

MINUTES

of the

**Council Assessment Panel Meeting
of the**



**Adelaide
Plains
Council**

Pursuant to the provisions of Section 83 of the
Planning, Development and Infrastructure Act 2016

**Two Wells Council Chamber
65 Old Port Wakefield Road
Two Wells**

on

Wednesday 7 June 2023 at 5:30pm

The Chairperson formally declared the meeting open at 5.30pm.

1 ACKNOWLEDGEMENT OF COUNTRY

Council acknowledges that we meet on the traditional country of the Kurna people of the Adelaide Plains and pays respect to elders past, present and emerging. We recognise and respect their cultural heritage, beliefs and relationship with the land and we acknowledge that they are of continuing importance to the Kurna people living today.

2 ATTENDANCE RECORD

2.1 Present:

Chairperson	Mr Nathan Cunningham
Independent Member	Mr Paul Mickan
Independent Member	Ms Susan Giles

Also in Attendance:

Manager Development Assessment	Mr Josh Banks
Senior Planning Officer	Mr George Jacks
Minute Taker/Governance Administration Officer	Ms Stacie Shrubsole

Apologies:

Independent Member	Mr Aaron Curtis
Council Member	Ms Margherita Panella

3 MINUTES

3.1 CONFIRMATION OF MINUTES – COUNCIL ASSESSMENT PANEL – 4 MAY 2022

RESOLUTION

Moved: Mr Paul Mickan

Seconded: Ms Susan Giles

“that the minutes of the Council Assessment Panel Meeting held on Wednesday 3 May 2023, be accepted as read and confirmed.”

CARRIED

4 DECLARATION OF MEMBERS' INTEREST

Nil

5 REPORTS FOR DECISION

5.1 22008121 – 91 OLD PORT WAKEFIELD ROAD TWO WELLS – CONSTRUCTION OF A RETAIL FUEL OUTLET WITH ASSOCIATED DRIVE THROUGH, ACOUSTIC FENCE AND THREE FREESTANDING SIGNAGE PYLONS – CT 5494/875

Representor Ms Janine Lennon presented to the panel.

Mr Tim Beazley on behalf of the applicant, Peregrine Corporation, addressed the panel.

Moved: Ms Susan Giles

Seconded: Mr Paul Mickan

RECOMMENDATION

It is recommended that the Council Assessment Panel resolves that:

1. Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 22008121 by PC Infrastructure Pty Ltd for the **Construction of a retail fuel outlet with associated drive through, acoustic fence and three freestanding signage pylons** at 91 Old Port Wakefield Road Two Wells is GRANTED Planning Consent, pursuant to Section 102(a)(i) of the *Planning, Development and Infrastructure Act 2016*, subject to the following **Reserved Matter**, conditions and advisory notes:

Reserved Matter

Pursuant to section 102 (3) of the Planning, Development and Infrastructure Act 2016, the following matter(s) shall be reserved for further assessment prior to the granting of Development Approval:

1. The applicant must obtain the required Section 221 authorisation for the proposed road upgrade works from Council pursuant to the *Local Government Act 1999* prior to the granting of Development Approval.

Conditions

1. The development must be undertaken and completed in accordance with the details, plans, specifications and correspondence submitted with and forming part of this application, except where varied by any condition(s) below.
2. The premises including all buildings, signage, car parking and manoeuvring and driveway areas shall be maintained and kept in a neat and tidy and sound condition at all times to the reasonable satisfaction of Council.
3. All driveway, entranceway access and aprons must be constructed to Council's Statement of Engineering Requirements to the reasonable satisfaction of Council.
4. Stormwater must be managed in accordance with Council's Statement of Engineering Requirements and in accordance with the Siteworks and Drainage plans provided by Schmidt Bentley Engineering Consulting (SBEC).
5. All deliveries to the site must only occur between the hours of 7:00AM and 10:00PM on any day in accordance with the recommendation of the Environmental Noise Assessment (S7138C3).
6. Rubbish and waste collection must only occur between the hours of 9am and 7pm on a Sunday or public holiday, and 7am and 7pm on any other day in accordance with the recommendation of the Environmental Noise Assessment (S7138C3).
7. All individual vehicle parking spaces, both for heavy and light vehicles, shown on the site plan shall be identified through linemarking, paving or other suitable fashion so that each space is clearly delineated at all times to the reasonable satisfaction of Council.

