted, in consultation with Prospect Council to the satisfaction of the State Commission Assessment Panel. The details of the plan shall be incorporated within the Building Rules Consent documentation, submitted for Development Approval, and be implemented prior to occupation or use of the development.

ADVISORY NOTES

- a. Building Rules Consent must be obtained for the development within 12 months of the date of this notification, unless this period has been extended by the SCAP.
- b. In the event that the right turn movements at the new Churchill Road junction negatively impact the safety and operation of the adjacent road network, DPTI reserves the right to review the median arrangement and make modifications where necessary.
- 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 consent.

- e. 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 site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm. Environment Protection Authority information sheets, guidelines documents, codes of practice technical bulletins etc. can be accessed on the following web site: http://www.epa.sa.gov.au
- f. The applicant is reminded the emission of noise from the premises is subject to control under the *Environment Protection Act and Regulations 1993,* and the applicant (or person with the benefit of this consent) should comply with those requirements.
- g. The Metropolitan Adelaide Road widening Plan shows a possible requirement for land along the Churchill Road and Regency Road alignment for future road purposes. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act 1972 is required to all building works on or within 6 metres of the possible requirement. As no building works are proposed within the above areas, consent is not required in this instance.
- h. A Construction Environment Management Plan (CEMP) shall be prepared (in consultation with the City of Prospect) for the construction phase of the redevelopment and any additional works relating to the identified contamination area will inform this CEMP. The CEMP shall be implemented in accordance with current industry standards including the *Local Nuisance and Litter Control Act 2016*, the EPA publications "Handbook for Pollution Avoidance on Commercial and Residential Building Sites Second Edition" to minimise environmental harm and disturbance during construction.

The management plan should incorporate, without being limited to, the following matters:

- timing, staging and methodology of the construction process and working hours;
- traffic management strategies;
- control and management of construction noise, vibration, dust and mud;
- management of infrastructure services during construction;
- management of stormwater and groundwater during construction;
- site security, fencing and safety and management of impacts on local amenity for residents, traffic and pedestrians;
- disposal of any refuse in an appropriate manner according to the nature of the waste;
- protection and cleaning of roads and pathways; and
- overall site clean-up
- i. The applicant or any person with the benefit of this consent, must ensure that any consent/permit from other authorities or third parties that may be required to undertake the development, have been granted by that authority prior to the commencement of the development.
- j. The applicant is reminded of their obligations under the Local Nuisance and Litter control Act 2016 and the Environment Protection Act 1993, in regard to the appropriate management of environmental impacts and matters of local nuisance. For further information about appropriate management of construction site, please contact the Prospect Council.
- k. This Development Plan Consent will expire after 12 months from the date of this Notification, unless final Development Approval from Council has been received within that period or this Consent has been extended by the State Commission Assessment Panel.
- I. The applicant is also advised that any act or work authorised or required by this Notification must be substantially commenced within 1 year of the final Development Approval issued by Council and substantially completed within 3 years of the date of final Development Approval issued by Council, unless that Development Approval is extended by the Council.

- m. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, and (telephone number 8204 0289).
- n. The applicant shall contact DPTI's, Traffic Operations Section, Network Planning Engineer, Ms Teresa Xavier on (08) 8226 8389 or via email at Teresa.Xavier@sa.gov.au, to discuss the proposed road works prior to undertaking any detailed design. Furthermore, the applicant shall enter into a "Developer Agreement" to undertake the above works.
- o. In relation to condition 10 all associated costs (including project management and any necessary road lighting and draining upgrades) shall be borne by the applicant. These road works shall be completed, including the vesting of any land required to accommodate the left turn deceleration land and replacement footpath (to the same depth as the existing footpath) as road prior to occupation of the development.

2.2. **NEW APPLICATIONS**

2.2.1 P C Infrastructure Pty Ltd

DA 080/E021/16 v1 1 Main Road, Belair

City of Mitcham

<u>Proposal</u>: Variation to DA 080/E021/16: Demolition of existing service station complex and the construction of a new service station complex with shop, drive through facility, outdoor eating area, automatic car washes, signage, landscaping and off-street car parking.

The Presiding Member welcomed the following people to address the State Commission Assessment Panel:

Applicants

- Andrew Caspar, Peregrine Corporation presented
- Robert King, ADS presented

Representors

• Doug Ashton (via teleconference) - presented

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.
- 2. That the State Commission Assessment Panel is satisfied that the proposal generally accords with the related Objectives and Principles of Development Control of the Mitcham Council Development Plan.
- 3. To grant Development Plan Consent to the proposal by P C Infrastructure Pty Ltd for Variation to DA 080/E021/16 through the rearrangement of the built form elements in respect of the demolition of an existing service station complex and the construction of a new service station complex with a shop, a drive through facility, outdoor dining area, automatic car washes, signage, landscaping and off-street car parking at 1 Main Road, Belair subject to the following conditions of consent.

