



Development Assessment Commission

Minutes of the 544th Meeting of the
Development Assessment Commission
held on Thursday, 31st March 2016, commencing at 9.00AM
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
David Cooke (IMDAC Prospect)

Secretary

Cathryn Longdon

Unit Manager Dev Assessment

Mark Adcock (Agenda Item 6.1)

DPTI Staff

Leif Burdon (Agenda Items 2.2.1, 2.1.1 & 2.2.2)
Jeremy Wood (Agenda Items 2.2.1 & 2.1.1)
Simon Neldner (Agenda Item 2.2.2)
Daniel Pluck (Agenda Item 2.1.1)
Elysse Kuhar (Agenda Item 3.1.1)
Jason Bailey (Agenda Item 3.1.1)

1.2. APOLOGIES – David O'Loughlin

2. DEVELOPMENT ASSESSMENT COMMISSION APPLICATIONS

2.1. DEFERRED APPLICATIONS

2.1.1 Peregrine Corporation

DA 960/E002/15

212-2169 Murray Street, Tanunda

The Barossa Council

Proposal: Demolition of existing structures and construction of integrated service station complex including petrol filling station, car wash, signage and co-branded retail.

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

Applicant(s)

- Brent Carolyn - Peregrine
- Thuy Luu-Nguyen - Peregrine
- Robert King - ADS
- James Butterworth – Oxigen
- Jamie Levinson – Botten Levinson

Representor(s)

- Karl Roth
- Paul Heinicke

Karl Roth tabled spray drift information for the member's information.

Council

- Phil Harnett
- Louis Monteduro
- Victoria Shute

Simone Fogarty declared a conflict of interest and removed herself from the meeting.

The Commission discussed the application.

RESOLVED

1. The proposed development is NOT seriously at variance with the policies in the Development Plan.
2. The Development Assessment Commission is satisfied that the proposal is compatible with the objectives for the Light Industry Zone, will not detrimentally impact on the adjacent Character Preservation District and will not detract from the amenity of the locality.
3. To grant Development Plan Consent to the proposal by Peregrine Corporation for consent for Demolition of existing integrated service station complex and construction of integrated service station complex in the form of a petrol filling station with associated automated car wash facility, four bay manual car wash facility with associated vacuum bays, signage and co-branded retail with associated drive through facilities subject to the following conditions of consent.

Planning Conditions

1. 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. 960/E001/15.

Plans

ADS Architect Plans

26/10/2015 – 4/JN1214/sk01/m – Site Plan

31/03/2016 – 14/JN1214/sk02g – Elevations

31/03/2016– 14/JN1214/sk03k - Elevations

Other

19m Semi-Trailer & 8.8m MRV – Turn Path Analysis – June 2015 – job no. 33-1705727 rev no. A (SK005)

Sonus Pty Ltd – OTR Tanunda – Environmental Noise Assessment Report, Ref. S4566C2, MARCH 2015

Podium Signage Plans – Received at the Development Assessment Commission 26 August 2015

Oxigen – Tanunda On The Run - Planting Plan – 15.043.101 Issue C – 03/11/15

2. The applicant shall provide a plan showing final site levels of the whole development including finished floor levels to the reasonable satisfaction of the Development Assessment Commission and the Barossa Council prior to the issue of Development Approval.
3. The building shall be connected to a wastewater system approved under the South Australian Public Health Act 2011.
4. Prior to operation of the restaurant a carbon filtration system (Odor-Gard(c) 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.
5. Acoustic measures recommended on pages 7 to 11 of the 'Sonus Pty Ltd – OTR Tanunda – Environmental Noise Assessment Report, Ref. S4566C2, MARCH 2015' shall be implemented prior to commencement of the use herein approved on the site.
6. 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.
7. All car parking areas, driveways and vehicle manoeuvring areas shall be maintained at all times to the reasonable satisfaction of the Development Assessment Commission.
8. All materials and goods shall be loaded and unloaded within the boundaries of the subject land.
9. The development and the site shall be maintained in a serviceable condition and operated in an orderly and tidy manner at all times.

10. All trade waste and other rubbish shall be stored in covered containers prior to removal and shall be kept screened from public view.
11. 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. 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. 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.

TSSD Conditions

14. The southern Murray Street access shall cater for two-way traffic movements. The northern Murray Street accesses shall cater for egress movements only.
15. The access points shall be angled 90 degrees to the road and signed/line marked to encourage the desired flow of traffic through the access points.
16. All vehicles shall enter and exit the site in a forward direction.

EPA Conditions

17. The applicant must engage a suitably qualified and experienced site contamination consultant to implement the Construction Environment Management Plan Re-development Tanunda OTR Service Station, Ref 80017-14-1 Rev B, 15 May 2015 and to:
 1. Manage and dispose of contaminated material in accordance with EPA and other relevant guidelines (as stated in the CEMP); and
 2. Validate underground storage systems (USS) excavation 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).
18. The applicant must provide a copy of the validation report for the excavations of the Underground Storage Systems (USS) to the EPA and the Development Assessment Commission prior to occupation of the redeveloped site.
19. All fuel storage tanks (apart from diesel and LPG) 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.