8. No materials, goods or containers or the like shall be stored within the vehicular parking areas or driveways and traffic circulation areas which at all times shall be kept free of obstruction and always remain available for the circulation and parking of vehicles by users of the land when the premises are open.
9. The loading and unloading of all commercial vehicles, including fuel tankers, associated with the development shall at all times be restricted to the confines of the subject land itself and shall not be allowed to occur or encroach in any form onto the adjacent roadways or their verges.
10. The proposed freestanding signage and its supporting structure shall be constructed wholly within the subject land and no part shall extend beyond the boundaries of the subject land.
11. All landscaping shall be planted within the first available planting season following commencement of the use of the development. Any person(s) who have the benefit of this approval shall maintain, tend and nurture the landscaping in good order and condition at all times to the reasonable satisfaction of Council and shall replace any landscaping which may become diseased or die.
12. An approved wastewater disposal system must be installed to the satisfaction of Council's Environmental Health Officer prior to occupation.
13. Illuminated signage shall not flash, scroll, move or imitate a traffic control device in any way.
14. The LED fuel price signs, shall incorporate white LED on a black background only. These signs may change on an as-needs basis. The time taken for consecutive displays to change shall be no more than 0.1 second.
15. The LED signs affixed to the building and pylon sign shall be permitted to display one self-contained message every 45 seconds. The time taken for consecutive displays to change shall be no more than 0.1 second.
16. Signage 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. Accordingly, all illuminated signs visible from the arterial road network shall be limited to a low level of illumination (i.e. $<150\text{Cd/m}^2$), except in the case of electronic signage, which shall be limited to the following stepped luminance levels:

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	150
Night	<4	150

17. The operational system for the fuel price sign/s shall incorporate an automatic error detection system that will turn the display off or to a blank, black screen should the screen or system malfunction.
18. All lighting on the subject land shall be designed and shielded to the reasonable satisfaction of the Council, so as to prevent any light spill onto adjoining residential properties.
19. The treatments outlined in the *Environmental Noise Assessment Report* prepared by Sonus, dated December 2022 shall be implemented, to the satisfaction of the Council.

Conditions imposed by Commissioner of Highways

20. All access to the subject development shall be gained as shown on ADS Architects, Site Plan, Drawing No. 22JN1467 SK02d, dated 20 October 2022 and updated Stantec Traffic Compliance Statement, Reference: 301401112.1090 dated 3 March 2023.
21. The final design of the Mallala Road and Old Port Wakefield Road access points shall address the following:
 - a. The proposed median on Old Port Wakefield Rd shall being of sufficient length so that it physically prevents right turn in / right turn out via Old Port Wakefield Road.
 - b. The Mallala Road access shall be provided with a generous taper on the entry side of the access.
 - c. The existing road shoulder opposite Windmill Road being extended with suitable pavement treatment to DIT's satisfaction to prevent deterioration of the road edge as a result of heavy vehicle movements.
 - d. If the development is constructed prior to the Mallala Road/Old Port Wakefield Road roundabout, the applicant shall provide an interim access plan to ensure traffic movements can be suitably managed prior to the roundabout being constructed. The access arrangements shall be to DIT's satisfaction.
22. The access points on Mallala Road and Old Port Wakefield Road shall be appropriately signed, and line marked to reinforce their operation and all vehicular and pedestrian/cyclist sight lines shall be in accordance with Austroads Guidelines and Australian Standards. The access points

shall cater for the turning movements as shown on entry and exit movements shown in Stantec Traffic Compliance Statement, Reference: 301401112.1090 dated 3 March 2023, Stantec Sketch 301401112-01-P5-AT01 to 301401112-01-P5-AT07.

- 23.** All road works on Mallala Road and Old Port Wakefield Road required to facilitate access to the development shall be designed and constructed in accordance with Austroads, Australian Standards and DIT Master Specifications with all costs (including design, construction, project management and any changes to road drainage, lighting etc. required) being borne by the applicant. The access construction on Mallala Road and Old Port Wakefield Road shall be completed prior to the proposed development becoming operational.
- 24.** Any infrastructure within the road reserve that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.
- 25.** The western section of Windmill Road shall be physically blocked to all traffic except that from the development site. The nature of physical treatment shall be the responsibility of the applicant/Council to ensure public access is restricted at all times. The eastern section of Windmill Road shall be clearly signed as a 'No Through Road' and a suitably designed turnaround area (e.g. cul-de-sac or Y-shaped reversing bay), must be provided for public accessing the eastern section.
- 26.** Landscaping (e.g. advanced vegetation) and/or screens to prevent headlight glare from the drive through area shall be provided along the Mallala Road boundary prior to the operation of the business and maintained during the life of the development.
- 27.** All off-street vehicle parking and manoeuvring areas shall be designed in accordance with AS/NZS 2890.1:2004, AS/NZS 2890.6:2009 and 2890.2:2018. Additionally, clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the Torrens Road property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.
- 28.** The pylon signs shall be located so that driver sightlines in accordance with Major Urban Transport Routes Overlay DTS/DPF 5.1, a) are achieved at all times.
- 29.** Any floodlighting associated with the site shall be positioned and/or shielded so as to not result in driver distraction or discomfort or impact on road operations.