PLANNING CONDITIONS

- 1. The development granted Development Plan Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.
- 2. All Council, utility or state agency maintained infrastructure (i.e. roads, kerbs, drains, crossovers, footpaths, etc.) that is demolished, altered, removed or damaged during the construction of the development shall be reinstated to Council, utility or state-agency specifications. All costs associated with these works shall be met by the proponent.
- 3. All vehicle car parks, driveways and vehicle entry and manoeuvring areas shall be designed and constructed in accordance with the relevant 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 State Commission Assessment Panel prior to the occupation or use of the development.
- 4. All car parking areas, driveways and vehicle manoeuvring areas shall be maintained at all times to the reasonable satisfaction of the State Commission Assessment Panel.
- 5. The largest vehicle permitted on-site shall be restricted to a 16.4 metres semi-trailer.
- 6. All Colorbond acoustic grade fencing nominated for use on the boundaries of the site shall be 2.1 metres high and of dark and natural colours to blend with the natural character of the area.
- 7. The development shall be undertaken in accordance with the recommended acoustic treatments contained in the Environmental Noise Assessment report (S4928C2) prepared by Sonus Pty Ltd and dated October 2018.
- 8. All runoff, including the refuelling and fuel delivery areas, shall be directed via grates and grade changes to a forecourt full retention oil/water separator without a bypass function, that:
 - a. has as a minimum spill capture capacity of 10,000 litres
 - b. reduces oil content in the outlet to less than 5 mg/L as confirmed by independent third party scientific testing
 - c. operates at full effectiveness in the event of a power failure
 - d. has an alarm connected by telemetry to appropriate maintenance personnel
- 9. Any sludge or residues collected within the forecourt full retention oil/water separator is considered waste and must be removed by an EPA licensed waste transporter.
- 10. Prior to the commencement of the service station operations, all fuel storage tanks (apart from diesel and LPG) shall 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 tank during filling.
- 11. All underground fuel storage tanks shall be double-skinned fibreglass and fitted with an automatic tank gauging (ATG) system to monitor tank levels and detect leaks.
- 12. Prior to the commencement of the service station operations, all fuel lines between the underground storage tanks and fuel dispensers shall be fitted with a pressure leak detection system. The system shall be designed so that in the event of a leak the lines lose pressure and immediately signal an alarm to enable prompt investigation.
- 13. Following the installation of the in-ground fuel tanks, all trafficked areas shall be hard surfaced using either bitumen, concrete or other impervious material.
- 14. Landscaping shown on the plans forming part of the application shall be established prior to the operation of the development and shall be maintained and nurtured at all times with any diseased or dying plants being replaced.

- 15. The development and the site shall be maintained in a serviceable condition and operated in an orderly and tidy manner at all times.
- 16. All waste and rubbish shall be stored in covered containers prior to removal and shall be kept screened from public view.
- 17. All external lighting of the site, including car parking areas, advertising signs, the drive through facility, 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.
- 18. 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.
- 19. The following stormwater criteria shall be incorporated into the civil stormwater calculations:
 - a. Suitable stormwater management techniques including detention systems must be designed to reduce the post development flows to the equivalent flow derived from an effective run-off coefficient of 0.25 for a 5 year ARI event, and 0.45 in a 100 year ARI event. In addition, for the 5 year ARI event the peak outflow from the detention system must be checked to ensure the outflow after 90 minutes for the critical storm duration from the detention system is not greater than the flow that would arise from a 90 minute storm based on a predevelopment catchment with a 0.25 runoff coefficient. Should this flow be larger, then the detention volume must be further increased to reduce the outflow to this undetained 0.25 runoff coefficient level. The directly connected time of concentration must be appropriate for the development as described in "Australian Rainfall & Runoff" Volume 1.
 - b. A "Limited Out Flow" from the development must be achieved by incorporating into the stormwater drainage design, measures for either On-site Stormwater Retention (OSR) and/or On-Site Stormwater Detention (OSD).
 - c. The "Limited Out Flow" from the development may be discharged to either Council infrastructure or to an area for On-Site Stormwater Retention (OSR) within the property (landscape area, soakage trench, etc.).
 - d. Stormwater that is retained on-site (OSR) by utilising landscaped areas within the property, soakage trenches, or additional tank storage, must be contained within the site. Stormwater resulting from a storm, up to and including a 20 year ARI, must not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.
 - e. Detention tank capacity must be in addition to any proposed rainwater storage tanks for domestic supply or On-site Stormwater Retention.
 - f. The stormwater design for the development must be certified by a "Charted Professional Engineer" in the field of stormwater management.
 - g. The maximum stormwater discharge rate to the street water table, from any single outlet, must be limited to 20 litres per second, with a maximum discharge velocity of 2 metres per second.
 - h. Stormwater sump / pumps must be fitted with an external power plug to enable alternative power supply in the case of emergencies.