20. 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.
21. 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.
22. Following the installation of the in-ground fuel tanks, all trafficked areas must be hard surfaced using either bitumen, concrete or other impervious material.
23. 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.
24. 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 via an EPA licensed waste transporter to an appropriate waste facility.
25. 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 of the day on which this notice is received 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. Prior to building work commencing the applicant should lodge an application with the Barossa Council to install/connect to a wastewater system pursuant to the provisions of the South Australian Public Health Act 2011 and South Australian Public Health (Wastewater) Regulations 2013.
- h. The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practicable measures to ensure that the activities on the whole site (including

remediation) during construction, do not pollute the environment in a way which causes or may cause environmental harm.

- i. 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>
- j. 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

2.2. NEW APPLICATIONS

2.2.1 Galilee Investments

DA 040/L041/15

78-80 Hampstead Road, Broadview

City of Prospect

Proposal: Demolition of existing structures and construction of a petrol filling station, retail branding, canopy, car parking signage and landscaping

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

Applicant(s)

- Richard Dwyer – Ekistics
- Elias Farah – Galilee Investments
- Dennis Delaney – Caltex Development Manager
- Ben Singler - Caltex
- Richard Trotman-Dickenson

Representor(s)

- Tim Martin
- Paul Kish

Council

- Scott McLuskey

Helen Dyer declared a conflict of interest and removed herself from the meeting.

The Commission discussed the application.

RESOLVED

1. The proposed development is NOT seriously at variance with the policies in the Development Plan.
2. The Development Assessment Commission is satisfied that the proposal meets the key objectives of the Port Adelaide Enfield Development and the Prospect (City) Development Plans Council Wide provisions and the relevant Zones and Policy Areas with the development of a petrol filling station within this locality.

3. To grant Development Plan Consent (and Land Division Consent) to the proposal by Galilee Investments for the demolition of existing structures and construction of a petrol filling station with control (retail) building, canopy, car parking, signage and landscaping at 76-80 Hampstead Road, Broadview subject to the following conditions of consent and the concurrence of the Minister for Planning.

Reserved Matters

1. Pursuant to Section 33(3) of the Development Act 1993, the following matters shall be reserved for further assessment, to the satisfaction of the Development Assessment Commission, prior to the granting of Development Approval:
 - a) the installation of any mechanical plant and equipment along the northern boundary of the site shall be located and screened to ensure compliance with the Environment Protection (Noise) Policy 2007. An updated plan and acoustic report shall be provided to demonstrate compliance with this standard.

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 040/L041/15.

Plans – Caltex Australia Petroleum Pty Ltd

Caltex Australia Petroleum Pty Ltd – Broadview SA – 78-80 Hampstead Road Broadview – Existing Site Plan – Dwg No: P1382-A099 – Rev A – Date: 15/07/15

Caltex Australia Petroleum Pty Ltd – Broadview SA – 78-80 Hampstead Road Broadview – Proposed Site Plan – Dwg No: P1382-A100 – Rev C – Date: 23/02/16

Caltex Australia Petroleum Pty Ltd – Broadview SA – 78-80 Hampstead Road Broadview – Proposed Site Plan 19m Petrol Delivery Tanker Path – Dwg No: P1382-A107 – Rev B – Date: 13/10/15

Caltex Australia Petroleum Pty Ltd – Broadview SA – 78-80 Hampstead Road Broadview – Proposed Floor Plan – Dwg No: P1382-A200 – Rev B – Date: 13/10/15

Caltex Australia Petroleum Pty Ltd – Broadview SA – 78-80 Hampstead Road Broadview – Proposed Elevations Sheet 1 of 2 – Dwg No: P1382-A201 – Rev B – Date: 13/10/15

Caltex Australia Petroleum Pty Ltd – Broadview SA – 78-80 Hampstead Road Broadview - Proposed Elevations Sheet 2 of 2 – Dwg No: P1382-A202 – Rev B – Date: 13/10/15

Caltex Australia Petroleum Pty Ltd – Broadview SA – 78-80 Hampstead Road Broadview – Finishes & Equipment Schedule Shop Building – Dwg No: P1382-A226 – Rev A – Date: 15/07/15

Caltex Australia Petroleum Pty Ltd – Broadview SA – 78-80 Hampstead Road Broadview – Under Canopy Plan – Dwg No: P1382-A310 – Rev A – Date: 15/07/15

Caltex Australia Petroleum Pty Ltd – Broadview SA – 78-80 Hampstead Road Broadview – Canopy Elevations Starter Gate Sheet 1 of 2 – Dwg No: P1382-A311 – Rev A – Date: 15/07/15

