

# NOTICE OF MEETING

Notice is hereby given in accordance with  
Section 83 of the *Planning, Development and Infrastructure Act 2016*,

## **Council Assessment Panel Meeting** **of the**



will be held in

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

on

**Wednesday, 7 June 2023**  
**at 5:30pm**

  
.....  
Josh Banks  
**ASSESSMENT MANAGER**

# AGENDA

- |   | <b>Page<br/>Number</b> |
|---|------------------------|
| <b>1 ACKNOWLEDGEMENT</b><br><i>We acknowledge that we are meeting on traditional Country of the Kurna people of the Adelaide Plains and pay our respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kurna people living today.</i> |                        |
| <b>2 ATTENDANCE RECORD</b>  |                        |
| 2.1 Present   |                        |
| 2.2 Apologies<br>Aaron Curtis   |                        |
| 2.3 Not Present/Leave of Absence  |                        |
| <b>3 MINUTES</b>  |                        |
| 3.1 “that the minutes of the Council Assessment Panel meeting held on Wednesday 3 May 2023, be accepted as read and confirmed.”   | 3                      |
| <b>4 DECLARATION OF INTEREST</b>  |                        |
| <b>5 REPORTS FOR DECISION</b>   |                        |
| 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   | 9                      |
| <b>6 REPORTS FOR INFORMATION</b><br>Nil   |                        |
| <b>7 OTHER BUSINESS</b>   |                        |
| <b>8 CONFIDENTIAL ITEMS</b><br>Nil  |                        |
| <b>9 NEXT MEETING</b><br>Wednesday 5 July 2023<br>At 5.30pm   |                        |
| <b>10 CLOSURE</b>   |                        |

# MINUTES

of the

**Council Assessment Panel  
of the**



**Adelaide  
Plains  
Council**

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

Held in the  
**Mallala Council Chamber**  
**Redbanks Road**  
**Mallala**

on

**Wednesday 3 May 2023 at 5:30pm**

The Presiding Member 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**

Independent Member – Susan Giles

Presiding Member - Nathan Cunningham (via Zoom)

Independent Member – Paul Mickan (via Zoom)

Independent Member – Aaron Curtis (via Zoom)

Council Member - Margherita Panella (via Zoom)

### **Staff in Attendance**

Assessment Manager – Josh Banks

Senior Planning Officer (Policy & Assessment) – David Roberts

Minute taker – Lauren Bywaters

### **Apologies**

Nil

### **3 MINUTES**

#### **3.1 CONFIRMATION OF MINUTES – COUNCIL ASSESSMENT PANEL – 5 APRIL 2023**

##### **DECISION**

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

Moved: Susan Giles

Seconded: Paul Mickan

**CARRIED**

### **4 DECLARATION OF MEMBERS' INTEREST**

Nil

### **5 REPORTS FOR DECISION**

- 5.1** 21025487 – 3 OWEN ROAD MALLALA - EXPANSION OF AN EXISTING GRAIN STORAGE AND HANDLING FACILITY TO INCLUDE 2 BUNKERS HAVING A CAPACITY OF 20,000 TONNES, AND CONSTRUCTION OF 2 ADDITIONAL RETENTION DAMS OF APPROXIMATELY 4.5ML CAPACITY FOR WATER STORAGE AND REUSE PLUS INTERNAL ROADWORKS AND LANDSCAPING (RETROSPECTIVE) – CT 6118/270

Representor Jane Farrelly addressed the Panel

Nathan Cunningham asked questions of the representor

Aaron Curtis asked questions of the representor

Representer Frank Svetec addressed the Panel

Nathan Cunningham addressed retrospective approval query

Aaron Curtis asked question of the Representor

Applicants Trevor White and Brad Griffiths addressed the Panel

Margherita Panella asked questions of the applicant

Paul Mickan asked questions of the applicant

Aaron Curtis asked questions of the applicant

Susan Giles asked questions of the applicant

Nathan Cunningham asked questions of staff member David Roberts

Cr Panella asked questions of staff member David Roberts

Defer to applicant regarding question of Cr Panella

Aaron Curtis asked questions of staff member David Roberts

Aaron Curtis provided comments

Cr Panella left 6.20pm

Cr Panella re-joined 6.23pm

Cr Panella addressed the Panel

Paul Mickan addressed the Panel

Cr Panella left 6.25pm

Cr Panella re-joined 6.26pm

Susan Giles addressed the Panel

Nathan Cunningham addressed the Panel

Panel members discussed the conditions

Nathan Cunningham asked questions of the applicant

## **DECISION**

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 21025487 by Brad Griffiths at 3 Owen Road Mallala for expansion of an existing grain storage and handling facility to include 2 bunkers having a capacity of 20,000 tonnes and construction of 2 additional retention dams of approximately 4.5mL capacity for water storage and reuse plus internal roadworks and landscaping (retrospective) , is GRANTED Planning Consent, pursuant to Section 102(a)(i) of the Planning, Development and Infrastructure Act 2016, and subject to the following Reserved Matter and conditions:

### **RESERVED MATTER**

A detailed landscape plan and planting schedule prepared by a suitable qualified person in the field of horticulture (minimum Cert iii) depicting the planting of bushes, trees and shrubs (minimum 150mm tube size) that when mature will grow to sufficient height to obscure and soften the built form from the road and adjacent properties. Subject to the satisfaction of the Assessment manager

## 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, *amended planning report prepared by Planning Solutions dated August 2021* except where varied by any condition(s) below.

*Reason: To ensure the proposal is developed in accordance with the plans and documentation.*

2. Parking areas, manoeuvring areas and access ways must be constructed of a compacted, all-weather rubble surface to prevent dust and be drained and maintained to the reasonable satisfaction of Council.

*Reason: To minimise impacts to surrounding land.*

3. Normal operating hours of 7.00am to 7.00pm seven days per week however there is an acknowledgement that extended hours of 6.00am to 10.00pm may be required, and that there is an obligation on the operator to minimise the movements outside of the normal operating hours.

*Reason: To minimise impacts to surrounding land.*

Moved: Aaron Curtis

Seconded: Paul Mickan

**CARRIED UNANIMOUSLY**

Presiding Member declared a pause 7.19pm to return 7.24pm

Reconvened 7.24pm

Cr Panella left meeting 7:24pm

### **5.2 99 LEMMEY ROAD LOWER LIGHT – VARIATION TO MAJOR DEVELOPMENT AUTHORISATION – AMENDMENT TO ENVIRONMENT IMPACT STATEMENT – CT 5312/333**

Aaron Curtis question of Assessment Manager Josh Banks

Josh Banks answered questions of Aaron Curtis

Nathan Cunningham addressed the Panel

Josh Banks addressed the Panel

Margherita Panella re-joined 7.29pm

## DECISION

To provide a copy of this report to the State Planning Commission in response to the notification, and to add the following comments:

1. The Panel are satisfied that the proposed variation will not result in an intensification of the use of the land nor will it create any additional unreasonable impacts on adjoining land. The proposed variation is considered supportable.
2. The Panel wish to reinforce the importance of landscaping to provide screening.

Moved: Paul Mickan  
Seconded: Susan Giles

**CARRIED**

**6 REPORTS FOR INFORMATION**

Nil

**7 OTHER BUSINESS**

Nil

**8 CONFIDENTIAL ITEMS**

Nil

**9 NEXT MEETING**

Wednesday 7 June 2023 at 5:30pm

**10 CLOSURE**

The Presiding Member declared the meeting closed at 7.40pm.

Confirmed as a true record.

Chairperson:.....

Date: \_\_\_/\_\_\_/\_\_\_



<b>Application Number</b>	22008121
<b>Applicant</b>	PC Infrastructure Pty Ltd
<b>Nature of Development</b>	Construction of a retail fuel outlet with associated drive through, acoustic fence and three freestanding signage pylons
<b>Subject Land</b>	91 Old Port Wakefield Road, Two Wells
<b>Zone</b>	Township Main Street
<b>Subzone</b>	N/A
<b>Overlays</b>	Hazards (Flooding) Hazards (Bushfire - Urban Interface) Hazards (Flooding - General) Major Urban Transport Routes Noise and Air Emissions Native Vegetation Prescribed Wells Area Traffic Generating Development
<b>Lodgement Date</b>	1 April 2022
<b>Relevant Authority</b>	Adelaide Plains Council Assessment Panel
<b>Category of Development</b>	Code Assessed - Performance Assessed
<b>Public Notification</b>	20 May 2022 – 9 June 2022
<b>Statutory Referrals</b>	Commissioner of Highways Environmental Protection Authority
<b>Assessing Officer</b>	George Jacks – Senior Planning Officer
<b>Recommendation</b>	Approve with conditions

## PROPOSAL

The development application is for the construction of a retail fuel outlet with associated drive through and three freestanding pylon signs with respective heights of 4m, 6m and 7m. The proposal consists of the follow elements in detail:

- A control building with a total area of approximately 250m<sup>2</sup> including retail display, preparation and sales areas, cool room, store room, preparation area, amenities, and a drive-through facility with order station and pay and pick-up windows.
- Fuel Canopies & Refuelling - a retail fuel canopy and a single row of four fuel pumps with eight fuel filling positions.
- Fuel Tanks - the fuel storage capacity will total 140,000L, divided into two 70,000L tanks.

- Wastewater Soakage Area - a 700m<sup>2</sup> area at the northern end of the site designated as a wastewater soakage area for the onsite waste water detention system. It will be finished with turf and surrounded by a concrete kerb and landscaped garden beds.
- Car Parking, Refuse, and Landscaping - the site will provide 12 shared car parking spaces, including one disability access park. Four car parks adjacent to the wastewater soakage area are identified for future use as EV charging bays. A designated refuse storage space will be provided and screened from sight by a 2.1m high slatted fence. The site will also feature lighting, landscaping, and a Landscape Plan prepared by Oxigen Landscape Architects.
- Acoustic fence – an acoustic boundary fence along the eastern side boundary of 2.4m high with a portion at 5m high as recommended by the applicant’s acoustic engineer.
- Signage - the proposed development includes various signage elements, such as BP pylon signs with back illumination and LED display of fuel prices, and an OTR logo pylon with LED digital signage panel fronting Old Port Wakefield Road.

A copy of the planning consultant report, plans, Native Vegetation assessment, environmental noise assessment, traffic compliance statement and traffic review are provided as **Attachment 1**.

## **SUBJECT LAND AND LOCALITY**

The subject land is located at 91 Old Port Wakefield Road Two Wells and is contained in Certificate of Title Volume 5494 Folio 875. There are no easements or rights of way registered on the Title.

The allotment is situated at the southern corner of the intersection of Old Port Wakefield Road and Mallala Road. It has an irregular shape with frontages of approximately 36 meters on Old Port Wakefield Road, 91 meters on Mallala Road, and 50 meters on Windmill Road. The total area of the site is approximately 3260m<sup>2</sup>.

A single-story detached dwelling that faced Old Port Wakefield Road has recently been demolished. There are also two small, fenced paddocks located at the southern end of the site. Access to the site is provided through a single crossover on Old Port Wakefield Road together with and an unformed access point via Windmill Road at the southern end of the site.

The land is mostly flat and densely populated with trees and vegetation. The wide road verges along Mallala Road and Windmill Road feature segments of mature vegetation.

The intersection of Old Port Wakefield Road, Mallala Road, and Meaney Drive is scheduled to be upgraded with a roundabout. This upgrade will facilitate direct vehicle access from Mallala and Old Port Wakefield Roads to the newer residential subdivision located to the north via Meaney Drive. It is noted that the design for the roundabout has been incorporated into the plans for the proposed retail fuel outlet. These plans are included as part of the application.

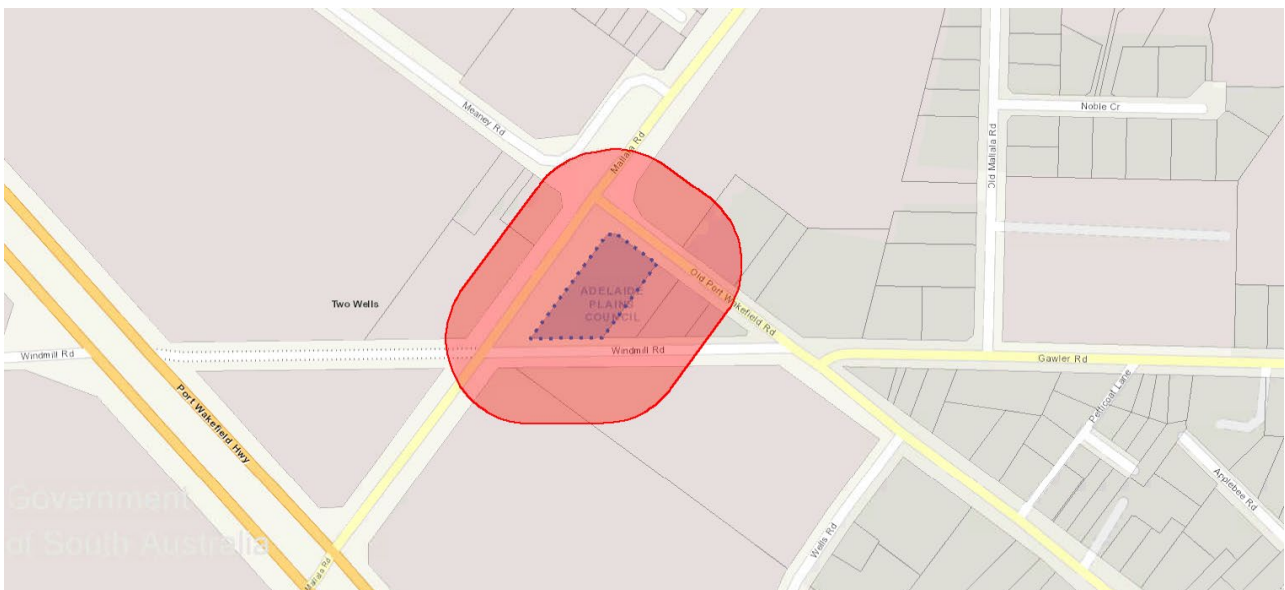


**Figure 1: Subject land**

**PUBLIC NOTIFICATION**

Each zone contains a ‘Procedural Matters – Notification’ table that sets out the kinds of developments that are exempt from requiring public notification. Retail fuel outlets are not listed in this table and therefore notification is required.

The application underwent public notification from 20 May 2022 to 9 June 2022 with only adjoining property owners directly notified (refer to Figure 2). A sign was placed in front of the subject land and all public notification documents were also available on the PlanSA portal for the duration of the notification period.



**Figure 2: Subject land and 5 adjoining properties that were notified**

## **SUMMARY OF REPRESENTATIONS**

As a result of the public notification, 11 submissions were received with two representors wishing to be heard. The key issues raised in the submissions and the applicant's response are outlined below.

A copy of the representations and the applicant's response is contained in **Attachment 2**.

Representors being heard	Summary of Submission
Janine Lennon	<ul style="list-style-type: none"> <li>• Supports the proposal with concerns</li> <li>• Concerned with the potential for noise impacts</li> <li>• An acoustic report is referenced in the report but not supplied</li> </ul>
Christopher Gibbs	<ul style="list-style-type: none"> <li>• Supports the proposal with concerns</li> <li>• Owns the property directly adjoining the subject land and has concern with operating hours and fumes.</li> <li>• Fencing between properties isn't enough to mitigate concerns</li> <li>• 9m sign should be setback further away from his allotment</li> <li>• Concerned with access making it difficult to access their property</li> <li>• Diesel pump located too close to their property</li> <li>• Underground tanks located too close to their property</li> <li>• Concerned will decrease property value</li> </ul>

Representors not being heard	Summary of Submission
Tamara Anderson	<ul style="list-style-type: none"> <li>• Does not support the proposal</li> <li>• OTR has a monopoly in regional areas which push small businesses out. Inclusion of food business in the future will further impact local businesses</li> </ul>
Jayne Sampei	<ul style="list-style-type: none"> <li>• Does not support the proposal</li> <li>• OTR already exists in Two Wells</li> <li>• Unsightly petrol station</li> <li>• Located too close to residential areas, potential for light spill</li> </ul>
Louise Bray	<ul style="list-style-type: none"> <li>• Supports the proposal</li> <li>• Suggests the township needs updated services like the proposal as the population increases</li> </ul>
Renai Richardson	<ul style="list-style-type: none"> <li>• Supports the proposal</li> <li>• Suggests there isn't a good petrol station in the area and that this is needed as the population is quickly growing</li> </ul>

Lauren Wendelborn	<ul style="list-style-type: none"> <li>• Supports the proposal</li> </ul>
Samantha Sideras	<ul style="list-style-type: none"> <li>• Supports the proposal</li> </ul>
Kyra Ireland	<ul style="list-style-type: none"> <li>• Supports the proposal</li> <li>• Will provide another place to eat and more convenience</li> </ul>
Daniel Crossman	<ul style="list-style-type: none"> <li>• Supports the proposal</li> <li>• Will provide a modern service station offering more fuel options that the old one on Old Port Wakefield Road</li> </ul>
Troy Salomons	<ul style="list-style-type: none"> <li>• Does not support the proposal</li> <li>• Township doesn't need an OTR as one was built in Virginia</li> <li>• Lose country town feel</li> <li>• Negatively impact local businesses</li> </ul>

Applicant's response to representations:

Applicant	Summary of Submission
Tim Beazley Peregrine Corporation	<ul style="list-style-type: none"> <li>• Light spill concern – All proposed lighting will include spill guards to direct light within the site away from residential properties abutting the site. Additional protection against light spill to the representors to the south-east will be provided through the construction of a Colorbond fence along the boundary ranging in height from 2.4m to 5m in height.</li> <li>• Traffic considerations – Site layout, parking and internal vehicle circulation has been designed with and meets the requirements of the Department of Infrastructure and Transport (DIT). An amended Traffic Compliance Statement has been and assessed by Council and DIT which is supported.</li> <li>• Noise impacts – A Environmental Impact Statement has been provided by Sonus Acoustic Engineers. This report recommends acoustic treatment measures including: <ul style="list-style-type: none"> <li>○ Specific fence heights and constructions</li> <li>○ Installation of acoustic absorption in specific locations</li> <li>○ Reducing noise from any alarms as far as practical</li> <li>○ Ensuring all inspection points, gated trenches etc. are correctly fixed</li> <li>○ Restricting the times for fuel and other deliveries to between 7am and 10pm and waste collection to between 9am and 7pm on a Sunday or public holiday and 7am to 7pm on any other day.</li> </ul> </li> </ul>

	<p>The report concludes that if these measures are undertaken the development will not detrimentally affect the amenity of the locality or cause unreasonable interference through noise. The applicant has agreed to implement all of these measures.</p> <ul style="list-style-type: none"> <li>• Impact of 9m freestanding pylon sign – The applicant has reduced the height of this sign located on the eastern corner of the site frontage Old Port Wakefield Road to 6m. The position of the sign will also be relocated to the north-western side of the crossover on Old Port Wakefield Road.</li> <li>• Environmental impacts from fumes and odours – Fuel storage will be fitted with vapor recovery systems that ensure air quality is not compromised. The fuel infrastructure consists of double walled fiberglass tanks. Underground tanks are sited to comply with Australian Standards and carry corrosion warranty for 40 years. Automatic tank gauging is utilised to detect leakage and discrepancies in levels of the tanks. Fuel lines are double walled and fitted with mechanical pressure leakage detection mechanisms. With these measures in place the applicant is certain fuel odour and environmental impacts will be sufficiently managed.</li> </ul>
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## **EXTERNAL REFERRALS**

### **Environmental Protection Authority (EPA) – No objection with conditions**

The response and advice received concludes that with directed conditions implemented the EPA is satisfied that the proposed petroleum storage and dispensing activity would not cause unacceptable environmental impacts. Five conditions and five advisory notes have been imposed and will be included on any approval. The applicant has been made aware of and has advised will comply with these conditions. **Full report in Attachment 3.**

### **Commissioner of Highways (COH) – No objection, with comments**

The response and advice received concludes that the proposal is supported and directs the planning authority to attach 12 conditions and three advisory notes to any approval. The applicant has been made aware of and has advised will comply with these conditions. **Full report in Attachment 3.**

## **INTERNAL REFERRALS**

### Infrastructure & Environment - stormwater management

Council's Infrastructure & Environment team are accepting of the proposed design contained in the SBEC Siteworks and Drainage Plan which states that the 23.5kL underground stormwater detention will limit stormwater discharge for post development to pre development discharge.