30. Any obsolete crossovers/accesses shall be closed and reinstated to Council's satisfaction at the applicant's cost. This work shall be completed prior to operation of the development.
31. Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjacent roads. In addition, longitudinal drainage of the arterial road network shall be maintained adjacent and across any access to the arterial road network in order to minimise the impact on the integrity and safety of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

Conditions imposed by Environmental Protection Authority

32. Prior to operation, all fuel storage tanks (apart from diesel and LPG) must be fitted with a Stage 1 Vapour Recovery System (which includes underground storage tank vent pipes being fitted with a pressure vacuum relief valve) that directs the displaced vapours back into the tank during filling.
33. Prior to operation, all fuel dispensers (apart from diesel and LPG) must be fitted with a Stage 2 Vapour Recovery System that directs vapours back into the tank during vehicle refuelling.
34. Prior to operation, all underground fuel storage tanks must be double-walled and fitted with a leak detection system designed and installed in accordance with clause 4.5 of Australian Standard 4897-2008 The design, installation and operation of underground petroleum storage systems.
35. Prior to operation, all fuel lines between the underground storage tanks and fuel dispensers must be double contained and fitted with a leak detection system, designed and installed in accordance with clause 4.5 of Australian Standard 4897-2008 The design, installation and operation of underground petroleum storage systems
36. Stormwater runoff from all hardstand areas of the petrol station (including the refuelling and fuel delivery areas) must be managed in accordance with the Siteworks and Drainage Plan – Sheet 1, SHEET No. C2.1, JOB No. 2110-20, prepared by Schmidt Bentley Engineering Consulting, dated 07/03/2022 and Siteworks and Drainage Plan – Sheet 2, SHEET No. C2.1, JOB No. 2110-20, prepared by Schmidt Bentley Engineering Consulting, dated 07/03/2022 and must be directed via grates and grade changes to a Class 1 SPEL Purceptor full retention oil-water separator (no bypass function) that:
 - a. has a minimum spill capture capacity of 10,000 litres,

- b. reduces oil content in the outlet to less than 5mg/L at all times (as confirmed by independent third-party scientific testing), and,
- c. operates effectively in the event of a power failure.

Advisory Notes

1. Once development approval is granted, the development must be:
 - a) Substantially commenced within twenty four (24) months from the date of the decision of this Consent or Approval, otherwise this Consent or Approval will lapse at the expiration of twenty four (24) months from this date (unless Council extends this period), and a new development application shall be required;
 - b) Fully completed within three (3) years from the date of the decision of this Approval, otherwise this Approval will lapse at the expiration of three (3) years from this date (unless Council extends this period), and a new development application shall be required; and
 - c) Any request for an extension of time must be lodged through the Plan SA portal prior to the expiry of the above-mentioned periods.
2. Pursuant to Section 202 of the *Planning, Development and Infrastructure Act 2016*, you have the right of appeal to the Environment, Resources and Development Court against either (1) a refusal of consent or (2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period allowed by the Court.

The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (GPO Box 2465, Adelaide SA 5001 (Ph. 8204 0289).

Notes imposed by Commissioner of Highways

3. The applicant is required to enter into a Developer Agreement with DIT to undertake and complete the required road works.
4. Windmill Road is not gazetted for use by vehicles larger than General Access Vehicles. The applicant will need to apply to the National Heavy Vehicle Regulator via www.nhvr.gov.au for permit/s to utilise these roads for access by Restricted Access Vehicles.

5. The applicant is required to submit an application for a Control of Access Road permit for the Mallala Road access points once the access points are constructed. The application should include a copy of the approved site plan, details of the access widths and a description of the types and sizes of vehicles utilising this access. The request can be submitted to dit.landusecoordination@sa.gov.au

Notes imposed by Environmental Protection Authority

6. The applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.
7. The applicant is reminded that any sludge or oily residue collected within the forecourt full retention oil-water separator is required to be removed by an EPA licensed waste transporter to a licensed waste depot.
8. An environmental authorisation (licence) is required for this development. Before commencing operation, the applicant/operator should contact the Environment Protection Authority on (08) 8204 2058 or email EPALicensing@sa.gov.au for information about the licensing application process and requirements.
9. A licence application may be refused where conditions of Development Approval directed by the Environment Protection Authority have not been complied with.
10. More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au. If you have any questions about this response, please contact Josh Gill on 08 8204 2129 or josh.gill2@sa.gov.au

CARRIED

6 REPORTS FOR INFORMATION

Nil

7 OTHER BUSINESS

Nil

8 CONFIDENTIAL ITEMS

Nil

9 NEXT MEETING

Wednesday 5 July 2023 at 5:30pm

10 CLOSURE

There being no further business, the Chairperson declared the meeting closed at 6.41pm.

Confirmed as a true record.

Chairperson:.....

Date: ___/___/___

SUBJECT TO CONFIRMATION