Caltex Australia Petroleum Pty Ltd – Broadview SA – 78-80 Hampstead Road Broadview – Canopy Elevations Starter Gate Sheet 2 of 2 – Dwg No: P1382-A312 – Rev A – Date: 15/07/15
Caltex Australia Petroleum Pty Ltd – Broadview SA – 78-80 Hampstead Road Broadview – Internal Finishes Schedule Shop Building – Dwg No: P1382-J400 – Rev A – Date: 15/07/15
Caltex Australia Petroleum Pty Ltd – Broadview SA – 78-80 Hampstead Road Broadview – Landscaping Plan – Dwg No: P1382-L100 – Rev C – Date: 19/02/16
Caltex Australia Petroleum Pty Ltd – Broadview SA – 78-80 Hampstead Road Broadview – Site Signage Plan – Dwg No: P1382-S100 – Rev B – Date: 13/10/15
Caltex Australia Petroleum Pty Ltd – Broadview SA – 78-80 Hampstead Road Broadview – Site Signage Details Sheet 1 of 3 – Dwg No: P1382-S110 – Rev B – Date: 19/02/16
Caltex Australia Petroleum Pty Ltd – Broadview SA – 78-80 Hampstead Road Broadview – Site Signage Details Sheet 2 of 3 – Dwg No: P1382-S111 – Rev A – Date: 20/17/15
Caltex Australia Petroleum Pty Ltd – Broadview SA – 78-80 Hampstead Road Broadview – Site Signage Details Sheet 3 of 3 – Dwg No: P1382-S112 – Rev A – Date: 20/07/15

Traffic Report – MFY Pty Ltd

MFY Pty Ltd – Galilee Investments – Proposed Service Station 76-78 Hampstead Road, Broadview – Traffic and Parking Report – 15-0354 – Rev A – Date: 22/10/15

Acoustic Report – Sonus Pty Ltd

Sonus Pty Ltd – Proposed Caltex Facility – 78-80 Hampstead Road, Broadview – Environmental Noise Assessment – S4343C4 – Date: October 2015

Stormwater Management Report – Fyfe Pty Ltd

Fyfe Pty Ltd – Caltex, 78-80 Hampstead Road, Broadview – Stormwater Management Report, Preliminary – 22520-1-1 Rev A – Date: 16/10/2015

Additional Information

Fyfe Pty Ltd – Statement of Effect – Petrol Filling Station and Shop at 78-80 Hampstead Road, Broadview – prepared on behalf of Galilee Investments Pty Ltd – 64616-003 – Date: 26/09/2015

Ekistics – Email to: Leif Burdon – Subject: Proposed Caltex - Removal of Street Tree - DA040/L041/15 – Date: 03/03/2016

SPEL Environmental integrated water solutions - Puraceptor and Hydrosystem – Environmentally aware and efficient

SPEL Environmental integrated water solutions – Puraceptor Class 1 – Operation and Maintenance Manual

2. 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 Development Assessment Commission prior to the occupation or use of the development

3. All materials and goods shall be loaded and unloaded within the boundaries of the subject land.
4. All loading and unloading, parking and manoeuvring areas shall be designed and constructed to ensure that all vehicles can safely enter and exit the subject land in a forward direction.
5. 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 and nurtured at all times with any diseased or dying plants being replaced.
6. 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 unreasonable nuisance or loss of amenity is caused to any person beyond the site.
7. Rubbish collection is restricted to between the hours of 9:00am and 7:00pm 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 8) within the Sonus Acoustic Report dated October 2015.
8. Fuel deliveries is restricted to between the hours of 7:00am and 10:00pm on any day in accordance with the 'Noise from Other Sources' section (page 11) within the Sonus Acoustic Report dated October 2015.
9. All air conditioning, refrigeration plant or any other mechanical plant equipment shall be screened such that no unreasonable nuisance or loss of amenity is caused to residents and users of properties in the locality in accordance with 'Noise from Mechanical Plant' section (page 10) within the Sonus Acoustic Report dated October 2015 and to the reasonable satisfaction of the Development Assessment Commission.
10. Graffiti shall be removed within five (5) business days of the graffiti becoming known or visible with the timely removal of graffiti being the responsibility of the operators of the development.
11. Prior to Development Approval, the applicant/developer shall prepare a final detailed Stormwater Management Plan to the satisfaction of the Development Assessment Commission, in consultation with the City of Port Adelaide Enfield and City of Prospect. The final detailed stormwater management plan should incorporate, but not limited to, the following measures:
 - i. Details of proposed site levels, stormwater inlet pits, site grading and any boundary retaining structures (height, top and bottom retaining wall level) in both open and paved areas are to be specified to ensure the development and internal drainage network has the capacity to cater for the 100 yr ARI.
 - ii. The DRAINS modelling shall have consideration for the starting HGL at the outlet into the SEP. The site drainage plan shall incorporate any required amendments detention volumes, pipe size etc.
 - a. HGL for the major 100 yr ARI shall be interpolated from the flood mapping at the SEP (approx. 59.43).