### Environmental Health - on-site waste water

Council's Environmental Health team have contacted the applicant, however at the time of writing no information on the proposed system has been received. The most recent site plan indicates four soakage beds with total area of approximately 300m<sup>2</sup>. The Environmental Health officer is confident that this area is sufficient to accommodate a compliant onsite wastewater system, and as such it is considered appropriate to include a proposed condition of approval.

### Open Space & Environment - landscaping plan

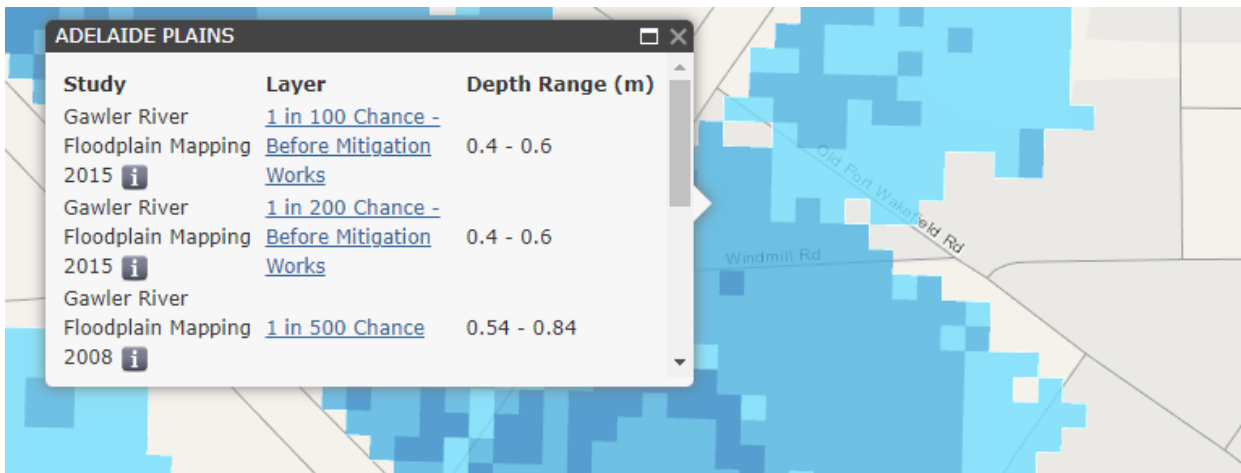
Trees and plants in the provided planting schedule and the location of plantings are considered to be appropriate for the area and will contribute to a positive streetscape. Council has no issue with the removal of existing trees and vegetation on the Mallala Road verge. Significant and Regulated tree policy does not affect any of these trees as the legislation does not apply outside of the Greater Adelaide Area.

## **ASSESSMENT**

### **Overlays**

#### Hazards (Flooding) & Hazards (Flooding – General)

The majority of the subject land is affected by General Flood hazard with a small section on the western boundary being affected by Hazards flooding. This flood modelling is based on a 1 in 100-year flood event. The [WaterConnect website](#) provides the most up-to-date data set on flood depths and indicates a maximum depth of 400mm for the majority of the site:



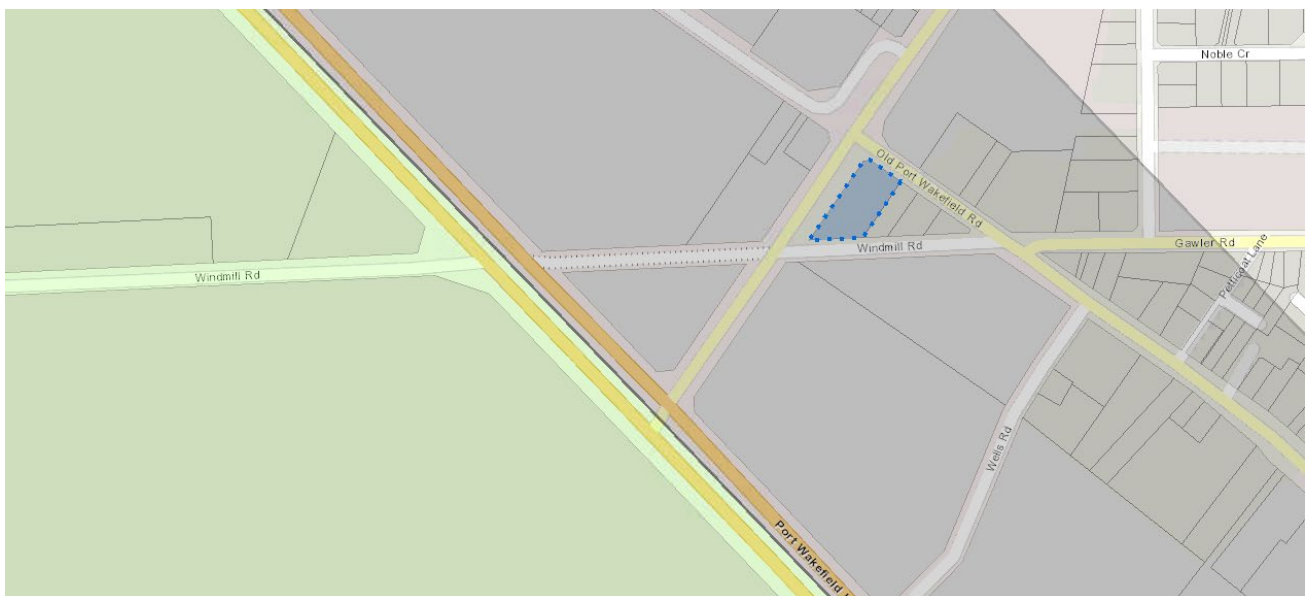
**Figure 3: WaterConnect Flood Depth**

Both overlays seek impacts from flooding on people, property, infrastructure and the environment be minimised through siting and design. Council advised the applicant of acceptable detention, retention and stormwater quality requirements to minimise these impacts.

The provided stormwater management detail has been reviewed by Council's Asset Engineer and confirmation that these requirements would be met has been received.

Hazards (Bushfire – Urban Interface)

The subject land does not directly interface with any bushfire hazard area. The nearest bushfire hazard is General Hazard located approximately 220m south west of the site.



**Figure 4: Distance from General Bushfire hazard overlay**



As the proposal does not propose land division or roads or driveways that are within 100 metres of a bushfire hazard overlay, most performance outcomes are not applicable. The overlay seeks that access and evacuation through bushfire area is facilitated. The development is within close proximity to Old Port Wakefield Road and Mallala Road and is considered to have safe and effective access for emergency vehicles. The site is also serviced by a mains water connection.

### Major Urban Transport Routes

The overlay seeks safe and efficient operation of major transport routes and provision of safe and efficient access to and from major urban transport routes. The proposal will create crossovers onto Old Port Wakefield Road and Mallala Road which are state maintained roads which triggers a referral to the Commissioner of Highways (COH). The COH reviewed the Traffic Impact Assessment (TIA) and determined that the impacts can be appropriately managed with the implementation of conditions and notes. The conditions and notes were provided to the applicant and will be added to any authorisation should the proposal receive approval.

Council engaged BE Engineering Solutions to review the access arrangements proposed in the TIA. The review recommended some restrictions to be placed on Windmill Road to ensure it does not become used for through traffic. The key recommendation is to undertake a partial road closure east of the proposal to ensure the majority of the road is used as access for existing properties and potential future development on adjoining Council-owned land. A section of Windmill Road will be closed in accordance with this recommendation. A traffic barrier in the form of either a gate with bollards or all bollards will be used to restrict this access.

To further assist with traffic flow, Windmill Road will only be used as a point of egress. Access to the site will only be achieved through the crossovers on Old Port Wakefield Road and Mallala Road.

### Noise and Air Emissions

The Environmental Noise Assessment (ENA) considers noise at surrounding sensitive receivers likely to be generated from the proposal, including operation of mechanical plant and the control building, vehicle movements, drive through activity, car parking activity, fuel deliveries and rubbish collection. The report concludes that provided specific acoustic treatment measures are implemented the proposal will not unreasonably impact the amenity of sensitive receivers. These measures include:

- Specific fence heights and constructions
- Installation of acoustic absorption in specific locations
- Reducing noise from any alarms as far as practical
- Ensuring all inspection points, gated trenches etc. are correctly fixed

- Restricting the times for fuel and other deliveries to between 7am and 10pm and waste collection to between 9am and 7pm on a Sunday or public holiday and 7am to 7pm on any other day.

The applicant has confirmed that each of these treatments will be implemented.

Through the mandatory referral process the EPA has imposed a condition which requires a ‘*Stage 2 Vapour Recovery System*’ fitted on all fuel dispensers which directs vapours back into the tank during refuelling.

With these measures implemented the proposal is considered to sufficiently protect the health and amenity of the community from adverse noise and air emissions.

### Native Vegetation

An independent, accredited consultant included on the Department of Environment and Water (DEW) list of accredited professionals, Jeremy Tiller, was engaged by the applicant to provide an assessment of the native vegetation potentially impacted from the proposal. The report concludes that most of the vegetation to be impacted by the proposed development consists of planted and introduced flora species. These species are not protected under the Native Vegetation Act 1991 and therefore do not require approval or compliance with the Native Vegetation Regulation 2017. Some scattered individual shrubs which are native species were identified within the Mallala Road reserve and within the subject land. However total coverage of these species is estimated to be less than 1% (Mallala Road) and less than 3% on the subject land. Clearance of these species would be considered very minor and approval from the Native Vegetation Council would not be required.

Council’s Team Leader – Open Space & Environment was engaged to review the plantings on the Council verge fronting Mallala Road. No concerns were identified with the removal of these plantings.

### Prescribed Wells Area

The applicants are not proposing to draw any water from prescribed wells.

### Traffic Generating Development

The outcomes of this overlay are similar to what is required by the Major Urban Transport Routes Overlay. As previously discussed, the proposal was referred to the COH with the TIA reviewed by Council’s Asset Engineer. With the recommendations and conditions from these reviews implemented the proposal is considered to achieve safe and convenient operation and access to and from urban transport routes.

## **Subzone**

The subject land is not affected by any subzones.

## **Technical Numerical Variations (TNVs)**

### **Maximum Building Height (Metres) (Maximum building height is 8m)**

The proposed control building, fuel canopy and pylon signs will not exceed 8m in total height.

### **Concept Plan (Concept Plan 99 - Two Wells)**

The subject land is located outside of the Concept Plan Boundary but within the identified traffic management point, site access and pedestrian and vehicular linkage points. The proposed development will sit adjacent to a major roundabout upgrade which has been considered within the COH referral and TIA review and assessment to ensure this section will be appropriately managed.

### **Maximum Building Height (Levels) (Maximum building height is 2 levels)**

No part of the proposal will exceed the maximum building height of 2 levels.

## **Township Main Street Zone**

The focus of the Township Main Street Zone is the development of a main street environment with a range of commercial, recreational and residential land uses that contribute to the vibrancy and activity of public spaces and reinforces the traditional main street character (Desired Outcome (DO) 1 and 2).

While retail fuel outlets are not specifically envisaged in this zone, Performance Outcome (PO) 1.1 seeks retail, offices, entertainment and recreation uses being supplemented by other businesses that provide a range of goods and services to the local community. This proposal is considered to accord with this outcome by providing an additional service and a commercial product not currently available to the local community.

The proposed control building is of a contemporary design which incorporates elements reflecting the locality including face brickwork, painted weatherboard, glazed facades, rendered concrete and timber cladding (Desired Outcome (DO) 2, PO 2.1 & PO 2.2).

The location of the proposal will not interfere with efficient and convenient pedestrian linkages (PO 2.8).

The setbacks of the control building and canopy are deemed appropriate to minimise visual impact, massing, and overshadowing on adjoining allotments. The western boundary setback combined with the recommendations of the ENA will minimise the overall impact on the surrounding area and promotes a cohesive and visually appealing urban landscape (PO 3.2 & PO 3.3).

The proposal will include advertisements on the control building, canopy and three individual pylon signs. The advertisements will appropriately identify the business uses proposed on the site. As the subject land has a high degree of exposure to the public realm with multiple street frontages, multiple freestanding signage pylons are proposed to assist customers to locate the entry points and identify products and services. Two of the pylon signs will exceed 5m but will not exceed the maximum height of 8m outlined in the associated TNV (PO 5.1 & PO 5.2).

## **General Development Policies**

### **Advertisements**

DO 1 seeks advertisements that result in appropriate, efficient, and effective communication that also avoid clutter and hazards. It also talks about advertisements being of an appropriate size for the location. The proposal includes three pylon signs positioned to provide clear identification and guidance on products and services. The signage is designed in an attempt to prevent any unnecessary impacts on nearby land uses. All signage will be directly related to the site's products and services with no third-party advertising. Light spill from illuminated signage will be minimized using directional lighting and spill guards. Back illuminated signage will utilize LED strips with a wide beam angle to avoid glare. Dimmable drivers will control luminance levels, complying with standards and minimizing impact on nearby land uses. A double-sided LED screen will display static advertisements without animation, with adjustable luminance to manage any light spill on nearby sensitive land uses.

### **Design**

The overall design of the buildings and advertising is considered to be contextual, durable, inclusive and sustainable. The control building structure is fit for purpose and includes elements that reflect the existing township including face brickwork, painted weatherboard, glazed facades, rendered concrete and timber cladding.

The fencing on the eastern boundary will be designed and constructed on accordance with the ENA recommendations. This fence will exceed the common height for fencing to assist with noise mitigation. The fencing will have a total height of 2.4m and 5m in some sections providing ample privacy to the adjoining allotment. The 5m high section of fence will be limited to 18m in length and located in close proximity to the control building and canopy, and has been proposed as recommended in the acoustic report to mitigate noise impacts on adjoining land to the east. The

height of the fence in this location will cause some overshadowing of the private open space on the adjoining allotment, however the overshadowing produced by this section of fence is considered reasonable when compared to the significant noise mitigation benefit that it will provide (PO 9.1).

The tree and plant schedules are considered to be appropriate by Council's horticulture team and the locations suitable to enhance the appearance of the streetscape.

### Design in Urban Areas

DO 1 aims for development that enhances the character of the locality, integrates well with the public realm, and incorporates sustainable techniques and materials. The proposed development includes contemporary architectural elements, varied articulation, and extensive landscaped areas to soften its appearance. The 24-hour operation of the retail fuel outlet will contribute to increased passive surveillance.

### Interface Between Land Uses

There are multiple sensitive receivers located in the immediate locality of the proposal. The dwellings located to the east of the proposal will be most impacted by the 24-hour operation of the use.

Noise will be mitigated through restricting certain activities to specific times. Fuel and other deliveries will only occur between 7am and 10pm. Waste collection will only occur between 9am and 7pm on Sundays and public holidays and 7am to 7pm on any other days. The only other significant noise generators will be customers using the fuel dispensers, accessing the shop and vehicle movements to and from the site.

The mechanical design of canopies and extraction systems will adhere to the Building Code of Australia and the Australian Standard AS 1668.2:2012, ensuring compliance and mitigation measures.

External lighting will incorporate spill guards to direct light within the site and away from adjacent sensitive land uses, promoting minimal impact on their surroundings.

The EPA have directed that a Stage 2 vapour recovery system be used which will recover petrol fumes lost in the car when it is refueled and returns them to the underground storage tank. This will limit the release of volatile compounds into the atmosphere.

The ENA and EPA reports conclude that with suggested measures in place the proposal will not unreasonably impact sensitive receivers or detrimentally effect the locality.