ADVISORY NOTES

- a. This Development Plan Consent will expire after 12 months from the date of this Notification, unless final Development Approval from Council has been received within that period or this Consent has been extended by the State Commission Assessment Panel.
- b. The applicant is also advised that any act or work authorised or required by this Notification must be substantially commenced within 1 year of the final Development Approval issued by Council and substantially completed within 3 years of the date of final Development Approval issued by Council, unless that Development Approval is extended by the Council.
- c. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).
- d. The applicant is 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 site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm. Environment Protection Authority information sheets, guidelines documents, codes of practice technical bulletins etc can be accessed on the following web site: http://www.epa.sa.gov.au
- e. The applicant is advised that if in carrying out any activity contamination is identified which poses actual or potential harm to the health or safety of human beings or to the environment that is not trivial, taking into account the land use, the applicant may need to remediate the contamination in accordance with Environment Protection Authority guidelines.
- f. The applicant is advised that 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*, shall be submitted to the Environment Protection Authority.
- g. The applicant is reminded the emission of noise from the premises is subject to control under the *Environment Protection Act and Regulations 1993,* and the applicant (or person with the benefit of this consent) should comply with those requirements.
- h. The applicant is advised the subject land is affected by requirements shown on the Metropolitan Adelaide Road Widening Plan from the Main Road, Russell Street and Sheoak Road frontages of the site for possible future upgrading of the adjacent road network. The Plan shows that a strip of land up to 12.0 metres in width may be required from the Sheoak Road frontage. The Plan also shows that an additional strip of land up to 4.5 metres in width may also be required from the Main Road, Russell Street and Sheoak Road frontages, together with corner cut-offs. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all new building works located on or within 6.0 metres of the possible requirements. The attached consent from should be completed by the applicant and forwarded to DPTI, with three copies of the approved plans.
- The applicant is advised that construction activities must be undertaken in accordance with the Construction Environment Management Plan (CEMP), On The Run Belair Service Station, 1 Main Road, Belair SA prepared by Fyfe Pty Ltd, Reference 80017-47-1, Revision 1, Dated 18/01/2019.
- j. The applicant is advised they must engage a suitably qualified and experienced site contamination consultant to implement the Construction Environment Management Plan (CEMP), On The Run Belair Service Station, 1 Main Road, Belair SA prepared by Fyfe Pty Ltd, Reference 80017-47-1, Revision 1, Dated 18/01/2019, and to:

- Manage and dispose of contaminated soil in accordance with EPA and other relevant guidelines.
- Validate the Underground Storage Systems (USS) excavations in accordance with the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (as amended 2013) and relevant EPA guidelines prior to backfilling or replacement of USS (this must include the preparation of a validation report).
- k. The applicant is advised to engage a licensed and qualified plumber to seek advice on a SA Water and Environment Protection Authority compliant tailored solution with regard to water management and the mitigation of potential environmental impacts. If trade waste is generated from the car wash facilities and is discharged to the sewer then an "Authorisation for Trade Waste" is required. The applicant will be required to provide additional information to show or explain how the following guidelines will be met as part of the application:

Assessment of Petrol Stations <u>www.epa.sa.gov.au/files/11117</u> planning petrolstations.pdf

Assessment of Underground storage Systems – SA EPA www.epa.sa.gov.au/files/4771278_guide_uss.pdf

SA EPA Storm water Management for Wash Bays Guideline www.epa.sa.gov.au/files/7593_water_wash.pdf

Authorizations for Trade Waste <u>https://www.sawater.com.au/business/trade-waste/authorisations-for-trade-waste-discharge</u>

SA Water Vehicle Washing Trade Waste Guideline www.sawater.com.au/___data/assets/file/0010/11431/VehicleWashing.pdf

SA Water Trade Waste Bunding and Blind Tank Guideline http://www.sawater.com.au/__data/assets/file/0019/11395/Bundingandblindtanks.pdf

2.3. **RESERVED MATTERS** - Nil

3. CROWN DEVELOPMENTS (ADVISORY ITEMS) - Nil

- 3.1. DEFERRED APPLICATIONS Nil
- 3.2. **NEW APPLICATIONS** Nil
- 4. MAJOR DEVELOPMENTS Nil
- 5. OTHER BUSINESS
- 6. NEXT MEETING
 - 6.1. Thursday 11 April 2019 at ODASA, 28 Leigh Street, Adelaide SA 5000

7. CONFIRMATION OF THE MINUTES OF THE MEETING

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

8. MEETING CLOSE

The Presiding Member thanked all in attendance and closed the meeting at 1.31pm.

Confirmed 04/04/2019 unne

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Simone Fogarty PRESIDING MEMBER