- b. HGL for the minor 5 yr ARI shall be modelled at 150mm below the watertable.
- iii. The invert of the low flow orifice pipe from the detention system shall be maintained a minimum 100mm from the bottom of the outlet pit to prevent blockage from sedimentation build up.
- iv. The development also be referred to the City of Prospect for flood mapping information, any specific design requirements and approval.
- v. The proposed connection into the SEP shall be in accordance with the City of Prospect construction specifications.

Commissioner of Highways Conditions

- 12. The relocation of the street light identified on Caltex Proposed Site Plan, Drawing No P1382-A100, Rev C, Dated 23.02.16 as being required for the new ingress shall be undertaken to DPTI Standards at the applicant's cost
- 13. All obsolete crossovers (an any portion thereof) shall be reinstated to upright kerb and gutter at the applicant's expense prior to operation of the development
- 14. All signage upon the site visible from Hampstead Road shall be static at all times. No element of the signage shall flash, scroll, move or change, with the exception of the LED fuel price signs, which may change on an as-needs basis.
- 15. Non-illuminated signage shall be finished in a material of low reflectivity to minimise the likelihood of sun/headlamp glare.

EPA Conditions

- 16. Prior to construction commencing, a Construction Environmental Management Plan (CEMP) must be prepared by a site contamination consultant in accordance with the EPA publication 'Environmental Management of On-site Remediation' and other relevant guidelines issued by the EPA. The CEMP must address the known site contamination at the site and appropriately identify and address the issues which are likely to arise from the site works. The CEMP must be prepared to the satisfaction of the Development Assessment Commission and implemented during construction. The CEMP must incorporate (without being limited to) the following:
 - a) potentially contaminating land uses and activities carried out at the site.
 - b) air quality, including odour and dust.
 - c) installation/decommissioning of groundwater monitoring wells.
 - d) surface water, including erosion and sediment control.
 - e) soils, including fill importation, stockpile management, soil sampling and management/prevention of soil contamination.
 - f) groundwater, including prevention of groundwater contamination.
 - g) noise.
 - h) work health and safety.
 - i) assessment, to be carried out by a suitably experienced and qualified site contamination consultant, following completion of construction, to ensure the site is suitable for the intended use

in accordance with the guidance provided to planning authorities in Planning Advisory Notice 20/02.

17. 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.
18. The underground fuel tanks must be double skinned (steel wrapped in fibreglass) with the interstitial space monitored for leaks
19. Following installation of the in-ground fuel tanks, all trafficked areas must be hard surfaced using either bitumen, concrete or other impervious material.
20. The fuel lines between the tanks and the dispensers must be monitored for leaks via Pressure Line Leak Detection (PLLD) and Automatic Tank Gauging (ATG) system. In the event of product loss, the lines would lose pressure and immediately signal an alarm. Any leaks must be promptly investigated.
21. All stormwater runoff (including under the canopy and crossover gratings) must be directed to the SPEL Puraceptor Class 1 Full Retention Separator (with an audible and visual alarm to signal when the SPEL Puraceptor requires servicing), prior to discharge to the council stormwater system.
22. Any sludge and oily waste collected within the SPEL Puraceptor Class 1 Full Retention Separator is considered waste and must be removed by an EPA licensed waste transporter to a licensed waste depot authorised to receive such waste.

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 authorisation will lapse if not commenced within 12 months of the date of this Notification.
- c. 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.
- 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 0289).
- g. All servicing of the site by heavy vehicles shall be undertaken outside of the peak trading periods and peak traffic periods in order to minimise the potential for vehicular conflict
- h. All signs viewable from Hampstead Road shall not contain any element of LED or LCD display, except for the fuel prices on the pylon sign, which shall be limited to static white text on a black background only
- i. The operational system for any electronic signage on the site shall incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.
- j. The illuminated pylon sign shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. The following luminance levels shall be incorporated into a an automatic stepped dimming system:

Ambient Conditions	Sign Illuminance Vertical Component (Lux)	Sign Luminance (Cd/m ²)Max
Sunny Day	40000	6300
Cloudy Day	4000	1100
Twilight	400	300
Dusk	40	200
Night	<4	200

- k. All other illuminated signs visible from Hampstead Road shall be limited to a low level of illumination (i.e. < 200Cd/m²).
- l. The utilisation of Trailer Mounted Variable Message Displays for advertising purposes shall not be permitted on or adjacent to the subject land.
- m. The site is subject to a possible requirement under the Metropolitan Adelaide Road Widening Plan for a 4.5 metres x 4.5 metres corner cut-off at the Hampstead Road / Ian Street corner. The consent of the Commissioner of Highways is required under the Metropolitan Adelaide Road Widening Plan Act for all new building works located on or within 6.0 metres of the possible requirement.

The proposed pylon sign falls outside of the possible requirement, but within the consent area described above. Due to the minor nature of the encroachment, the consent of the Commissioner of Highways is hereby granted.