## Transport, Access and Parking

The proposal aims to create a comprehensive and connected transport system that is safe, efficient and accessible to all users. It is designed to minimize disruptions and queues on public roads and pedestrian paths during loading, unloading, and traffic turning. The proposal provides on-site parking spaces and accessible car parking. The site is designed to accommodate the circulation of fuel tankers, delivery vehicles, and waste disposal trucks without conflicts with other users. The Traffic Compliance Statement concludes the proposal is designed with consideration to Austroads Guidelines and Australian Standards, and Traffic Code applicable to the design of traffic management and parking South Australia and that the detailed design will meet these standards.

## **Related Matters**

### Infrastructure Agreement

Council has entered into an Infrastructure Agreement with the developer (PC Infrastructure Pty Ltd as the PC Infrastructure Trust) to secure undertaking of road and verge works when the development is commenced. The details of the IA have been agreed upon but it has not yet been executed.

Legal advice was sought by staff confirming that the IA can be executed after a Planning Consent has been granted by way of a Reserved Matter. A particular clause has been included in the IA to allow this and includes the following wording:

“The Council agrees that it will consider any reserve matter imposed on the planning consent for the Development Application concerning the Works fulfilled and that it will issue final development approval under the Act to the Development as well as any authorisation required for the Works under Section 221 of the LG Act to the Developer, within seven (7) days of receiving the Security”.

For reference, a copy of the Infrastructure Agreement is included in **Attachment 4**.

## **SUMMARY**

The proposal seeks to construct a retail fuel outlet with an associated drive through retail outlet, freestanding signage pylons, acoustic fencing, ancillary car parking and landscaping.

Based on the site's characteristics and its relationship with surrounding land uses, the proposed development appropriately aligns with the desired outcome and policies of the Township Main Street Zone. It is an appropriate scale considering the size of the land and will offer an expanded range of products, facilities, and services to support the growth of the township of Two Wells.

The applicant will implement all recommendations from the EPA, COH and Council to ensure that noise, traffic and access, stormwater management and interface between land uses are appropriately managed. The continuous operation of the use will affect nearby sensitive receivers; however the applicant has proposed to take the necessary measures to comply with the requirements of the EPA and the recommendations from the ENA. These measures are designed to minimize any adverse effects on the sensitive receivers and ensure that such impacts remain within reasonable limits.

Overall and on balance, the proposal satisfies the majority of relevant provisions of the Planning and Design Code contained in the Overlays, Performance Outcomes and DTS/DPF criteria together with Township Main Street performance outcomes.

## **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. Boundary fencing must be constructed on the eastern boundary of the subject land, designed and located in accordance with the recommendation of the Environmental Noise Assessment (S7138C3).
6. 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).
7. 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).



8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. An approved wastewater disposal system must be installed to the satisfaction of Council's Environmental Health Officer prior to occupation.

#### **Conditions imposed by Commissioner of Highways**

14. 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.
15. 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 be 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.

22. 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.
23. 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.
24. 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.
25. 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**

26. 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.
27. 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.
28. 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.
29. 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

30. 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](http://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](mailto: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](mailto: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](http://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](mailto:josh.gill2@sa.gov.au)

# **APPENDIX A**

(Consultant report, plans, NVA, ENA, TCS and BE Review)



8 March 2022

Planning and Development  
Adelaide Plains Council

Lodged online via SA Planning Portal

Dear Sir / Madam,


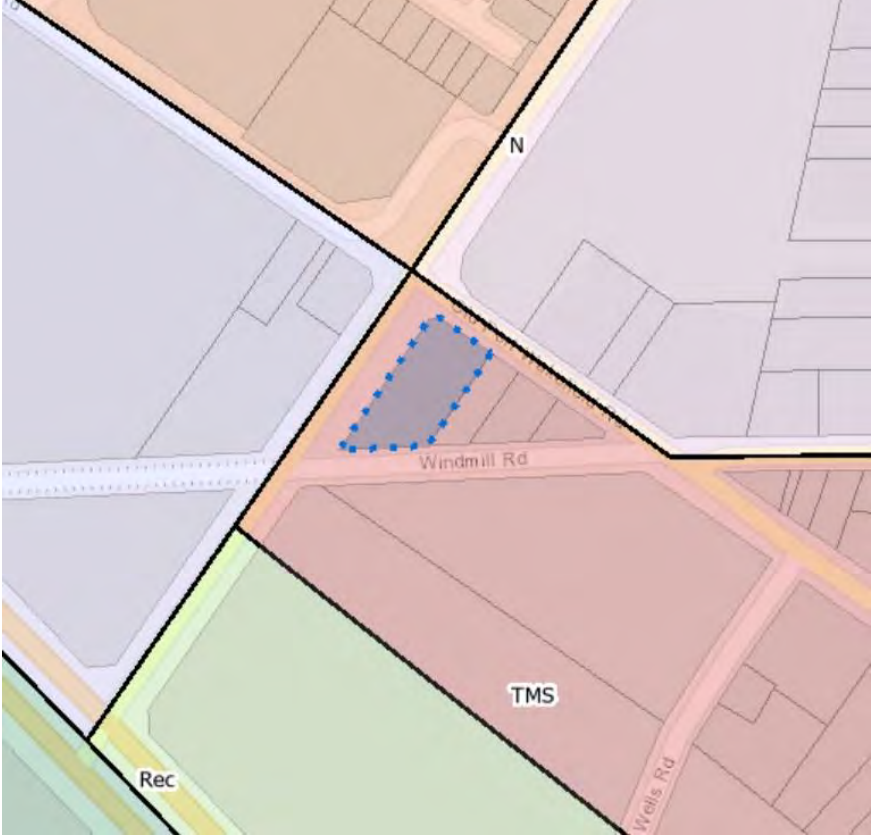
**Development Application - New OTR Retail Fuel Outlet at 91 Old Port Wakefield Road, Two Wells**

Accompanying this letter and comprising our development application to be lodged via the SA Planning Portal are the following documents:

- Locality Plan (1 sheet), Site Plan (1 sheet), and Elevations (2 sheets) and Signage Elevations (1 sheet) prepared by ADS Architects.
- Copy of Certificate of Title Register Book Volume 5494 Folio 875.
- Environmental Noise Assessment prepared by Sonus, to be submitted to Council shortly.
- Site Traffic Impact Assessment (TIA) prepared by Stantec Consultants, to be submitted to Council shortly.
- Civil works plans and a stormwater management plan prepared by SBEC, dated March 2022.
- Landscape Plan prepared by Oxigen, dated February 2022.
- Native Vegetation Assessment prepared by Jeremy Tiller, Environmental Management Consultant dated February 2021.

I trust that the material provided with this letter is sufficient to allow Council to commence its assessment of the proposed development.

**EXECUTIVE SUMMARY OF SITE**

<p><b>Site Address</b></p>	<p>The address of the site is 91 Old Port Wakefield Road, Two Wells.</p>  <p>The subject land is described in Certificate of Title Volume 5494 Folio 875 as being allotment 1 in Filed Plan 9099.</p>
<p><b>Local Government</b></p>	<p>Adelaide Plains Council</p>
<p><b>Zoning</b></p>	 <p>The site is located within the Township Main Street Zone which encompasses the entirety of the subject land and prevails as a strip east of</p>



	the subject land on the southern side of Old Port Wakefield Road And Gawler Road. The adjacent land on the northern side of Old Port Wakefield Road is located within the Neighbourhood Zone while land on the western side of Mallala Road is located within the Employment Zone. Land to the north on the western side of Mallala Road is located within the Master Planned Township Zone.
<b>Sub Zone</b>	N/A
<b>Local Variation (TNV)</b>	<ul style="list-style-type: none"> <li>• Maximum Building Height (Metres): 8 metres</li> <li>• Concept Plan (99 – Two Wells)</li> <li>• Maximum Building Height (Levels): 2 levels</li> </ul>
<b>Overlays</b>	<ul style="list-style-type: none"> <li>• Hazards (Flooding)</li> <li>• Hazards (Bushfire – Urban Interface)</li> <li>• Hazards (Flooding General)</li> <li>• Major Urban Transport Routes</li> <li>• Noise and Air Emissions</li> <li>• Native Vegetation</li> <li>• Prescribed Wells Area</li> <li>• Traffic Generating Development</li> </ul>

**DEVELOPMENT DESCRIPTION**

The proposed development involves the establishment of a Retail Fuel Outlet.

<b>Control Building</b>	<p>A control building of approximately 250m<sup>2</sup> in total, including:</p> <ul style="list-style-type: none"> <li>• retail display, preparation and sales areas</li> <li>• a cool room, store room, preparation area and amenities</li> <li>• a drive-through facility with order station and pay and pick-up windows.</li> </ul>
<b>Fuel Canopies &amp; Refuelling</b>	Fuelling facilities as shown on the site plan, comprising a retail fuel canopy and a single row of 4 fuel pumps with 8 fuel filling positions.
<b>Fuel Tanks</b>	The fuel storage capacity will be 140,000 litres in two 70,000L tanks.
<b>Wastewater soakage area</b>	A 700m <sup>2</sup> (approx.) area at the northern end of the site will be set aside as a wastewater soakage area for the onsite waste water detention system to be designed by TMK. The area will be finished with turf and surrounded by a standard concrete kerb and generous landscaped garden beds.
<b>Car Parking, refuse and landscaping</b>	<p>The site will provide 12 shared car parking spaces; including 1 disability access park adjacent to the control building entrance. The isle of 4 car parks adjacent to the wastewater soakage area have been identified for use as future EV charging bays.</p> <p>A designated refuse storage space is provided adjacent the south east elevation of the control building. The refuse area is proposed to be screened from sight by a 2.1 metre high slatted fence.</p> <p>The surrounding forecourt and driveway areas will be lit and landscaping will be provided at site frontages and at appropriate locations within the</p>

	<p>site. A Landscape Plan has been prepared by Oxigen Landscape Architects.</p>
<b>Signage</b>	<p>The following free-standing signage elements form part of the proposed development:</p> <ul style="list-style-type: none"> <li>• A 9 metre BP pylon sign, with back illumination and LED lit white fuel prices to be installed in the eastern corner of the site adjacent Old Port Wakefield Road;</li> <li>• A 7 metre BP pylon sign, with back illumination and LED lit white fuel prices to be installed along the north western frontage of the site adjacent to Mallala Road; and</li> <li>• A 4 metre pylon with back illuminated OTR logo and a 2.5m high x 2m wide LED digital signage panel to be installed in the northern corner of the site adjacent the intersection of Old Port Wakefield Road and Mallala Road.</li> </ul> <p>The appearance of these signage elements are depicted on the Site Plan and elevations, respectively, accompanying this application.</p>

Construction and operation of the proposed development will consider and address the following matters:

<b>Road Access</b>	<p>Site access will be provided via 3 separate vehicle crossovers to be constructed in accordance with Council and DIT standards.</p> <ul style="list-style-type: none"> <li>• A two-way crossover on Port Wakefield Road to be provided at the eastern end of the site;</li> <li>• A two-way crossover on Mallala Road to be provided centrally within the western site frontage; and</li> <li>• An egress crossover to Windmill Road to be provided at the southern end of the site.</li> </ul> <p>The road access and internal site configuration has been reviewed by Stantec Consultants for the purpose of ensuring that the site layout will allow safe and efficient access by all relevant classes of vehicle for fuel delivery, rubbish removal and customer access, as further detailed later in this letter. The Stantec Traffic Impact Assessment (TIA) will be submitted to the PlanSA Portal shortly.</p>
<b>Hours of Operation</b>	<p>Retail Fuel Outlet: 24 hours per day, 7 days per week. Deliveries to the site and refuse collection will be limited in accordance with the preliminary acoustic advice from Sonus.</p>
<b>Noise</b>	<p>In the operation of the site we will comply with the <i>Environment Protection (Noise) Policy 2007</i>. As set out later in this letter an Environmental Noise Assessment is being prepared by Sonus and will be submitted via the PlanSA Portal shortly.</p>
<b>Environmental Practices</b>	<p>The proposal incorporates best environmental practices with respect to vehicle refuelling facilities.</p> <p>Fuel storage tanks will be fitted with vapour stage 1 recovery systems that ensure air quality is not compromised.</p> <p>The fuel infrastructure consists of double-walled fibreglass tanks. The underground fuel and LPG tanks are sited to comply with AS/NZ S1596 and AS1940. These tanks carry a manufacturer warranty against internal</p>

	<p>and external corrosion of 40 years.</p> <p>Fuel variances are carefully monitored for signs of leakage. We utilise automatic tank gauging (ATG) which automatically detects discrepancies in the levels in the tanks, thereby allowing the operator to respond proactively to any anomalies.</p> <p>Our fuel lines are double walled and in respect of the fuel lines from the underground storage tanks to the dispensers, these fuel lines are fitted with a mechanical pressure leakage detection mechanism. The system tests the pressure within the fuel lines when the dispensers are not in use and should the system detect pressure anomalies, it will automatically shut off the fuel pump to prevent fuel from being pumped from the tanks and minimize any potential for fuel leakage.</p> <p>The fuel line from the tanker fill box to the underground storage tank is single walled and is not fitted with pressure leakage detection. We monitor the potential for leakage and spillage through visual inspection when fuel is dispensed from the fuel delivery vehicle to the tanker loading box and by submitting our daily fuel reconciliation data for Statistical Inventory Reconciliation Analysis, which is completed by a qualified third party.</p> <p>These measures enable us to identify and manage risks of leakage.</p> <p>We understand that all equipment installed at our sites is classified as Level 1 equipment pursuant to section 3, Table 3.1 of Australia Standard 4897: 2008.</p>
<b>Stormwater</b>	<p>Stormwater from high-risk areas will be diverted through a Class 1 full retention system comprising a Spel Purceptor or approved equivalent, with no bypass and alarm.</p> <p>Sludge collected by the Class 1 full retention system will be pumped out on an annual maintenance schedule and disposed of by a qualified contractor.</p> <p>Civil engineering plans and calculations have been prepared by SBEC. The plans demonstrate how stormwater will be managed as part of the proposed development.</p>
<b>Wastewater</b>	<p>The site will require on-site wastewater management. TMK have been engaged to design the wastewater system. Detailed wastewater plans will be submitted as part of the wastewater application. A 700m<sup>2</sup> (approx.) wastewater soakage area has been set aside at the northern end of the site.</p>
<b>Food Odour</b>	<p>The proposal will not generate any nuisance for neighbours through food odour or other air pollution impacts of food preparation or service. The proposed development will offer groceries and prepared food but will not offer “co-branded” quick-service restaurant food such as Oporto or Hungry Jacks.</p> <p>A large number of sites are operated by Peregrine across South Australia which require the preparation of food on-site. To date we have not received any food odour complaints from the EPA. The food preparation and service elements of the proposed development are not therefore expected to give rise to any material impacts.</p> <p>The mechanical design of canopies and kitchen extraction systems will be designed by a qualified engineer and will comply with the Building Code</p>

	<p>of Australia and the Australian Standard AS 1668.2:2012 (which is a building rules certification requirement). We adopt best industry practices in this regard to maintain the integrity of our franchise brands.</p> <p>Having regard to the EPA Guidelines for Separation Distances (December 2007), we note that this proposal will not generate the volume of deep frying and other food processing activities set by the Guidelines (30kg of deep frying per hour), such that any air separation distances apply.</p>
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**Site and Locality**

The subject land is located on the southern corner of the intersection of Old Port Wakefield Road and Mallala Road.

The site is irregular in shape with frontages to Old Port Wakefield Road (36 metres), Mallala Road (91 metres) and Windmill Road (50 metres) and a total area of approximately 3260m<sup>2</sup>. The subject land is developed with a single storey detached dwelling, with the primary façade fronting Old Port Wakefield Road. Other improvements on the site include two small, fenced paddocks at the southern end of the site. Vehicle access to the site is provided via a single crossover on Old Port Wakefield Road which services the dwelling and via a second unformed access via Windmill Road at the southern end of the site.

The subject land is predominately flat and heavily populated with trees and vegetation as are the wide road verges to Mallala Road and Windmill Road.

The land forms part of the recently created Township Main Street Zone under the Planning and Design Code that encompasses the entirety of the subject land and prevails as a strip east of the site along the southern sides of Old Port Wakefield Road and Gawler Road.

The subject land is located on the western fringe of the township of Gawler, with land further west characterised by large open rural allotments. It is noted however that land west of Mallala Road is now zoned Employment and will likely be development in accordance with that zoning over time. Land to the east on both sides of Old Port Wakefield Road is developed in a manner typical of small rural townships and includes a mix of residential, retail / commercial, civic and recreational land uses. Land to the north of the site is in transition from a predominately open, rural character on the fringe of the original township, to a predominately residential character which will physically link, and reflect the character of, the newer residential part of Two Wells to the east on the northern side of Gawler Road.

Land to the south is developed with a harness racing training facility before giving away to the Princes Highway and open rural land beyond.

The intersection of Old Port Wakefield Road, Mallala Road and Meaney Drive will shortly be upgraded with a roundabout. The upgrade will facilitate direct vehicle access from Mallala and Old Port Wakefield Roads through to the newer residential subdivision to the north via Meaney Drive. The final DIT design for the roundabout has been incorporated into the design for the Retail Fuel Outlet and is shown on the application plans.



Figure 1: View of the site looking south from the intersection of Old Port Wakefield Road and Mallala Road.  
(Google Streetview)



Figure 2: View of the site looking south-west from Old Port Wakefield Road.  
(Google Streetview)



Figure 3: View of the site looking north-east from Windmill Road.  
(Google Streetview)

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## **Planning Assessment**

This section assesses the proposal against relevant provisions of the Planning and Design Code under the PDI Act 2016.

### Land Use

The proposal seeks to establish a Retail fuel Outlet on the subject land. A Retail Fuel Outlet is defined in the Land Use Definitions Table included in Part 7 of the Planning and Design Code as follows:

*Means land use for:*

*(a) The fuelling of motor vehicles involving the sale by retail of petrol, oil, liquid petroleum gas, automotive distillate and any other fuels; and*

*(b) The sale by retail of food, drinks and other convenience goods for consumption on or off the land; and*

*Both are operated as and constitute one integrated facility where on-site facilities, systems and processes, car parking and access and egress are all shared.*

*The use may also include one or more of the following secondary activities:*

*(c) The washing and cleaning of motor vehicles;*

*(d) The washing of other equipment or things including dogs and other pets;*

*(e) The provision (on a paid or free basis) of facilities for charging electric vehicles;*

*(f) The hiring of trailers;*

*(g) Selling of motor vehicles accessories and/or parts; and*

*(h) The installation of motor vehicle accessories and/or parts.*

All of the components outlined in the development description section above fit within the definition of a Retail Fuel Outlet. Furthermore, these components will be operated under a single management and as one integrated facility, with the various elements and components physically integrated so that customers can move freely between the elements. The elements share facilities such as car parking areas, vehicles circulation areas and toilets.

A Retail Fuel Outlet is not specifically listed in any of the Development Classification Tables. It is therefore a Code Assessed - Performance Assessed Development and is subject to assessment against all relevant Township Main Street Zone and General Development Policies in addition to any applicable Overlays.

The 9, 7 and 4 metre freestanding pylon signs support the operation of the Retail Fuel Outlet by informing passing customers of the fuel offers, products and services available from the site. These pylon signs are advertisements and are Code Assessed – Performance Assessment forms of development.

Consideration has been given to the key aspects of the assessment below.

### Township Main Street Zone

The Desired Outcome (DO 1) for the Township Main Street Zone seeks a cohesive, active, accessible and welcoming main street environment for residents and visitors to shop, work, meet, entertain and relax. Development should contribute to the vibrancy and activity of public spaces and reinforces the traditional main street character (DO 2).

Retail, office, entertainment and recreation related uses are supplemented by other businesses that provide a range of goods and services to the local community and the surrounding district (PO 1.1). Development is sited and designed to achieve or maintain a vibrant and interesting streetscape within retail areas (PO 1.5).

Buildings are adaptable and flexible to accommodate a range of land uses and should create visual interest and an active interface with the main street frontage and maximise passive surveillance (PO 2.3 and 2.4). Development should contribute to and not interfere with provision of an efficient and convenient pedestrian network linking the main street to adjoining zones (PO 2.8).

Building height is no greater than 8 metres or two levels in height (DTS/DPF 3.1). Buildings mitigate the visual impacts of massing and overshadowing on residential development within a neighbourhood-type zone (PO 3.2 and 3.3).

Freestanding advertisements should identify the associated business, be of a size that is commensurate with the scale of the centre and the street frontage, avoid visual clutter, positively respond to the context without dominating the locality, and be sited and designed to not detract from the main street character (PO 5.2).

The proposed development will accord with the relevant policies of the zone in the following ways:

- By providing improved access to a range of products, services and facilities that will support the existing and projected residential growth within the locality north of the subject land.
- The development will activate and rejuvenate an underutilised portion of the Two Wells Main Street.
- The proposed development will be a modern, contemporary facility with a high standard of architectural design. It has been specifically designed with elements to reflect the character of the area, including the use of face brickwork, painted weatherboard, glazed façades, rendered concrete and timber look cladding to the fuel canopy pylons. The proposed development will make a significant and positive contribution to the locality.
- The control building including blade walls and painted acoustic treatments screening the rooftop plant and equipment and fuel canopy will comply with the zone and TNV site requirements by not exceeding 8 metres or two stories in height.
- The proposed advertising signage is considered to be of an appropriate scale in the context of the size of the subject land and will be compatible with the form of development proposed. The subject land has a high degree of exposure to the public realm with multiple street frontages and calls for a reasonable number of freestanding signage pylons to assist customers to locate the entry points and identify products and services on offer at the site.
- The Sonus preliminary acoustic advice confirms that the operation of the Retail Fuel Outlet will comply with the requirements of the EPA (Noise) Policy 2007 so as mitigate any interface impacts on the adjoining dwellings to the south east and other sensitive receivers within the locality.

#### Local Variations (TNV)

The subject land is identified as being adjacent to land subject to Concept Plan 99 – Two Wells. The concept plan provides high level guidance for the pattern of development of the new residential growth areas north of Two Wells. The proposed development will sit adjacent to a major roundabout upgrade that will provide vehicle access to these new residential growth areas. If approved the proposed Retail Fuel Outlet be well placed to service and support these new growth areas.

## Overlays

**Hazards (Bushfire – Urban Interface) Overlay** – Development should be designed and sited to minimise the threat and impact of bushfires on life and property. Development should facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger. The development has been designed to provide access to emergency service vehicles from three public road frontages. Furthermore, the buildings are within close proximity to Old Port Wakefield Road, Mallala Road and Windmill Road and the site is serviced by mains water. The proposed development does not trigger a referral to the South Australian Country Fire Service.

**Hazards (Flooding – General) Overlay** - Impacts on people, property, infrastructure and the environment from general flood risk are minimised through the appropriate siting and design of development. SBEC have been engaged to prepare a stormwater management plan to ensure that any potential flood waters or additional stormwater generated by the development is managed appropriately. Civil and stormwater details for the site have been included with this application.

**Major Urban Transport Route Overlay** – The development site is located on Old Port Wakefield Road and Mallala Road which are roads under the care and management of the Commissioner of Highways (CoH). The proposed development will create new crossovers to both these roads which will trigger a referral to CoH. Stantec have been engaged to prepare a Traffic Impact Assessment to ensure the proposed development will continue to provide safe and convenient access to Old Port Wakefield Road and Mallala Road without disruption to the normal flow of traffic.

**Native Vegetation Overlay** – An environmental management consultant was engaged to undertake a native vegetation assessment of the trees and vegetation both within the Mallala Road and Windmill Road reserves and on the subject land. A copy of the native vegetation assessment has been included with this application. The assessment concluded:

- Most of the vegetation to be impacted by the proposed development consists of planted and introduced flora species.
- Planted and non-introduced species are not protected under the Native Vegetation Act 1991 and therefore approval, or compliance with the Native Vegetation Regulations 2017, is not required.
- Some very scattered individual shrubs which are native species were identified within the Mallala Road reserve and within the subject land. However total coverage of these species are estimated to be less than 1% (Mallala Road) and less than 3% on the subject land. Clearance of these species would be considered very minor and approval from the Native Vegetation Council would not be required.
- Consequently, no vegetation to be impacted during the development of the proposed On the Run site at 91 Old Port Wakefield Rd, Two Wells is protected under the Native Vegetation Act 1991 and approval for clearance from the Native vegetation Council is not required.

**Noise and Air Emissions Overlay** – Community health and amenity is protected from adverse impacts of noise and air emissions. Sonus acoustic engineers have been engaged to prepare an environmental noise assessment report. Preliminary advice from Sonus confirms the development will comply with the *Environment Protection (Noise) Policy 2007* and with the polices set out in the Planning and Design Code.

**Traffic Generating Development Overlay** – The development site is located on Old Port Wakefield Road and Mallala Road which are roads under the care and management of the Commissioner of Highways (CoH). The development proposes to create access points on both Old Port Wakefield Road and Mallala Road and will trigger a referral to CoH. Stantec



have been engaged to prepare a Traffic Impact Assessment to ensure the proposed development will continue to provide safe and convenient access to and from the site without disruption to the normal flow of traffic. The Stantec TIA will be uploaded to the PlanSA Portal shortly.

### General Development Policies

#### Advertisements

The Desired Outcome for Advertisements (DO 1) seeks advertisements and advertising hoardings that are appropriate to context, efficient and effective in communicating with the public, limited in number to avoid clutter, and do not create a hazard. Advertising should be of a size and scale appropriate to the locality they are sited in (PO 1.5).

Advertisements are limited to information relating to the lawful use of land they are located on to assist in the ready identification of the activity or activities on the land and avoids unrelated content that contributes to visual clutter and untidiness (PO 3.1). Light spill from illuminated advertisement should be limited to ensure that impact to sensitive receivers is minimised (PO 4.1).

The proposed Retail Fuel Outlet is on a site with extensive road frontages and multiple access points. The 3 proposed freestanding pylon signs, located at considerable intervals along the site frontages, will give pedestrians, cyclists and motorists clear advanced guidance as to the extensive range of products and services offered at the site. For motorists, this will allow ample time to turn into the site

The signage is appropriate having regard to the guidance and site identification it will provide, to the size and frontages of the site and to the position of the proposed signage, which will prevent it from having any impact on nearby sensitive land uses.

All signage will be directly related to products and services available from the site, there will be no third party advertising.

The lightspill of any illuminated signage will be minimised and retained within the boundaries of the subject land through the use of directional lighting and spill guards.

Where signage is back illuminated, it will be illuminated with side-mounted LED strips which have a 160-degree beam angle and which will provide no direct glare to the signage panel and a softer and even light to the signage box. All back illuminated signage will be electronically limited to comply with the relevant Australian Standards and to ensure there will be no additional impact on the amenity of nearby sensitive land uses.

The back illuminated light boxes within the three pylon signs will be completed with a dimmable driver Mean Well HLG -150H which will be dimmed down and measured on site to ensure the veiling luminance from the advertising signs not exceeding 0.25cd/m. The pylon signs will be dimmed to meet the pre-curfew hours limited to a maximum of 25 lux across the boundary line, and the curfew hour limited to a maximum 5 lux (Light output to road way).

A double sided 2.5m x 2m LED screen is proposed to be installed within the 4 metre OTR pylon. The LED signage panels are compatible with the scale of development and range of products and services available from the subject land. The LED panels will inform customers of specific products and services available from the subject land. The LED panels will display static advertisements that will not flash, scroll, move or contain animation. The luminance of the panels can be electronically limited to manage and mitigate any impacts on amenity through light spill on the surrounding sensitive land uses.

#### Design in Urban Areas

The Desired Outcome for Design in Urban Areas (DO 1) seeks a development that positively contributes to the character of the locality, is durable, integrated within the public realm and

utilises sustainable techniques and materials to minimise energy consumption. Buildings reinforce corners through changes in setback, articulation, materials, colour and massing including height, width, bulk, roof form and slope (PO 1). The negative visual impacts of plant and equipment, service, loading and waste disposal areas should be screened from view to minimise their impacts (PO 1.4, 1.5).

The development should maximise the opportunities for passive surveillance by providing clear lines of site, appropriate lighting and visually permeable screening wherever practicable (PO 2.1). Soft landscaping and tree planting should be incorporated into the development to enhance the appearance of land and streetscapes (PO 3.1).

The proposed development includes a mix of contemporary architectural elements, materials, colours and finishes which, consistent with their functional purposes and operations, will add interest to the buildings and structures proposed. Differing articulation, with both vertical and horizontal components incorporated into the buildings and structures, will achieve a human scale for pedestrians while allowing drivers to easily interpret the use and address of the buildings.

The extensive landscaped areas proposed around the perimeter and within the site will soften the interface of the proposed development with surrounding areas.

The control building has been specifically designed and oriented to address each of the public frontages of the site. Oxigen Landscape Architects have prepared a landscape plan in support of the development. The plan included with this application provides for a variety of trees and vegetation in generous landscaped beds throughout the site. Landscaping at the site will assist in softening and reducing the bulk of the development when viewed from outside of the subject land.

The 24 hour operation of the Retail Fuel Outlet will provide a well lit and inviting environment after dark as well as providing opportunities for passive surveillance which will help to discourage any instances of antisocial behaviour.

#### Interface Between Land Uses

The Desired Outcome for Interface Between Land Uses (DO 1) seeks development that is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses. Development adjacent to a site containing sensitive receivers should be designed to minimise adverse impacts (PO 1.2). Non-residential development should not impact adjoining sensitive receivers primarily through its hours of operation and should have regard to the nature of the development, the measures taken to mitigate off site impacts and the extent to which the use is desired in the zone (PO 2.1).

Areas for the on-site manoeuvring of service and delivery vehicles, plant and equipment, outdoor work spaces and any roof top plant and equipment should be designed to reduce any unreasonable impacts on the amenity of adjoining sensitive receivers (PO 4.1, 4.2, 4.3).

Sonus acoustic engineers have been engaged to undertake an Environmental Noise Assessment of the proposed Retail Fuel Outlet to determine the extent of any noise impacts on the locality. The Sonus report will be uploaded to the SA Planning Portal shortly. Preliminary advice indicates the development will comply with the EPA Environmental (Noise) Policy 2007.

The proposed development will be operated to ensure that there will be no detrimental impacts through food odour or other air pollution on account of food prepared and sold from within the control building. The mechanical design of canopies and extraction systems will be designed by a qualified engineer and will comply with the Building Code of Australia and the Australian Standard AS 1668.2:2012.

All external lighting is designed with the use of spill guards to direct light within the site and away from nearby sensitive land uses abutting the site.

### Transport, Access and Parking

The General Development Policies for Transport, Access and Parking seek to provide a comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users (DO 1). The development should be sited and designed so that loading, unloading and turning of all traffic avoids interrupting the operation of and queuing on public roads and pedestrian paths (PO 1.4).

Driveways, access points and parking areas are designed and constructed to allow adequate movement and manoeuvrability having regard to the types of vehicles that are reasonably anticipated (PO 3.8). On-site vehicle parking and specifically marked accessible car parking spaces should be provided in accordance with Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements (PO 5.1).

The provision of adequately sized on-site bicycle parking facilities encourages cycling as an active transport mode (PO 9.1).

The proposed development has been designed to meet OTR's standard traffic and access operational requirements, including in relation to internal vehicle circulation, car parking provision and layout, provision of disability access spaces and location of access points.

The site has been designed to accommodate the access and circulation of fuel tankers, other delivery vehicles and waste disposal trucks without material risk of conflict with any other users.

The applicant has engaged Stantec Consultants to prepare a Traffic Impact Assessment (TIA) which analyses the impact of the proposal on the surrounding area and provides comment on the provision of 12 shared on-site car parks to be provided. The report will be uploaded to the PlanSA Portal shortly.

Sufficient on-site bicycle parking facilities have been provided. The bicycle parking facilities are located adjacent to the primary façade of the control building to ensure a high degree of visibility from within the building.

### Conclusion

On balance and taking into consideration the site and its association with surrounding land uses, the proposed development will contribute materially to the Desired Outcome and policies of the Township Main Street Zone. The proposed Retail Fuel Outlet is an appropriate scale in the context of the size of the subject land and will provide an improved range of products, facilities and services in a manner that supports the continued and future township growth in Two Wells. Preliminary advice from Sonus and GTA indicate potential impacts on adjacent properties and the locality including noise generation, access and parking have been assessed and will not result in any unacceptable outcomes.

The proposed development accords with the provisions of the Township Main Street Zone and with the general policy provisions of the Planning and Design Code. Therefore we submit the proposed development merits approval.

We trust that the information provided in this letter will assist in assessment of the proposed development. If you require any further information, please do not hesitate to contact me on 0439 883 977 or by email at [t.beazley@peregrine.com.au](mailto:t.beazley@peregrine.com.au)

Yours Sincerely



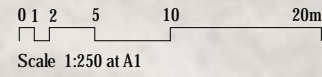
**Tim Beazley**  
Town Planner  
Peregrine Corporation

# NEW SERVICE STATION COMPLEX

91 OLD PORT WAKEFIELD ROAD, TWO WELLS

20.10.22  
22JN1467 SK02d

PLANNING APPLICATION



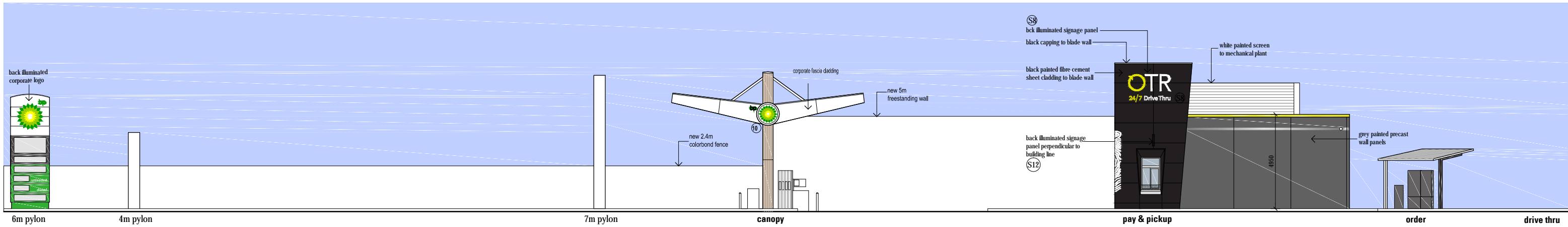
**ADS Architects**  
93 Gilles Street Adelaide 5000 T:82232244