- n. To maximise the efficiency of waste recycling:
- a) Provision shall be made for the separation of recyclable materials for collection and recycling, including paper, cardboard, glass and plastic containers, tins, and any other plastic that 'holds its shape';
 - b) Separate provision shall be made for the collection of food waste (food organics) and food-contaminated cardboard, paper or paper products, which are to be collected for composting; and

Paper attached to plastic, wax paper or chemically-treated/gloss cardboard will not be included with the materials collected for composting.

- o. Footpaths adjacent to the site are to be kept in a safe condition for pedestrians at all times during construction works. All driveways and footpaths traversed by vehicles using the site are to be maintained in a reasonable condition for the duration of the works, and are to be reinstated to the satisfaction of Council on completion of the works.

No obstruction of the footpath or roadway may occur without the prior permission of Council. For further advice, please contact Council's Infrastructure and Environment Department on 8269 5355.

- p. Any works that are to be undertaken on Council land, including but not limited to the construction of driveways, crossovers, footpath reconstruction, laying of stormwater pipes, relocation of infrastructure, removal or relocation of street trees, and/or the temporary obstruction of the road or footpath, shall not be undertaken without the prior permission of Council.

The cost of rectifying any conflict with or damage to existing Council infrastructure arising out of this development will be borne by either the developer or the owner of the subject land. Further information and/or specific details can be obtained by contacting Council's Infrastructure and Environment Department on 8269 5355.

2.2.2 Planning Aspects P/L

DA 473/E031/15

65 Mount Barker Road, Stirling

Adelaide Hills Council

Proposal: Integrated petrol filling station – comprising petrol filling pumps, canopy, shop facility and car wash

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

Applicant(s)

- Shanti Ditter
- Frank Agostino
- John Antoniadis
- Michael Georgiou

Representor(s)

- Lachlan Miller (Adelaide Hills Council)
- Lincoln McEwen & Jo McEwen
- Julie Armitage

Council

- Tom Victory

The Commission discussed the application.

RESOLVED

1. The proposed development is NOT “seriously at variance” with the policies in the Development Plan.
2. To grant Development Plan Consent to the proposal by Agostino Always AM / PM for the demolition of existing structures and the construction of an integrated petrol filling facility - comprising petrol filling pumps and canopy, associated retaining walls, shop, car wash facility and signage at 65 Mount Barker Road, Stirling subject to the following reserved matters and conditions of consent.

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 473/E031/15:

- Site plan Drawing 11141_SD30 Rev F dated 16.2.16
- Elevations Drawing 11141_SD35 Rev A dated 7.3.16
- Elevations Drawing 11141_SD36 Rev - dated 16.2.16
- Sections Drawing 11141_SD33 Rev D dated 16.2.16
- External Finishes Colour Scheme Drawing 11141 Rev – 16.02.16
- Response to Representations – Planning Aspects – dated 23.2.16
- Planning Aspects report dated 8.12.15
- Resonate Acoustic report dated 4.3.15
- PT Design Stormwater Management plan dated 27.10.14
- Engineered Site works plan (not dated – two sheets)
- Frank Siow traffic report dated 6.12.15
- LBW Environmental - Construction Environment Management Plan (CEMP) Revision dated 9.7.15

2. The external finishes to the building shall be as follows:

Main building walls: Pre-cast concrete wall panelling system with am/pm corporate colours with colorbond[®] surfmist roofing

Canopy: BP corporate colours

Carwash: Cladding to match main building

3. All external lighting shall be directed away from residential development and shielded if necessary to prevent light spill causing nuisance to the occupiers of those residential properties. The outdoor area shall have directional “bunker” lighting.

4. Prior to Building Rules Consent being granted a detailed landscaping plan for the land, including the area between the rear boundary and the building, as well as the Merrion Terrace road verge directly adjoining the site, prepared by a suitability qualified and experienced Landscape Designer shall be provided to the satisfaction of the Development Assessment Commission (in consultation with Council) .
Note: The landscaping detailed in the plan shall be selected from the Table AdHi/6 of the Adelaide Hills Council Development Plan.
5. Landscaping detailed in the plan shall be planted prior to operation of the approved development and maintained in good health and condition at all times. Any such vegetation shall be replaced if and when it dies or becomes seriously diseased in the next planting season.
6. Landscaping on the Merrion Terrace road verge shall be installed as follows:
 - Garden areas shall be prepared by ripping existing soil at least 200mm deep, and installing minimum 200mm of approved site topsoil (or premium imported topsoil), permanent drip irrigation and durable mulch.
 - Gardens shall be maintained neat and tidy by the applicant with replanting and re-mulching as necessary. Irrigation shall extend under the cantilever deck area to provide water for the existing root zone of the adjacent mature tree.
7. Permanent drip irrigation shall be installed in the landscaping areas prior to occupation of the approved development.
8. The two sections of footpath adjacent the subject land as shown on the site plan shall be installed prior to the operation of the development. The footpath shall be designed and installed in accordance with Council requirements and at the applicant's expense.
9. The operating hours of the approved petrol station and café shall be as follows:

Monday to Sunday	6am to midnight
------------------	-----------------
10. The operating hours of the approved carwash and vacuum bays shall be as follows:

Monday to Sunday	7am to 10pm
------------------	-------------
11. The operating hours of the outdoor dining area shall be restricted to 7am to 8pm, Monday to Sunday.
12. Deliveries of fuel to the subject site shall be carried out outside of the peak traffic and trading periods and shall not occur before 9am or after 7pm on Sundays and public holidays and not before 7am or after 7pm on other days.
13. All waste shall be removed from the subject land at least once weekly. Collection of waste shall be carried out only between the hours of 7am to 7pm Monday to Saturday and 9am to 7pm on Sundays and public holidays.