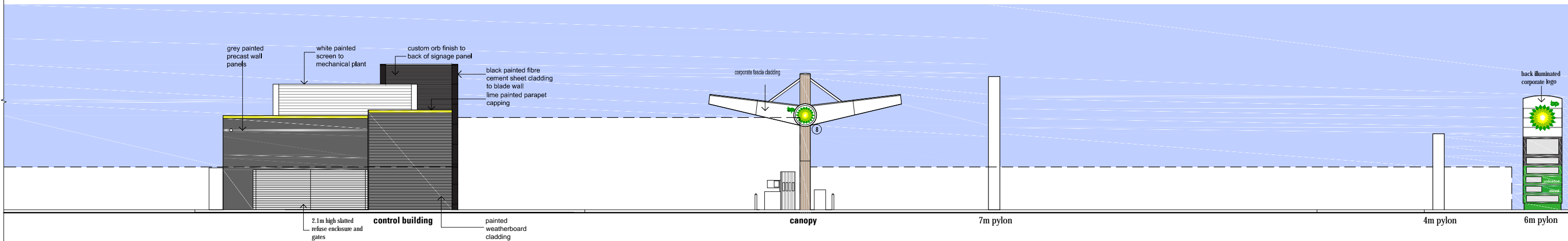
**SITE PLAN**  
1:250 AT A1

old port wakefield road



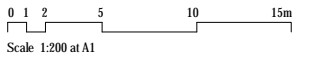


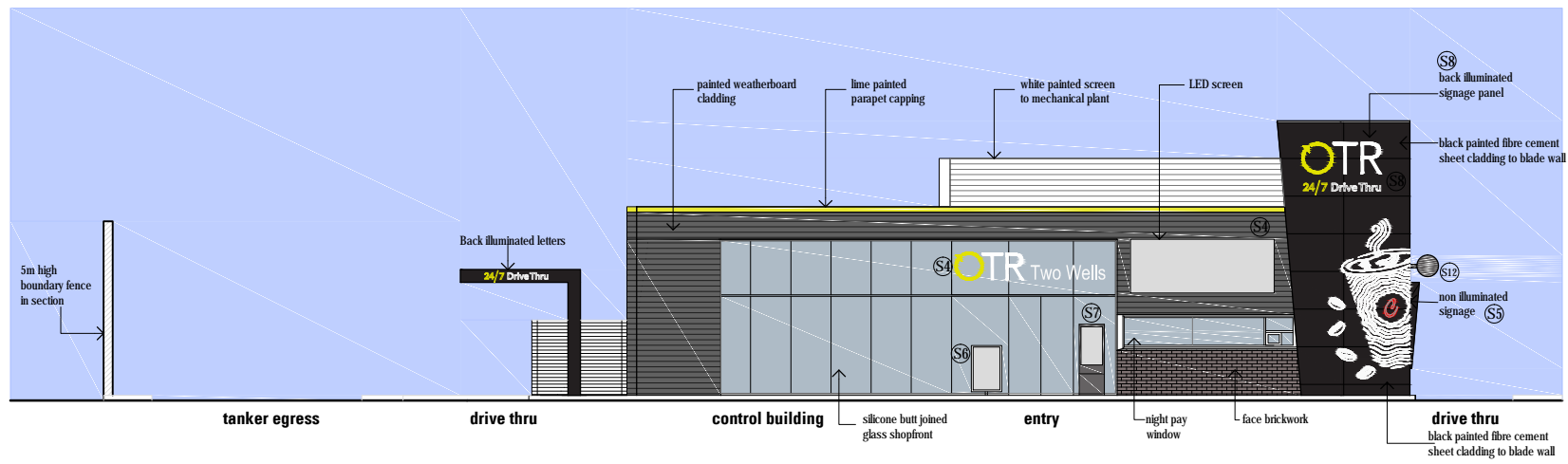
**N O R T H E A S T E L E V A T I O N**  
1:100 AT A1



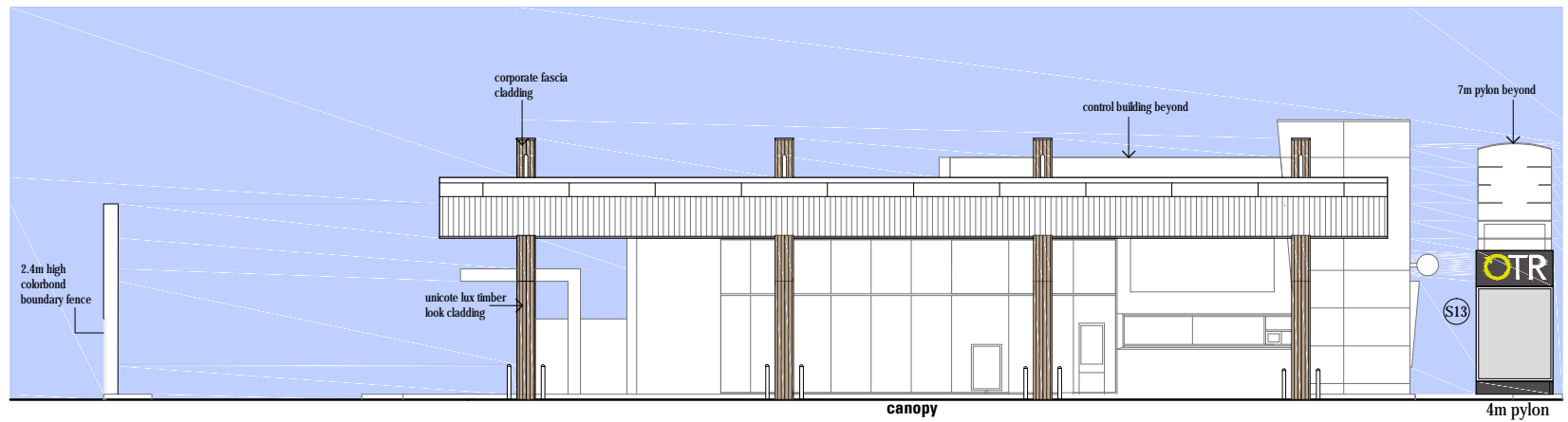
**S O U T H E A S T E L E V A T I O N**  
1:100 AT A1

**N E W S E R V I C E S T A T I O N C O M P L E X**  
**91 OLD PORT WAKEFIELD ROAD, TWO WELLS**

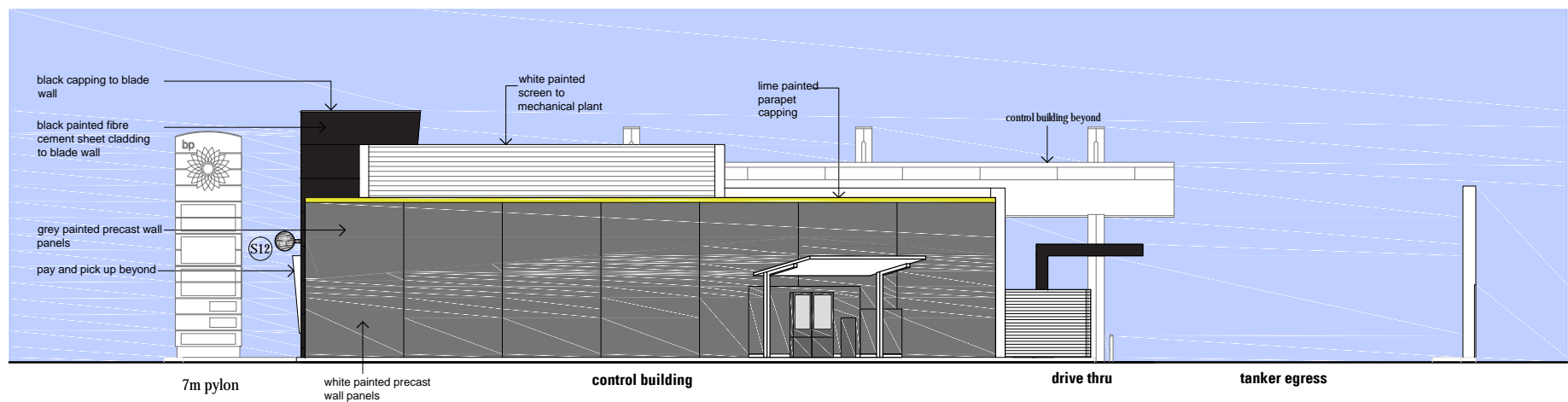




**SOUTHEAST ELEVATION**  
1:100 AT A1



**NORTHEAST ELEVATION**  
1:100 AT A1



**SOUTHWEST ELEVATION**  
1:100 AT A1

# NEW SERVICE STATION COMPLEX

## 91 OLD PORT WAKEFIELD ROAD, TWO WELLS



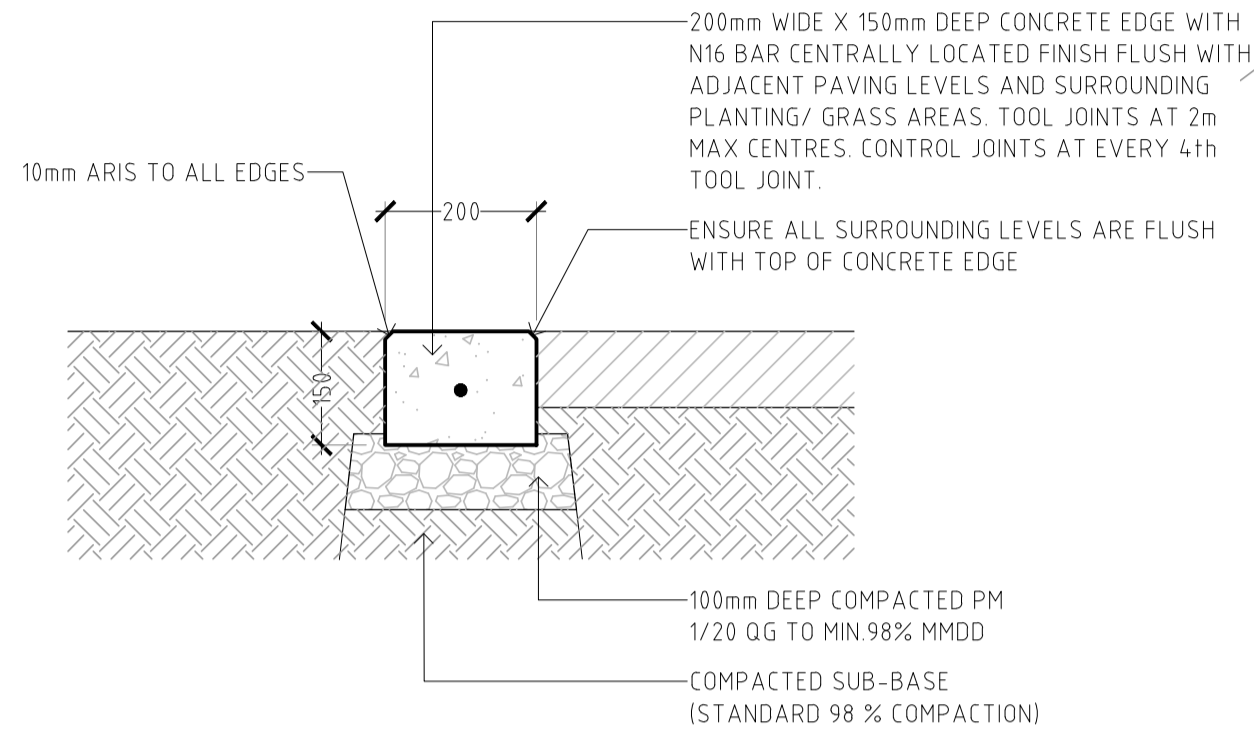
**NOTES**

**EXISTING SERVICES**  
THE CONTRACTOR MUST LOCATE AND MARK ALL UNDERGROUND SERVICES BEFORE COMMENCING WORK ON SITE.

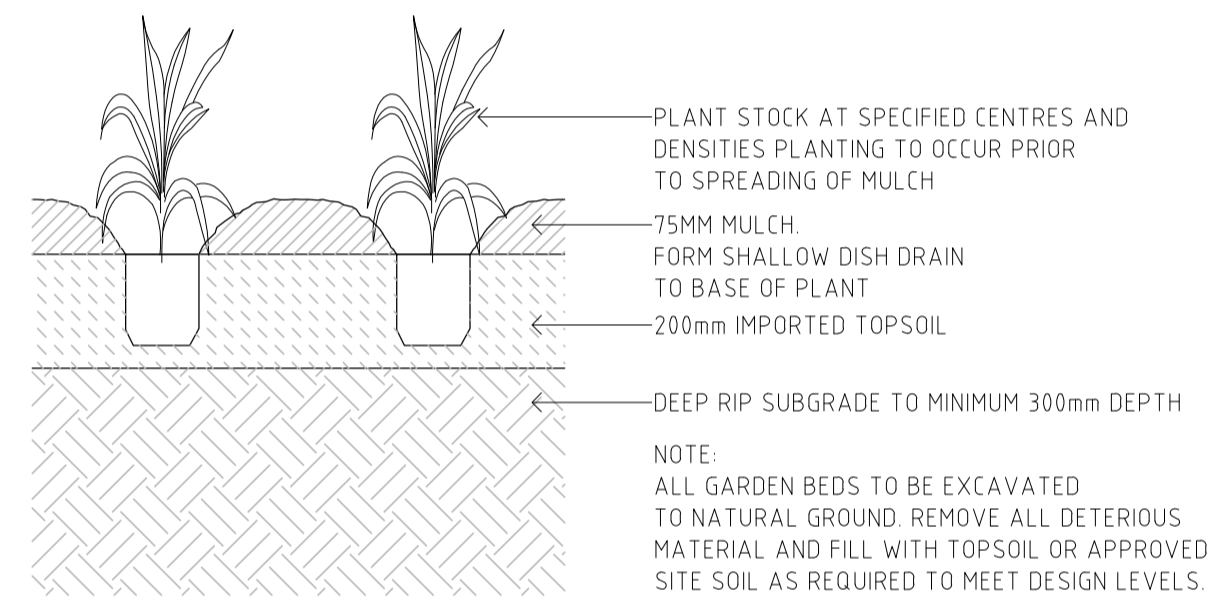
**TREE PLANTING**  
PREPARE TREE HOLES TO A MINIMUM SIZE OF THE DEPTH OF THE ROOTBALL x 1m WIDE AND BREAK THE SUBGRADE TO A MINIMUM DEPTH OF 200MM BELOW. TAKE PARTICULAR CARE TO BREAK UP ANY GLAZING TO SIDES OF TREE HOLE. FINISH THE ROOTBALL LEVEL WITH THE FINAL SURROUNDING SOIL LEVEL AND BACKFILL THE PLANTING HOLE WITH SITE TOPSOIL BLENDED WITH 20% ORGANIC MIX. PROVIDE A 1m DIAMETER MULCHED WATERING BOWL TO THE BASE OF THE TREE. STAKE TREES WITH 2No 2500x50x50 HARDWOOD STAKES AND TIE WITH 50mm HESSIAN TIES SECURELY STAPLED TO THE STAKES. ENSURE STAKES AND TIES REMAIN CLEAR OF BRANCHES, FOLIAGE AND ROOTBALL.

**PLANTING BEDS**  
CULTIVATE EXISTING GROUND TO A MINIMUM DEPTH OF 300 MM AND PLACE 300MM IMPORTED 'ORGANIC MIX'. PLACE PLANTS IN THE CENTER OF THE PLANTING HOLE AND FINISH THE TOP OF THE ROOT BALL LEVEL WITH THE FINISHED SURFACE OF THE SURROUNDING SOIL. APPLY FERACOTTEM FERTILISER TO MANUFACTURERS RATES AT TIME OF PLANTING AND AFTER PLANTING PLACE A 100MM MINIMUM DEPTH OF COTTAGE MULCH. THOROUGHLY WATER PLANTS BEFORE AND IMMEDIATELY AFTER PLANTING, AND AS REQUIRED TO MAINTAIN HEALTH AND VIGOUR. AVERAGE 2 PLANTS/M<sup>2</sup>

**IRRIGATION**  
PROVIDE AN AUTOMATIC IN-LINE DRIP IRRIGATION SYSTEM TO ALL PLANTING BEDS AND TREES.  
DRIP IRRIGATION SPECIFIED AS NETAFIM TECHLINE 16 POLY TUBE 16LPH @ 0.5M SPACINGS OR SIMILAR APPROVED.  
FOR ALL TREE PLANTING INSTALL AT BASE OF TREE 4No 4LPH PC DRIP EMITTERS ON 13MM POLY LOOP (OR INLINE EQUIVALENT).  
ALL POLY TUBING TO BE LAID ON SURFACE AND COVERED WITH MULCH.  
PROVIDE BACKFLOW PREVENTION, AUTOMATIC CONTROLLER AND OTHER DEVICES AS REQUIRED.



**03 CONCRETE EDGE DETAIL**  
SCALE 1:10 @ A1, 1:20 @ A1



**01 TYPICAL SHRUB PLANTING DETAIL**  
SCALE 1:10 @ A1, 1:20 @ A1

**LEGEND**

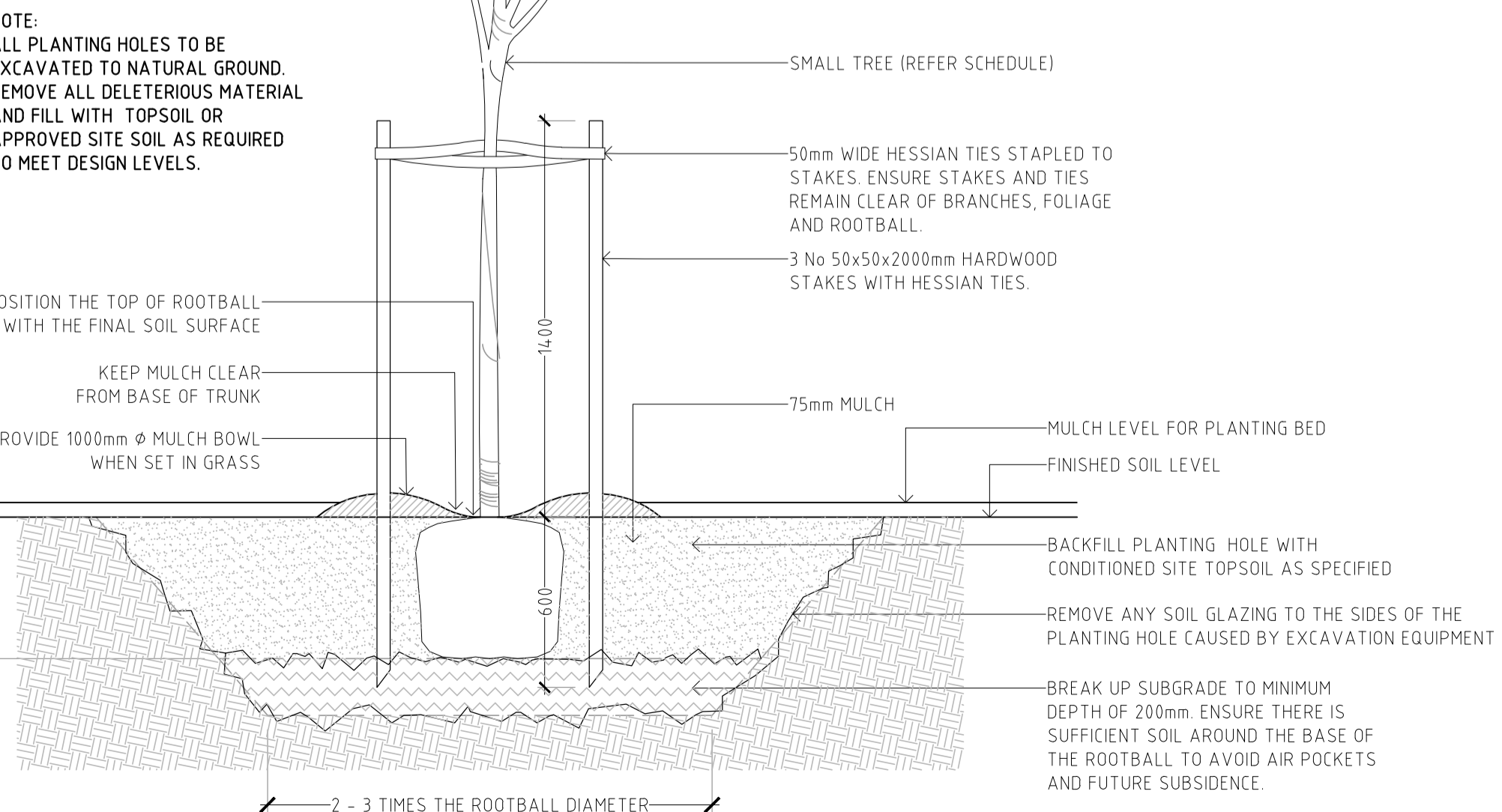
NEW	EXISTING
NEW TREE REFER DETAIL 02	PROPERTY BOUNDARY
PLANTING REFER DETAIL 01	EXISTING TREE
IRRIGATED GRASS	
CONCRETE EDGE REFER DETAIL 03	

**TREE SCHEDULE**

CODE	BOTANIC NAME	SPACING	SIZE	QTY
AC	Acer japonicum 'Vitifolium'	AS SHOWN	45L	2
LN	Lagerstroemia indica x fauriei 'Natchez'	AS SHOWN	45L	1
LS	Lagerstroemia indica x fauriei 'Sioux'	AS SHOWN	45L	3

**PLANT SCHEDULE**

CODE	BOTANIC NAME	SPACING	SIZE	QTY
AM	Acacia myrtifolia	2.0/m <sup>2</sup>	150mm	107
AL	Acmena 'Little Trev'	2.0/m <sup>2</sup>	150mm	75
AS	Acmena smithii 'Cloudy Surprise'	2.0/m <sup>2</sup>	150mm	184
CA	Correa alba 'White Star'	2.0/m <sup>2</sup>	150mm	112
DV	Dodonaea viscosa 'Dwarf Forms'	2.0/m <sup>2</sup>	150mm	52
RE	Russelia eguiseifolia 'Dwarf Form'	2.0/m <sup>2</sup>	150mm	54
VT	Viburnum tinus	2.0/m <sup>2</sup>	150mm	56
WS	Westringia 'Smokey'	2.0/m <sup>2</sup>	150mm	69
VO	Viburnum odoratissimum	1.0/m <sup>2</sup>	150mm	24



**02 TYPICAL TREE IN MULCH DETAIL**  
SCALE 1:20 @ A1, 1:40 @ A3  
Adelaide Plains Council



This drawing must be read in conjunction with all other contract documents including the project specifications, schedules and any instructions issued during the course of the contract. The Contractor must verify all dimensions on site and check the location of services before commencement of work. The Contractor is to notify the Superintendent of any discrepancies between the drawings or specifications. Drawings are not to be used for construction unless identified in the title block as 'For construction'. All drawings to be read at A1 unless otherwise stated. Drawings are intended for digital set-out and Dwg files will be issued upon request. Copyright Oxigen Pty Ltd

**SCALE**  
1:200 (A1), 1:400 (A3)



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CLIENT  
**PEREGRINE CORPORATION**  
ARCHITECTS  
**ADS ARCHITECTS**



PROJECT  
**TWO WELLS OTR**  
drawing title  
**LANDSCAPE PLAN**

15.04.7.085  
ISSUE  
**FOR APPROVAL**

ISSUE	DATE	ISSUE	DWN	CHK	APP
A	30.09.21	DRAFT	EH	SD	JH
B	16.02.22	DRAFT	EH	JH	JH
C	15.12.22	DRAFT	EH	JH	JH
D	19.12.22	APPROVAL	EH	JH	JH

**Native Vegetation Assessment:  
On the Run – 91 Old Port Wakefield Rd, Two Wells  
for  
PC Infrastructure Pty Ltd**



Assessed and compiled by:

Jeremy Tiller  
Environmental Management Consultant  
Forestville, SA  
February 2021

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Document Control:

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Client: **PC Infrastructure Pty Ltd**

Document Number: PCI\_008

Version: 1.0

Issue: Final

Assessor and Author: Jeremy Tiller

Media: Electronic

Issued to: Kim Pomario: Chief Operating Officer - Development

Disclaimer and limitations: In compiling this report, the author has relied upon certain information and data provided by the client and other external sources. Where such information and data has been used, it has been assumed the information is correct unless otherwise stated. No responsibility is accepted by Jeremy Tiller for incomplete or inaccurate information and data provided by others.

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## Table of Contents

1. Client Information .....	4
2. Introduction.....	4
3. Landform Description and Land Use History.....	4
4. Survey Methodology .....	4
5. Description of Vegetation under Assessment.....	6
6. Assessment and Compliance with the <i>Native Vegetation Act 1991</i> and the <i>Native Vegetation Regulations 2017</i> .....	12

## 1. Client Information

Applicant:	PC Infrastructure Pty Ltd
Key contact:	Kim Pomario: <b>Chief Operating Officer - Development</b> . Ph: 0406 381 025
Site Address:	91 Old Port Wakefield Rd, Two Wells
Local Government Area:	Adelaide Plains Council

## 2. Introduction

Jeremy Tiller was commissioned by PC Infrastructure Pty Ltd to conduct a native vegetation assessment at the proposed site for a new On the Run Service Station at 91 Old Port Wakefield Rd, Two Wells (Map 1) and to assess the proposed clearance envelopes against the Clearance Requirements of the *Native Vegetation Act 1991* and *Native Vegetation Regulations 2017* (Map 1).

## 3. Landform Description and Land Use History

The landform in the region is described as undulating plains with occasional dunes and is dominated by grasslands of sown pastures and cereal crops. The proposed site is within the Two Wells township and currently zoned as residential land use. The adjacent properties are used for residential, rural residential, commercial and recreation purposes (Source: NatureMaps 2021).

## 4. Survey Methodology

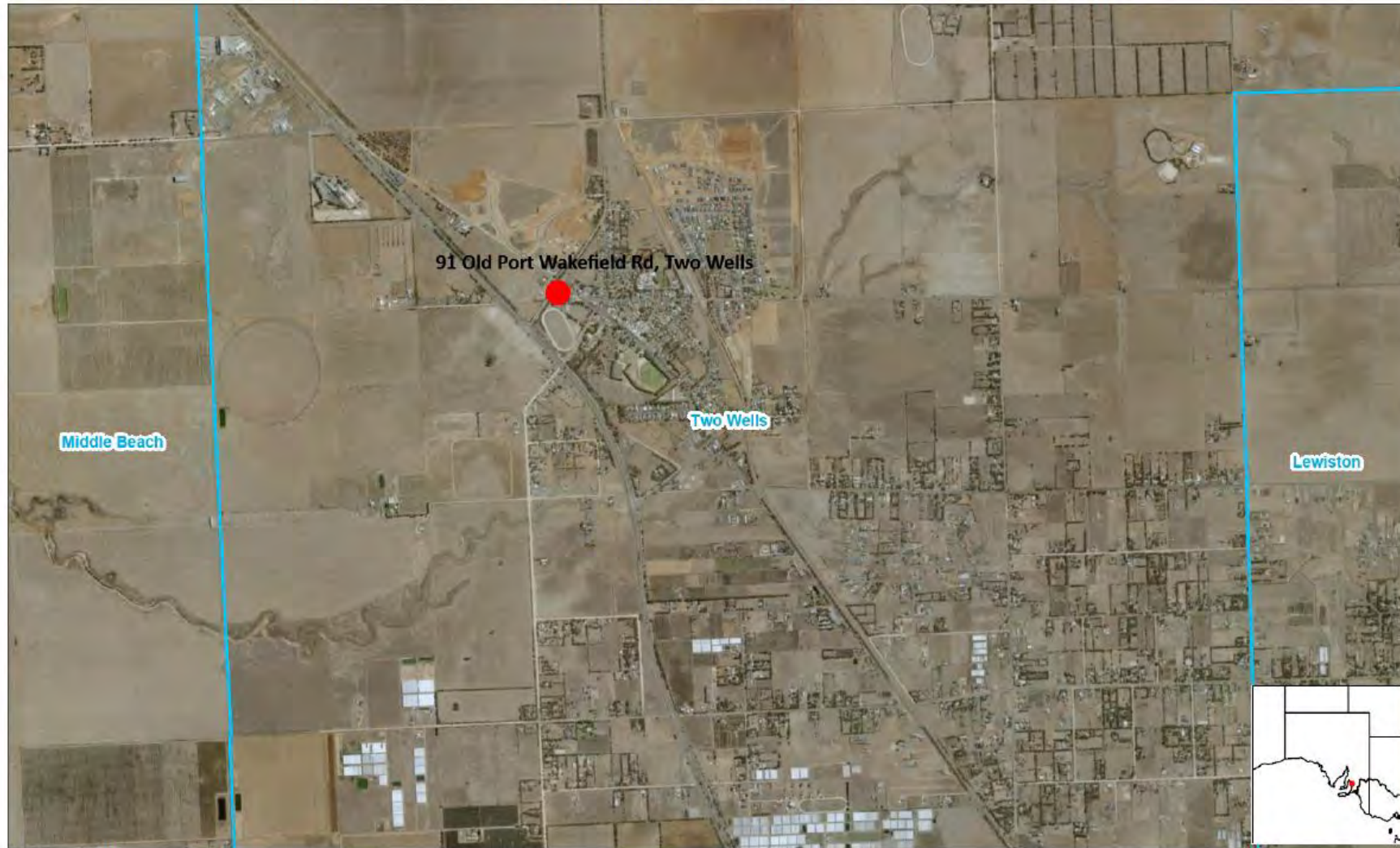
Prior to the site survey the following desktop assessments were conducted:

- Review of the Atlas of Living Australia and EPBC Act 1999 Protected Matter search tools within 5km of the site to determine the likelihood of any National and State listed fauna species that may utilise the vegetation under application.
- Review of the Atlas of Living Australia and EPBC Act 1999 Protected Matter search tools within 5km of the site to determine the likelihood of any National and State listed flora species and/or habitats of conservation significance that may be present on the subject land.

The project site was surveyed on 7 February 2021. The site survey was undertaken in accordance with the Native Vegetation Council (NVC) Bushland and Scattered Assessment Manual 2019. The aim of the site survey was to:

- record the vegetation association and flora species present;
- record the condition of the vegetation present;
- record the attributes of the native trees present;
- record any threatened flora species, if present;
- record any opportunistic fauna sightings;
- identify any suitable alternative locations to avoid or minimise the impacts to protected native vegetation; and
- to assess the proposed clearance against the Requirements and Regulations of the *Native Vegetation Act 1991* and *Native Vegetation Regulations 2017*.

Map 1. Location of the Proposed On the Run Site at Two Wells



Map data is compiled from a variety of sources and hence its accuracy is variable.

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Compiled: 9-Feb-2021  
Generated at: [www.naturemaps.sa.gov.au](http://www.naturemaps.sa.gov.au)  
Datum: Geocentric Datum of Australia, 1994  
Projection: Web Mercator (Auxiliary Sphere)



## 5. Description of Vegetation under Assessment

### **Mallala Road (Area 1: Map 2)**

The roadside vegetation along Mallala Road adjacent to the subject site is dominated by dense stands of *Casuarina glauca* (Swamp Sheoak). *Casuarina glauca* is a declared pest plant species listed under the *Landscape South Australia Act 2019*. The road verge also contains planted *Eucalyptus torquata* (Coral Gum) and self-seeded *Schinus molle* (Pepper Tree). All species are not indigenous to the Adelaide Plains region and South Australia and therefore not protected under the *Native Vegetation Act 1991*.

In addition, the road reserve contains very scattered individual *Maireana brevifolia* (Small-leaf Bluebush) shrubs which is a native species protected under the *Native Vegetation Act 1991*. However, total cover of this species in the assessment area would constitute less than 1%. As a result, clearance of this species would be considered very minor and approval from the Native Vegetation Council would not be required.

### **Block at 91 Old Port Wakefield Rd, Two Wells (Area 2: Map 2)**

The block at 91 Old Port Wakefield Rd, Two Wells contains a landscaped garden void of any local native flora species that are protected under the *Native Vegetation Act 1991*. Plants that were recorded include non-local *Eucalyptus*, *Eremophila*, *Callistemon* and *Acacia* species, Conifer, Ivy, Bougainvillea, Pomegranate, Lemon, Agapanthus, Grape, *Casuarina glauca* (Swamp Sheoak), *Schinus molle* (Pepper Tree), *Aizoon pubescens* (Coastal Galenia), *Avena* sp. (Wild Oats) and several species of succulents. The front yard contains three large *Pinus radiata* (Radiata Pine).

**Photo 1:** Vegetation along Mallala road adjacent to the proposed On the Run site.



**Photo 2:** Vegetation along Mallala road adjacent to the proposed On the Run site.



**Photo 3:** Vegetation within front yard at 91 Old Port Wakefield Rd, Two Wells



**Photo 4:** Vegetation within front yard at 91 Old Port Wakefield Rd, Two Wells



**Photo 5:** Vegetation within back yard at 91 Old Port Wakefield Rd, Two Wells



**Rear block behind 91 Old Port Wakefield Rd, Two Wells (Area 3: Map 2)**

The rear block at 91 Old Port Wakefield Rd, Two Wells contains holding enclosures for horses. The groundcover vegetation consists mostly of *Avena* sp. (Wild Oats) and *Aizoon pubescens* (Coastal Galenia), with scattered *Lycium ferocissimum* (African Boxthorn) which is a declared pest plant species listed under the *Landscape South Australia Act 2019*.

In addition, the rear block contains very scattered individual *Maireana brevifolia* (Small-leaf Bluebush) and *Enchylaena tomentosa* (Ruby Saltbush) shrubs which are native species protected under the *Native Vegetation Act 1991*. However, total cover of these species in the assessment area would constitute less than 3%. As a result, clearance of this species would be considered very minor and approval from the Native Vegetation Council would not be required.

The perimeter of the rear block contains planted trees, which include non-local *Eucalyptus* sp., *Acacia salinga* (Golden Wreath Wattle), *Casuarina glauca* (Swamp Sheoak) and *Schinus molle* (Pepper Tree). All species are not indigenous to the Adelaide Plains region and South Australia and therefore not protected under the *Native Vegetation Act 1991*. In addition, several planted *Eucalyptus camaldulensis* (River Red Gum) are situated in the rear block. While the species are local natives to the region, planted trees are not protected under the *Native Vegetation Act 1991*. Several of the trees in the rear block are deceased or in very poor health.

**Photo 6:** Vegetation within rear block at 91 Old Port Wakefield Rd, Two Wells





**Photo 7:** Vegetation within rear block at 91 Old Port Wakefield Rd, Two Wells



**Vegetation behind 91 Old Port Wakefield Rd, Two Wells on Windmill Road (Area 4: Map 2)**

Behind 91 Old Port Wakefield Rd, Two Wells on Windmill Road a row of trees has been planted along the fenceline. Species include *Eucalyptus camaldulensis* (River Red Gum), non-local *Eucalyptus* sp., *Schinus molle* (Pepper Tree), *Pinus radiata* (Radiata Pine) and *Olea europaea* (Olive). *Olea europaea* is a declared pest plant species listed under the *Landscape South Australia Act 2019*. Planted and non-indigenous species are not protected under the *Native Vegetation Act 1991*.

**Photo 8:** Vegetation on Windmill Road.



**Map 2. Proposed Two Wells OTR Site (Area 1-4)**



Map data is compiled from a variety of sources and hence its accuracy is variable.

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 Generated at: [www.naturemaps.sa.gov.au](http://www.naturemaps.sa.gov.au)  
 Datum: Geocentric Datum of Australia, 1994  
 Projection: Web Mercator (Auxiliary Sphere)



## 6. Assessment and Compliance with the *Native Vegetation Act 1991* and the *Native Vegetation Regulations 2017*

Most of the vegetation to be impacted at the proposed On the Run site at 91 Old Port Wakefield Rd, Two Wells consists of introduced flora species not indigenous to the Adelaide Plains region and/or South Australia. Non-indigenous species to South Australia are not protected under the *Native Vegetation Act 1991* and therefore approval, or compliance with the *Native Vegetation Regulation 2017*, is not required.

*Eucalyptus camaldulensis* (River Red Gum) are identified as a species that naturally occurs and is indigenous to the region. However, as the *Eucalyptus camaldulensis* recoded within the assessment area are planted, they are not protected under the *Native Vegetation Act 1991* and therefore approval, or compliance with the *Native Vegetation Regulation 2017*, is not required.

Consequently, no vegetation to be impacted during the development of the proposed On the Run site at 91 Old Port Wakefield Rd, Two Wells is protected under the *Native Vegetation Act 1991* and approval for clearance from the Native vegetation Council is not required.

# OTR Two Wells

# Old Port Wakefield Road

## Environmental Noise Assessment

### S7138C3

### December 2022

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**Document Title** OTR Two Wells, Old Port Wakefield Road  
Environmental Noise Assessment

**Client** Peregrine Corporation

**Document Reference** S7138C2

**Date** December 2022

**Author** Alexander Lee, MAAS

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## CONTENTS

INTRODUCTION .....	3
CRITERIA .....	4
Planning & Design Code .....	4
Environment Protection (Noise) Policy 2007 .....	5
ASSESSMENT .....	7
Rubbish Collection .....	7
General Activity.....	7
CONCLUSION.....	12
APPENDIX A: Detailed Site Plan.....	13
APPENDIX B: South Australian Planning and Design Code Provisions .....	14
APPENDIX C: Sound Power Level Data.....	16

## INTRODUCTION

An environmental noise assessment has been undertaken for the proposed integrated service station facility (the **Proposed Facility**) to be located at 91 Old Port Wakefield Road, Two Wells.