14. The automatically closing front and rear doors of the carwash as detailed in the Resonate report shall be installed and made operable prior to the operation of the carwash facility.
15. The lighting for the signs shall be switched off at midnight each day and shall not be switched on before 6am of the following day.
16. The installed signage shall at all times be kept in good repair and condition.
17. No portion of the signs shall overhang the Council footpath/road reserve.
18. All car parking spaces, driveways and manoeuvring areas shall be designed, constructed, drained and line-marked in accordance with Australian Standard AS 2890.1:2004. Line marking and directional arrows/signage shall be clearly visible and maintained in good condition at all times. Driveways, vehicle manoeuvring and parking areas shall be constructed of bitumen, concrete or brick paved prior to occupation and maintained in good condition at all times
19. All landscaped areas and structures adjacent to driveways and parking areas shall be separated by kerbing prior to the occupation of the development. Such devices shall not impede the free movement of the people with disabilities.
20. Directional signs indicating the location of the car parking spaces shall be provided on the subject land and maintained in a clear and legible condition at all times.
21. All materials and goods shall at all times be loaded and unloaded within the confines of the subject land. Materials and goods shall not be stored on the land in areas delineated for use for car parking.
22. Stormwater Management:
 - a) Stormwater management shall be in accordance with the PT Design report and shall incorporate stormwater re-use for the building/landscaping to the satisfaction of the Development Assessment Commission (in consultation with the Council), with regard to Council Wide Objectives 127 and 129.
 - b) Stormwater discharge to Merrion Terrace:

After passing through appropriate treatment as detailed in the PT Design report, the 150mm stormwater pipework shall discharge at the new kerbing on Merrion Terrace via a small side entry pit of similar as approved by Council.
23. Construction works shall be in accordance with the Construction and Environmental Management Plan (CEMP). The pollutant and oil trap shall be installed prior to occupation of the site.
24. All solid waste including foods, leaves, paper, cartons, boxes, and scrap material of any kind shall be stored in a closed container and have a close fitting lid. The container shall be stored in a screened

area so that it is not visible to the public view from Mount Barker Road and Merrion Terrace. Such containers shall be covered at all times to prevent the entry of stormwater or wind dispersal, be sealed to prevent leakage and shall not be used for the storage of toxic materials, chemicals, solvents, any liquid or sludges and shall be located on hard stand areas.

25. Prior to commencement of any work on site appropriate measures shall be taken to protect the adjacent trees. In particular, the area in which the tree's branches and roots are located shall be protected by the erection of a secure fence. The fencing shall:
 - a) Consist of a 2.0 metre high solid, chain mesh, steel or similar fabrication with posts at 3.0 metre intervals;
 - b) Incorporate on all sides a clearly legible sign displaying the words "Tree Protection Area"; and
 - c) Not be erected closer to the tree than a distance equal to half of the height of the tree or the full width of the branch spread (whichever is lesser).

Environment Protection Authority Conditions

26. Development must be undertaken in accordance with the Construction Environment Management Plan: AM-PM Service Station, 65 Mount Barker Road, Stirling, prepared by LBW environmental projects, Revision 1, dated 9 July 2015.
27. A suitably qualified and experienced site contamination consultant must be engaged to implement the Construction Environment Management Plan: AM-PM Service Station, 65 Mount Barker Road, Stirling, prepared by LBW environmental projects, Revision 1, dated 9 July 2015 and to manage and dispose of contaminated soil and/or groundwater in accordance with EPA and other relevant guidelines.
28. All fuel storage tanks (apart from diesel and LPG) 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 tankers during filling.
29. The underground fuel tanks must be double-walled fibreglass tanks and the space between the walls filled with a gel that is monitored for any changes in colour. Any changes in colour must be promptly investigated.
30. All fuel lines between the tanks and dispenser must be fitted with pressure leak detection sensors. In the event of product loss, the lines would lose pressure and immediately signal an alarm.
31. Following the installation of the in-ground fuel tanks all trafficked areas must be hard surface using either bitumen, concrete or other impervious material with crossover grates.
32. All stormwater runoff (including under canopy and crossover gratings) must be directed to the SPEL Purceptor Class 1 Full Retention Separator (with audible and visual alarm to signal when the SPEL

Purceptor requires servicing), prior to discharge to the council stormwater system.