The Proposed Facility includes a drive through, fuel service and a dedicated truck refuelling (diesel) bay. The assessment has therefore been undertaken to consider the noise generated by activity at the Proposed Facility, including the following:

- On-site vehicle movements;
- General car park activity;
- Rubbish collection;
- Drive through activity;
- Fuel and store deliveries; and
- Mechanical plant serving the Proposed Facility.

The closest noise sensitive receivers to the site are the residences to the immediate east, to the northwest on the opposite side of Mallala Road and to the northeast on the opposite side of Old Port Wakefield Road. In addition there is currently vacant land to the northeast on the opposite side of Old Port Wakefield Road.

The assessment has been based on:

- Drawing of the proposal titled “New Service Station Complex”, numbered “22JN1467 SK02d” and dated 20 October 2022;
- The site layout shown in Appendix A;
- The service station site operating 24 hours per day;
- The site not incorporating any LPG facilities;
- Previous noise measurements of plant and equipment and car park related activities at other similar sites.

## CRITERIA

### Planning & Design Code

The subject site and closest residences to the immediate east are within the Township Main Street Zone of the South Australian Planning and Design Code (the **Code**). The residences on the opposite side of Mallala Road are within the Employment and Master Planned Township (Emerging Township Activity Centre Subzone) Zones. The residences and vacant land on the opposite side of Old Port Wakefield Road are within the Neighbourhood Zone. These zones are identified in the figure below.



The Code has been reviewed and the provisions considered relevant to the assessment are provided in Appendix B.

*Performance Outcome 4.1 (PO4.1)* relates to noise from development *not unreasonably impact[ing] the amenity of sensitive receivers (or lawfully approved sensitive receivers)*. The Deemed to Satisfy provision for PO4.1 specifically reference achieving the criteria of the *Environment Protection (Noise) Policy 2007 (the Policy)*, which provides objective criteria for most noise sources.

### **Environment Protection (Noise) Policy 2007**

The Policy provides goal noise levels to be achieved at noise sensitive locations from general activity at a site and specific provisions for other activity such as rubbish collection.

The requirements are based on the World Health Organisation Guidelines to prevent annoyance, sleep disturbance and unreasonable interference on the amenity of an area. Therefore, compliance with the Policy is considered to satisfy all provisions of the Code which are related to environmental noise.

#### Noise from Rubbish Collection

The Policy deals with rubbish collection by effectively limiting the hours to the least sensitive period of the day. Division 3 of the Policy requires rubbish collection to only occur between the hours of 9am and 7pm on Sundays or public holidays, and between 7am and 7pm on any other day, except where it can be shown that the maximum ( $L_{max}$ ) noise level from such activity is less than 60 dB(A).

#### General Activity

For the assessment of activity other than rubbish collection, the Policy provides goal noise levels based on the principally promoted land use of the zones in which the noise source (the Proposed Facility) and the noise receiver (the existing residences) are located.

In this instance, the following goal noise levels are provided by the Policy:

- At existing residences within the Township Main Street Zone:
  - an equivalent ( $L_{eq}$ ) noise level of 57 dB(A) during the day (7am to 10pm); and,
  - an equivalent ( $L_{eq}$ ) noise level of 50 dB(A) at night (10pm to 7am).



- At existing residences within the Employment Zone:
  - an equivalent ( $L_{eq}$ ) noise level of 56 dB(A) during the day (7am to 10pm);
  - an equivalent ( $L_{eq}$ ) noise level of 49 dB(A) at night (10pm to 7am).
- At existing residences within the Master Planned Township Zone (Emerging Township Activity Centre Subzone):
  - an equivalent ( $L_{eq}$ ) noise level of 55 dB(A) during the day (7am to 10pm); and,
  - an equivalent ( $L_{eq}$ ) noise level of 48 dB(A) at night (10pm to 7am).
- At existing residences within the Neighbourhood Zone:
  - an equivalent ( $L_{eq}$ ) noise level of 52 dB(A) during the day (7am to 10pm);
  - an equivalent ( $L_{eq}$ ) noise level of 45 dB(A) at night (10pm to 7am); and,
  - a maximum ( $L_{eq}$ ) noise level of 60 dB(A) at night (10pm to 7am).
- At vacant land within the Neighbourhood Zone:
  - an equivalent ( $L_{eq}$ ) noise level of 57 dB(A) during the day (7am to 10pm); and
  - an equivalent ( $L_{eq}$ ) noise level of 50 dB(A) at night (10pm to 7am).

When measuring or predicting noise levels for comparison with the Policy, penalties may be applied for each of the characteristics of tone, impulse, low frequency and modulation, which the noise source exhibits. To apply a penalty, the characteristic must be considered dominant in the existing ambient noise environment. The noise from vehicle movements through a site can often attract a penalty for the noise character of modulation, where it is at or above the level of other activity. The application of penalties is discussed further in the following section.

## ASSESSMENT

### Rubbish Collection

In order for rubbish collection to achieve the requirements of the Policy, the hours should be restricted to that of Division 3 of the Policy. That is, rubbish collection should only be between the hours of 9am and 7pm on a Sunday or public holiday, and 7am and 7pm on any other day.

### General Activity

The noise levels from activities other than rubbish collection at the site have been predicted based on a range of previous measurements and observations at similar sites. These include:

- Car park activity such as people talking as they vacate or approach their vehicles, the opening and closing of vehicle doors, vehicles starting, vehicles idling, and vehicles moving into and accelerating away from their parked position;
- General vehicle movements on site, including refrigerated trucks using refuelling bays;
- Drive through activity including order units and pick-up windows;
- Fuel delivery trucks and refrigerated trucks; and,
- Mechanical plant serving the control building.

At the Development Application stage of a project, it is common that the final mechanical plant units are not yet designed or selected. Therefore, the assessment has considered typical air conditioning, refrigeration and exhaust fans operating at other similar facilities to provide an indicative assessment. It has been assumed that mechanical plant will be located on the roof of the control building.

Predictions of the noise from operation of plant and equipment have been made based on manufacturer's data and previous noise measurements of the following indicative plant;

Equipment	Quantity
Freezer	1
Packaged cooling units	2
Kitchen Exhaust Fan	1
Cool room	1
Amenity exhaust fan	1

The sound power levels for the above activities and equipment are provided as Appendix C.

Should the extent of plant or the sound power levels of the plant be higher than are provided in Appendix C of this report, the assessment and associated acoustic treatments should be reviewed. The final design of

mechanical plant should ensure that the relevant goal noise levels of the *Environment Protection (Noise) Policy 2007* are achieved at all residences when accounting for the other noise sources on the site.

A noise model of the site has been developed to predict the noise level resulting at receivers using SoundPlan software. The model considers the noise generated by each source, the distance to receivers, the effect of barriers, including fences and buildings and worst case meteorological conditions resulting in the highest noise level at the receiver.

The predictions of noise from use of the Proposed Facility, other than rubbish collection, have also been based on the following operational assumptions for the level of activity in any 15-minute<sup>1</sup> period:

- Day Time (7am to 10pm)
  - Continuous operation of mechanical plant on the control building roof;
  - 10 Vehicle movements through the drive through, including:
    - A vehicle idling continuously at the order unit and pick-up areas; and,
    - 2 vehicles idling continuously behind the car at the order unit and pick-up areas.
  - 20 vehicle movements through the site using the petrol filling stations or car park bays associated with the control building;
  - A stationary vehicle idling at each of the refuelling bays, (while waiting to use the filling station);
  - A single truck movement into or out of the site using the diesel bay, with the engine switched off, but with the potential for a refrigeration condenser to continue operating; and,
  - A single fuel delivery.
- Night Time (10pm to 7am)
  - Continuous operation of mechanical plant on the control building roof;
  - 5 vehicle movements through the drive through, including:
    - A vehicle idling continuously at the order unit and pick-up areas; and,
    - A single vehicle idling for half of the assessment period behind the car at the order unit and pick-up areas.
  - 10 vehicle movements through the site using the petrol filling stations or car park bays associated with the control building
  - A single truck movement into or out of the site using the diesel bay, with the engine switched off, but with the potential for a refrigeration condenser to continue operating.

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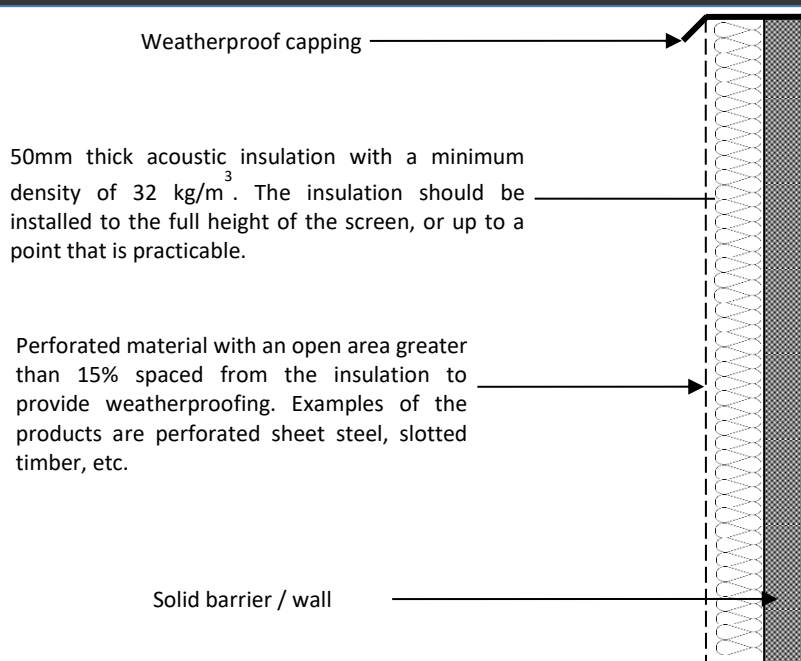
<sup>1</sup> Default assessment period of the Policy.

Based on the activity described above and without any specific acoustic treatment of the site, the goal noise levels of the Policy are predicted to be exceeded. Therefore, the following treatments are recommended to be incorporated into the documentation:

- *General Activity*
  - Construct a 2.4m high fence for the extent shown below as **PURPLE** and 5m high for the extent shown below as **RED**. The extent shown as **GREEN** should taper between 5m and 2.4m. The fence should be constructed from no less than 0.35BMT sheet steel (Colorbond or similar), which is sealed airtight at all junctions, including at the ground.
  - For the extent shown as **RED**, incorporate acoustic absorption material to the service station side of the fence. A suitable absorption material is 50mm thick insulation with a density of  $32\text{kg/m}^3$  installed in accordance with the detail below to provide weather proofing. Alternatively a water resistant product such as Pyrotek Reapor or Stratocell Whisper can be used (without a covering material).
  - Reduce noise from any alarms produced by site equipment, such as for compressed air, as far as practical<sup>2</sup>;
  - Reduce noise from any amplified music played outdoors (under the canopy) as far as practical<sup>2</sup>; and;
  - Ensure there are no irregularities on the site and all inspection points, grated trenches, etc. are correctly fixed to remove the potential for impact noise being generated when driven over.



<sup>2</sup> Taken to be inaudible at any residence.



- **Deliveries**
  - Restrict the hours of deliveries to the site, including fuel, to the day time hours of the Policy. That is, only between the hours of 7:00AM and 10:00PM on any day.
- **Noise from Mechanical Plant**
  - Incorporate an in-line attenuator to the discharge side of any significant exhaust fan if installed (such as may serve a kitchen);

With the inclusion of the acoustic treatments described above and the assumed level of activity at the site, the highest predicted equivalent ( $L_{eq}$ ) noise levels at the closest residences achieve the noise criteria. The following table provides the highest predicted noise level within each of the Code zones for the day and night periods:

Location	Day Period		Night Period (10:00PM to 7:00AM)	
	Policy Criterion	Highest Prediction	Policy Criterion	Highest Prediction
Township Main Street Zone	57 dB(A)	<b>52 dB(A)</b>	50 dB(A)	<b>50 dB(A)</b>
Employment Zone	56 dB(A)	<b>49 dB(A)</b>	49 dB(A)	<b>49 dB(A)</b>
Master Planned Township Zone	55 dB(A)	<b>44 dB(A)</b>	48 dB(A)	<b>43 dB(A)</b>
Existing Residences within the Neighbourhood Zone	52 dB(A)	<b>47 dB(A)</b>	45 dB(A)	<b>43 dB(A)</b>
Vacant Land within the Neighbourhood Zone	57 dB(A)	<b>52 dB(A)</b>	50 dB(A)	<b>50 dB(A)</b>

At receiver locations where noise from the site is predicted to significantly modulate, from activity such as vehicle movements, a 5 dB(A) penalty has been applied for the character and is included in the noise levels above. At locations where the continuous noise of refrigeration is the dominant noise source, no penalty has been applied.

In addition to the highest equivalent noise level, the maximum noise level from activity on the site has been predicted for receivers within the Neighbourhood and Master Planned Township Zones. Predictions have been made of the noise from vehicles accelerating and car doors closing for comparison against the 60 dB(A) criterion. The highest noise level at a residence is predicted to be 51 dB(A), easily achieving the 60 dB(A) criterion.

Based on the above, the noise criteria derived in accordance with the Policy will be achieved at all noise sensitive locations in the vicinity.

## CONCLUSION

An environmental noise assessment has been conducted for the proposed integrated service station facility at Old Port Wakefield Road, Two Wells.

The assessment considers noise at the surrounding noise sensitive locations from operation of mechanical plant serving the control building, vehicle movements, drive through activity, car park activity, fuel deliveries and rubbish collection.

Appropriate noise criteria for the assessment have been determined in accordance with the *Environment Protection (Noise) Policy 2007* (the Policy). Predictions of the noise from activity at the site have been made for existing residences and vacant land which promotes future development of residences.

In order to achieve the criteria at all locations, recommendations are made for specific acoustic treatment measures for the site, including boundary fence constructions, mechanical plant barriers and restricting the times of rubbish collection and deliveries.

It is therefore considered that the Proposed Facility has been designed to *not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers)*, thereby achieving the relevant provisions of the Planning and Design Code.

APPENDIX A: Detailed Site Plan





**APPENDIX B: South Australian Planning and Design Code Provisions**

**PART 4 – GENERAL DEVELOPMENT POLICIES**

**Interface between Land Uses**

**Desired Outcome (DO)**

**DO 1** Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.

<b>Performance Outcome</b>	<b>Deemed-to-Satisfy Criteria / Designated Performance Feature</b>											
<b>General Land Use Compatibility</b>												
<p><b>PO 1.2</b>                      Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.</p>	<p><b>DTS/DPF 1.2</b>                      None are applicable.</p>											
<b>Hours of Operation</b>												
<p><b>PO 2.1</b>                      Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:</p> <ol style="list-style-type: none"> <li>the nature of the development</li> <li>measures to mitigate off-site impacts</li> <li>the extent to which the development is desired in the zone</li> <li>measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.</li> </ol>	<p><b>DTS/DPF 2.1</b>                      Development operating within the following hours:</p> <table border="1"> <thead> <tr> <th><b>Class of Development</b></th> <th><b>Hours of operation</b></th> </tr> </thead> <tbody> <tr> <td rowspan="2">Consulting room</td> <td>7am to 9pm, Monday to Friday</td> </tr> <tr> <td>8am to 5pm, Saturday</td> </tr> <tr> <td rowspan="2">Office</td> <td>7am to 9pm, Monday to Friday</td> </tr> <tr> <td>8am to 5pm, Saturday</td> </tr> <tr> <td rowspan="2">Shop, other than any one or combination of the following:                      1. restaurant                      2. cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone</td> <td>7am to 9pm, Monday to Friday</td> </tr> <tr> <td>8am to 5pm, Saturday and Sunday</td> </tr> </tbody> </table>	<b>Class of Development</b>	<b>Hours of operation</b>	Consulting room	7am to 9pm, Monday to Friday	8am to 5pm, Saturday	Office	7am to 9pm, Monday to Friday	8am to 5pm, Saturday	Shop, other than any one or combination of the following: 1. restaurant 2. cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone	7am to 9pm, Monday to Friday	8am to 5pm, Saturday and Sunday
<b>Class of Development</b>	<b>Hours of operation</b>											
Consulting room	7am to 9pm, Monday to Friday											
	8am to 5pm, Saturday											
Office	7am to 9pm, Monday to Friday											
	8am to 5pm, Saturday											
Shop, other than any one or combination of the following: 1. restaurant 2. cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone	7am to 9pm, Monday to Friday											
	8am to 5pm, Saturday and Sunday											
<b>Activities Generating Noise or Vibration</b>												
<p><b>PO 4.1</b>                      Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).</p>	<p><b>DTS/DPF 4.1</b>                      Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria.</p>											

<i>Performance Outcome</i>	<i>Deemed-to-Satisfy Criteria / Designated Performance Feature</i>
<p><i>PO 4.2</i>  <i>Areas for the on-site manoeuvring of service and delivery vehicles, plant and equipment, outdoor work spaces (and the like) are designed and sited to not unreasonably impact the amenity of adjacent sensitive receivers (or lawfully approved sensitive receivers) and zones primarily intended to accommodate sensitive receivers due to noise and vibration by adopting techniques including:</i></p> <ol style="list-style-type: none"> <li><i>1. locating openings of buildings and associated services away from the interface with the adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers</i></li> <li><i>2. when sited outdoors, locating such areas as far as practicable from adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers</i></li> <li><i>3. housing plant and equipment within an enclosed structure or acoustic enclosure</i></li> <li><i>4. providing a suitable acoustic barrier between the plant and / or equipment and the adjacent sensitive receiver boundary or zone.</i></li> </ol>	<p><i>DTS/DPF 4.2</i>  <i>None are applicable.</i></p>

**APPENDIX C: Sound Power Level Data**

<b>Equipment</b>	<b>Sound Power Level</b>
<b>Car Park Activity</b>	
General Activity	83 dB(A)
Idling Vehicle	75 dB(A)
Vehicle Movement	82 dB(A)
Order Unit	78 dB(A)
Fuel Truck	96 dB(A)
Refrigerated Truck - Movement	100 dB(A)
Refrigerated Truck compressor	98 dB(A)
<b>Mechanical Plant</b>	
Display fridge	76 dB(A)
Freezer	75 dB(A)
Packaged cooling unit	76 dB(A)
Kitchen Exhaust Fan & Attenuator	72 dB(A)
Amenity Exhaust Fan	67 dB(A)

# SITE TRAFFIC COMPLIANCE STATEMENT



## Proposed OTR Integrated Service Station

Site: OTR – 91 Old Port Wakefield Road, Two Wells	Reference: 301401112.1090	Date Issued: 14 December 2022
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### Site Layout

Location	91 Old Port Wakefield Road, Two Wells
Description of Subject Site	<ul style="list-style-type: none"> <li>3,200 sq.m Total Site Area (approx.)</li> <li>250 sq.m Total Floor Area Control Building</li> <li>8 fuelling points in Starter Gate Layout.</li> </ul>
Relevant Documents (attached)	<ul style="list-style-type: none"> <li>ADS Architects Drawing 22JN1467 SK02d, dated 20 October 2022</li> <li>Stantec Sketch 301401112-01-P5-AT01 to 301401112-01-P5-AT07</li> </ul>

### Technical Layout Review



This review should be read in conjunction with the Stantec 'Generic Parking and Traffic Updated Traffic Management Report', Issue 3, dated 29/11/2017.