33. Any sludge and oily residue collected within the SPEL Purceptor Class 1 Full Retention Separator is considered waste and must be removed by an EPA licensed waste transporter to a licensed waste depot authorised to receive such waste.
34. A solid central median shall be installed on Mount Barker Road, extending from the existing island east for a distance of at least 15 metres, in order to restrict access to a left turn in and left turn out basis.
35. The new solid central median on Mount Barker Road shall be designed and constructed to the satisfaction of DPTI prior to the new service station becoming operational, with all costs associated with the road works (including, but not limited to, project management and any necessary road light/drainage upgrades) being borne by the applicant. The applicant shall enter into an agreement with DPTI regarding these works and is required to contact DPTI, Traffic Operations, Graduate Engineer, Mrs Christina Canatselis via 8226 8262, 0401 120 490 or christina.canatselis@sa.gov.au prior to undertaking any design
36. Delivery vehicles to the development site shall be restricted to a maximum length of 17.0 metres.
37. All servicing of the site by heavy vehicles shall be undertaken outside of the peak trading periods and peak traffic periods in order to minimise the potential for vehicular conflict.
38. Non-illuminated signage shall be finished in a material of low reflectivity to minimise the likelihood of sun/headlamp glare.
39. No stormwater from this development shall be permitted to discharge on-surface to the adjacent roads. In addition, any existing drainage of the roads is to be accommodated in the development and any alterations to the road drainage infrastructure as a result of this development are to be at the expense of the applicant.

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 authorisation will lapse if not commenced within 12 months of the date of this Notification.
- c. 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.
- 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 0289).

COUNCIL NOTES

- g. EPA Environmental Duty
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 may cause environmental harm.
- h. Works On Boundary
The development herein approved involves work on the boundary. The onus of ensuring development is in the approved position on the correct allotment is the responsibility of the land owner/applicant. This may necessitate a survey being carried out by a licensed land surveyor prior to the work commencing.
- i. Compliance with Food Act 2001
This approval under the Development Act 1993 does not in any way imply compliance with the Food Act 2001 and/or Food Safety Standards. It is the responsibility of the owner or the other person operating the food business from the building to ensure compliance with the relevant legislation before opening the food business on the site.
- j. Food Handling Notification
Food business notification must be provided prior to commencing any food (or consumable product) handling activities. This may be provided on-line at www.fbn.sa.gov.au or by obtaining a notification form from Adelaide Hills Council.

EPA NOTES

- k. The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, 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 may cause environmental harm.
- l. 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.
- m. If, at any stage, contamination is identified which poses actual or potential harm to water that is not trivial, notification of contamination which affects or threatens groundwater (pursuant to Section 83A of the Environment Protection Act 1993) must be submitted to the EPA.

- n. The site is currently subject to on-going monitoring. The applicant should liaise with VIVA Energy prior to site development to identify where on-site wells may be damaged by site development works and arrange for the appropriate decommissioning of on-site wells. Any off-site wells must be protected from damage and are to remain in place.
- o. Fuel deliveries and waste collection should be restricted to between 9am and 7pm on Sundays and Public Holidays, and between 7am and 7pm on any other day, in accordance with hours stated in Part 6 Division 3 of the Environment Protection (Noise) Policy 2007.
- p. 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>

DPTI NOTES

- q. The site is subject to a possible requirement under the Metropolitan Adelaide Road Widening Plan for a 4.5 metres x 4.5 metres corner cut-off at the Mount Barker Road/Merrion Terrace corner. The consent of the Commissioner of Highways is required under the Metropolitan Adelaide Road Widening Plan Act for all new building works located on or within 6.0 metres of the possible requirement.
- r. The applicant should fill out a consent form seeking consent of the Commissioner of Highways consent for building work and forward to DPTI, together with three copies of the approved plans.

3. ADJOURN TO INNER METROPOLITAN DEVELOPMENT ASSESSMENT COMMITTEE

3.1. DEFERRED APPLICATIONS

3.1.1 Devonport Apartments Pty Ltd

DA 0508/M006/15
189 Devonport Terrace, Prospect
City of Prospect

Proposal: demolition of existing buildings, construction of a five storey residential flat building

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

Applicant(s)

- David Tonellato - Owner
- Simon Tonkin – Masterplan
- Nathan Franklin - Masterplan
- Eric Lampard - Developer

Agency

- Nick Tridente (Ass Gov Architect)

Council

- Scott McLuskey

The Commission discussed the application.

RESOLVED

1. The proposed development is NOT seriously at variance with the policies in the Development Plan.
2. The Development Assessment Commission is satisfied that the proposal meets the key objectives of the Urban Corridor Zone.
3. To grant Development Plan Consent to the proposal by Devonport Apartments Pty Ltd c/- Masterplan for a five-storey residential flat building and car parking at 189 Devonport Street Prospect subject to the following conditions of consent.

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 050/M006/15 including:

Plan Type	Reference	Date
Site Plan	A101 – Rev F	22/3/16
Floor Plan	A102 – Rev H	15/3/16
Floor Plan	A103 – Rev K	22/3/16
Elevations	A104 – Rev K	22/3/16
Elevations	A105 – Rev K	15/3/16
Sections	A106 – Rev J	15/3/16
Sections	A107 – Rev J	15/3/16
3D Images	A108 – Rev F	15/3/16
Roof Plan	A110 –Rev B	15/3/16
Door and Window Schedule	A111	12/1/16
Overshadowing Diagrams	SH69333	24/2/16
Landscaping Details		Dated received 23/3/16

- Letter from Masterplan dated 23 March 2016
 - Planning Report prepared by Masterplan dated 26 November 2015
 - Traffic and Parking Assessment by Frank Siow dated 18 September 2015
 - Acoustic Report prepared by Resonate Acoustics dated 30 October 2015 Reference: A15552RP1, Revision 0
 - Finishes and Fixtures Schedule by Woolcock Construction dated February 2016
2. The recommendations of the Acoustic Report prepared by Resonate Acoustics dated 30 October 2015 (Reference A15552RP1) shall be implemented and, where applicable, incorporated into the building rules documentation to the satisfaction of the Development Assessment Commission. Such acoustic measures shall be made operational prior to the occupation or use of the development.

3. A Construction Environment Management Plan (CEMP) shall be prepared and implemented in accordance with current industry standards – including the EPA publication “Environmental Management of On-site Remediation” - to minimise environmental harm and disturbance during construction.

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

- a. air quality, including odour and dust
- b. surface water including erosion and sediment control
- c. soils, including fill importation, stockpile management and prevention of soil contamination
- d. groundwater, including prevention of groundwater contamination
- e. noise
- f. occupational health and safety

For further information relating to what Site Contamination is, refer to the EPA Guideline: ‘Site Contamination – what is site contamination?’: www.epa.sa.gov.au/pdfs/guide_sc_what.pdf

A copy of the CEMP shall be provided to the Development Assessment Commission prior to the commencement of site works.

4. The proposed car parking layout and ramps shall be designed and constructed to conform to the Australian Standard 2890.1:2004 for Off-Street Parking Facilities and Australian Standard 2890.6-2009 Parking facilities.
5. The visitor car parking spaces (3) shall be clearly identified as ‘visitor’ spaces.
6. The on-site Bicycle Parking facilities shall be designed in accordance with Australian Standard 2890.3-1993 and the AUSTRROADS, Guide to Traffic Engineering Practice Part 14 – Bicycles.
7. The applicant shall submit a final detailed landscaping maintenance and irrigation management plan, to the satisfaction of the Development Assessment Commission prior to final Development Approval. The landscaping shown on that plan shall be established prior to occupation of the development and shall be nurtured and maintained, with any dead or dying plants to be replaced.
8. All external lighting of the site, including car parking areas and buildings, shall be designed, located, shielded and constructed to conform to relevant Australian Standards.
9. A stormwater management plan shall be submitted to the satisfaction of the Development Assessment Commission, prior to final Development Approval.
10. 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.

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. The authorisation will lapse if not commenced within 12 months of the date of this Notification. 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.
- b. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent or Development Approval. 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).

Environmental Duty

- c. 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.
- d. Mechanical plant or equipment, shall be designed, sited and screened to minimise noise impact on adjacent premises or properties in accordance with the relevant noise protection policy.

Construction

- e. The applicant must ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense.
- f. As work is being undertaken on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.

Street Tree and Infrastructure

- g. Costs associated with the removal and replacement of the existing street tree shall be borne by the applicant and are payable to Prospect Council.
- h. Costs associated with any interference to the existing stobie pole, shall be borne by the applicant.

4. PORT ADELAIDE DEVELOPMENT ASSESSMENT COMMITTEE

4.1. DEFERRED APPLICATIONS - Nil

4.2. NEW APPLICATIONS - Nil

5. MAJOR DEVELOPMENTS

6. ANY OTHER BUSINESS

6.1. Delegations, Service level Agreement and Operating Procedures

The Commission discussed the report and RESOLVED as follows:

- (a) To adopt the Service Level Agreement as presented.
- (b) To adopt the Operating Procedures as presented with the following amendments:
 - Clarify that state agency and council and other representatives present at a hearing shall be invited to remain to answer further questions of the Commission and then requested to leave the meeting when the Commission deliberates on a matter,
 - Clarify that the Commission may seek to include a specialist member as required when dealing with Major Project guidelines,
 - Include the secretariat reporting arrangements set out in the Service Level Agreement.
- (c) Defer further consideration of the delegations to a future meeting.

7. NEXT MEETING – TIME/DATE

7.1. Thursday, 14th April 2016 at 28 Leigh Street, Adelaide

8. CONFIRMATION OF THE MINUTES OF THE MEETING

9. MEETING CLOSE 1.55pm

Confirmed 31/03/2016



.....
Simone Fogarty

PRESIDING MEMBER