Parking Provision	Land Use	Applicable Rates	Required Spaces	Provided Spaces	Complies
Proposed layout provides adequate parking in accordance with the 'Generic Parking and Traffic Updated Traffic Management Report', Issue 3, dated 29/11/2017?	OTR Control Building	2.5/100sq.m (with drive-thru facilities)	7	14	✓
		3.3/100sq.m (without drive-thru facilities)	N/A		

Additional Comments:

Parking Layout	Parking Space	Typical Dimensions	Complies
Proposed car parking layout conforms with Australian Standard/New Zealand Standard for Off Street Car parking (AS/NZS2890.1:2004 and AS/NZS2890.6:2009)	Parking	2.6m wide, 4.8m long (with 600mm overhang), set within a minimum 6.6m wide aisle.	✓
	Disability Parking and Shared Space	2.6m wide, 4.8m long (with 600mm overhang), with an adjacent shared space of the same dimensions, set within a minimum 6.6m wide aisle.	✓

Additional Comments:

Access Points	Comments	Complies
<p>The proposed access arrangements comply with Figure 3.1 in AS/NZS2890.1:2004</p>	<p>Three new driveways crossovers will be formed (approx. dimensions):</p> <ul style="list-style-type: none"> <li>• A left in/left out crossover to Old Port Wakefield Road with a raised island, and extension of the future roundabout island to prevent right turn movements. Entry crossover is 12.6m in width (15.2m including flaring at kerb), exit crossover is 3.7m in width (10.2m including flaring at kerb)</li> <li>• An 8m wide (16.3m including flaring at kerb) ingress/ egress crossover to Mallala Road.</li> <li>• A 10.2m wide (21.2m including flaring at kerb) right out only egress crossover to Windmill Road.</li> </ul> <p>All crossovers will be constructed to Council specifications and would be located outside of the prohibited zone in accordance with the requirements of Figure 3.1 of AS/NZS2890.1:2004 and the SA Planning and Design Code. Site access points would not have any impact on adjacent properties.</p>	
<p>Additional Comments:</p>	<p>All crossovers on frontage roads are located outside of the prohibited zone as identified within Figure 3.1 of AS/NZS2890.1.2004 and SA Planning and Design Code and is also located as far away from the intersection as practical within the site boundary. The crossover on Old Port Wakefield Road has and the associated island extension been proposed to prevent right turn movements to/from the access point.</p>	
Sight Distance Assessment	Comment	Complies
<p>The proposed layout provides appropriate sight distance from each access point.</p>	<p>Old Port Wakefield Road and Windmill Road have a posted/default speed limit of 50 kilometres per hour and Mallala Road has a posted speed limit of 80 kilometres per hour (outside of school periods). Assuming a reaction time of 2.0 seconds this results in a minimum SISD requirement of 123 metres along Windmill Road and Old Port Wakefield Road from the access and an SISD requirement of 214 metres from the access on Mallala Road. Given the straight road alignment and lack of obstructions on all frontage streets the minimum SISD outlined in the Austroads <i>Guide to Road Design Part 4A: Unsignalised and Signalised Intersections</i> has been achieved at all site access points, toing too the presence of the roundabout which is visible from all accesses on Old Port Wakefield Road and Mallala Road.</p> <p>It is noted that the provision of a roundabout at the intersection (part of DIT works) will reduce the 85<sup>th</sup> percentile speeds in the vicinity of the subject site.</p>	
<p>Additional Comments:</p>	<p>The sight distance assessment is shown below clearly indicating that the location of site accesses exceed sight distance requirements.</p>	



Queuing Proposed fuelling layout provides sufficient queue spaces as per the 'Generic Parking and Traffic Updated Traffic Management Report', Issue 3, dated 29/11/2017	Fuelling Layout	Required Queue Space	Provided Queue Space	Complies
	Starter Gate	1	1	✓
	Domino	N/A	N/A	N/A
Additional Comments:	The fuel bowsers are positioned in a Starter Gate layout parallel to Old Port Wakefield Road with a minimum of 6.6-6.7-metre-wide aisle either side of the bowsers to permit vehicle entry and exit.			
Turn Paths Design vehicles able to traverse through the proposed layout? Swept paths of the heavy vehicles are enclosed at the end of the checklist	Vehicle	Design Vehicle		Complies
	Fuel Delivery	10.2m Rigid Vehicle		N/A
		16.4m Semi Trailer		N/A
		19.1m B Double		✓
	Waste Collection	12.5m HRV		N/A
		10m Waste Collection Vehicle		✓
Deliveries	12.5m HRV		N/A	
	8.8m MRV		✓	
Additional Comments:	Fuel delivery vehicles can enter via Old Port Wakefield Road in a forward direction, decant fuel and then exit the site on to Windmill Road in a forward direction. Refuse and loading vehicles can enter the site in a forward direction, entering the site via Old Port Wakefield Road, load or collect refuse and then exit the site in a forward direction on to Mallala Road or vice versa.			

Traffic Generation	Traffic Generator	Applicable Rate (per hr)	Traffic Generation (trips per hr)
What is the expected traffic generation of the proposed development?	Control Building/Bowsers (250 sq. m)	0.6 trips x 250 sq. m	150
	Drive Thru	120 trips	120
	Total PM Peak Period		270 vehicle trips
	Additional Comments:		
Traffic Impact	Traffic Impact		
What is the expected traffic impact that the traffic generated by the proposed development will have on the surrounding road network?	<p>It is anticipated that during the development peak, a maximum of 270 trips will occur (135 vehicles in and out of the site). It should be noted that the proposed drive-thru traffic generation rate outlined above is based on larger mainstream fast-food outlet. By comparison, the drive-thru facilities proposed at this site will be operated by OTR, offering their product line. As such, the traffic generated is likely to be considerably less than traditional large scale fast food restaurants. Recent surveys conducted at other OTR operated drive through facilities found the maximum drive-thru peak hour traffic generation was 34 trips. As such the total anticipated traffic generation for the petrol station peak is likely to be closer to 180 vehicles trips (90 in/out movements) per peak hour.</p> <p>Furthermore, the nature of petrol stations is to capture passing trade, therefore most of the traffic to and from the site will be in the form of passing traffic that will already be present on the road network.</p> <p>On this basis the development is not anticipated to have an adverse impact on the safety or operation of the adjacent road network.</p>		
Additional Comments:			

## Council Comments and Response

Comments have been received from Council, dated 11 July 2022

*Concerns with access and internal movements of 26m B-doubles (pg 2). The report suggests reviewing the internal layout.*

The site layout has been updated following the comments received from Council to enable convenient access by 26m B-Double vehicles. The Old Port Wakefield Road access will accommodate left turn entry movements by a 26m B-Double with simultaneous exit by a light vehicle, and the Windmill Road exit will accommodate exiting movements back to Mallala Road via Windmill Road. No B-double movements will occur via the Mallala Road access.

*The location of the diesel refuelling station within the south bound traffic land, potentially obstructing through movements (pg 2).*

The positioning of the truck canopy design can enable vehicles to bypass a fuelling truck and circulate through the site. It is also noted that in the event that a larger vehicle is fuelling, light vehicles can circulate around the Old Port Wakefield side of the canopy to access other bowsers and/or other parts of the site if required.

*Motorist access arrangements from Mallala Road and Old Port Wakefield Road creating potential conflicts at the bowsers (vehicles facing each other coming in from different access points - pg3).*

This style of petrol station is not uncommon within metropolitan Adelaide. Petrol fuelling stations are a low speed environment, enabling drivers to observe one another before undertaking movements within the bowser area. There is

adequate separation around the canopy to enable vehicles to circulate the site to access their chosen bowser or other parts of the site, no matter which access they enter the site from.

*Re-fuelling truck egress movements onto Windmill Road (pgs 3-5). Council will not permit left turn movements onto Windmill Rd as trucks cannot safely access Old Port Wakefield Rd without turning onto the wrong side of the road. Truck movements will also impact on Council's future plans for the intersection. Only right turn movements will be permitted onto Mallala Road (via a new sealed section of Windmill Road delivered via an infrastructure agreement).*

As part of the proposed development, a portion of Windmill Road will be sealed to accommodate the movements associated with the site. No Left Turn signage is proposed to be installed within Windmill Road reserve to enforce the right out nature of the site access. The intersection of Windmill Road and Mallala Road is proposed to also include No Entry and No Left Turn signage to designate the one-way arrangement of Windmill Road at this location.

The exact location and provision of signage on Windmill Road will be reviewed in detailed design stage.

*On another point, I can see that the Department of Infrastructure and Transport (DIT) referral makes it clear (page 3) the applicant must obtain permits to gain heavy vehicle access to Mallala Road from Windmill Road. The design specifications for the section of Windmill Road between the subject land and Mallala Road will need to be submitted to Council (as part of the IA) in addition to seeking the permits you will need to obtain from the National Heavy Vehicle Regulator and DIT.*

It is understood that the applicant would seek approval from the relevant authorities regarding access to/from Windmill Road and Mallala Road. The design specifications for Windmill Road will be undertaken to the requirements of Council as part of the detailed design stage and be subject to an Infrastructure Agreement with Council.

Permits/access for restricted access vehicles will be undertaken during the detailed design stage to enable the gazettal of Windmill Road to enable the legal access by 26m B-Doubles.

## TRAFFIC COMPLIANCE STATEMENT CERTIFICATION

It is hereby certified that the proposed development described in this document and shown on the attached drawings is in accordance with the "On the Run" Service Stations Generic Parking and Traffic – Updated Traffic Management Report (updated July 2017) with regards to the parking and traffic operation specified.

The proposed development has been designed with consideration of Austroads Guidelines and Australian Standards, and Traffic Code applicable to the design of traffic management and parking in South Australia.

Stantec verifies that the detailed design will be able to meet the requirements of the relevant guidelines, standards and code.

STANTEC



Timothy Jones BEng (Hons) (CivStruct)  
Transportation Engineer

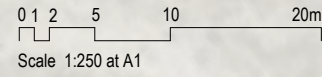


# NEW SERVICE STATION COMPLEX

91 OLD PORT WAKEFIELD ROAD, TWO WELLS

20.10.22  
22JN1467 SK02d

PLANNING APPLICATION



## ADS Architects

93 Gilles Street Adelaide 5000 T:82232244



### SITE PLAN

1:250 AT A1





**B-DOUBLE 26M**

	meters		
Tractor Width	: 2.50	Lock to Lock Time	: 6.0
Trailer Width	: 2.50	Steering Angle	: 23.4
Tractor Track	: 2.50	Articulating Angle	: 70.0
Trailer Track	: 2.50		

\\AU2017-PPF5501\SHARED\_PROJECTS\301401112\1090\_OTR\_TWO\_WELLS\DRAWINGS\TRANSPORTATION\301401112-01-P5.DWG PLOTTED BY JONES, THOTHY ON 12/12/2022 AT 14:03



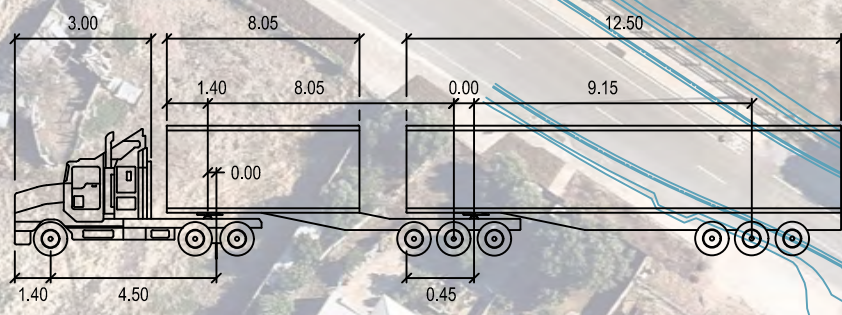
**PRELIMINARY PLAN**  
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NOTIFICATION

**WARNING**  
BEWARE OF UNDERGROUND SERVICES  
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GIVEN THAT ALL EXISTING SERVICES ARE SHOWN.



SCALE	A3	0	7.5	15.0	1:750
DESIGNED	T. JONES	DESIGN CHECK	D. KWONG		
APPROVED BY	T. JONES	DATE ISSUED	12/12/2022		

**OTR TWO WELLS**  
91 OLD PORT WAKEFIELD ROAD  
TWO WELLS  
26m B-Double Entry Turn Path  
Wednesday 7 June 2023  
DRAWING NO. 301401112-01-P5-AT01 ISSUE P5



**B-DOUBLE 26M**

	meters		
Tractor Width	: 2.50	Lock to Lock Time	: 6.0
Trailer Width	: 2.50	Steering Angle	: 23.4
Tractor Track	: 2.50	Articulating Angle	: 70.0
Trailer Track	: 2.50		

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Adelaide Plains Council



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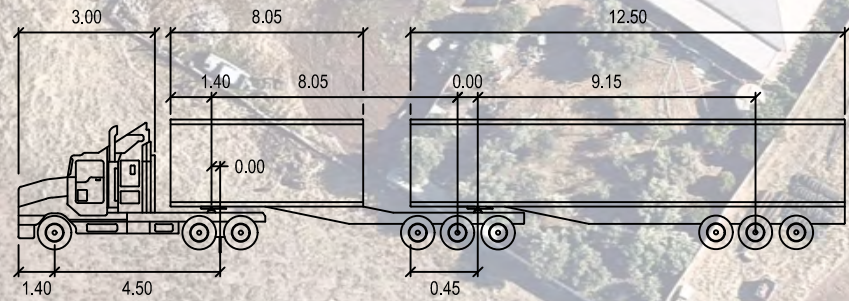
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DESIGNED	T.JONES	DESIGN CHECK	D. KWONG		
APPROVED BY	T.JONES	DATE ISSUED	12/12/2022		

**OTR TWO WELLS**  
91 OLD PORT WAKEFIELD ROAD  
TWO WELLS  
26m B-double Exit Turn Path  
Wednesday 7 June 2023  
DRAWING NO. 301401112-01-P5-AT02

ISSUE P5



**B-DOUBLE 26M**

	meters		
Tractor Width	: 2.50	Lock to Lock Time	: 6.0
Trailer Width	: 2.50	Steering Angle	: 23.4
Tractor Track	: 2.50	Articulating Angle	: 70.0
Trailer Track	: 2.50		

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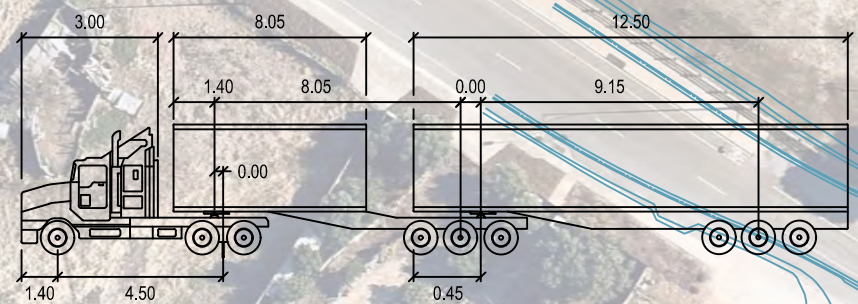
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APPROVED BY	T.JONES	DATE ISSUED	12/12/2022		

**OTR TWO WELLS**  
91 OLD PORT WAKEFIELD ROAD  
TWO WELLS  
26M B-DOUBLE LT WINDMILL/MALLALA  
Wednesday 7 June 2023  
DRAWING NO. 301401112-01-P5-AT03 ISSUE P5



**B-DOUBLE 26M**

Tractor Width	: 2.50	Lock to Lock Time	: 6.0
Trailer Width	: 2.50	Steering Angle	: 23.4
Tractor Track	: 2.50	Articulating Angle	: 70.0
Trailer Track	: 2.50		

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APPROVED BY	T. JONES	DATE ISSUED	12/12/2022		

**OTR TWO WELLS**  
91 OLD PORT WAKEFIELD ROAD  
TWO WELLS  
26M B-DOUBLE RT WINDMILL/MALLALA  
Wednesday 7 June 2023  
DRAWING NO. 301401112-01-P5-AT04 ISSUE P5

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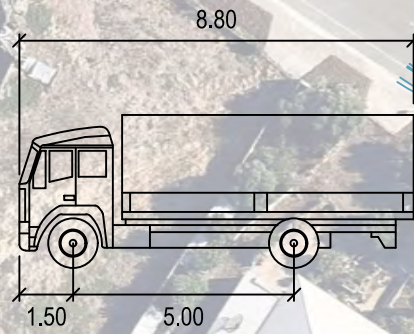
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DESIGNED T. JONES DESIGN CHECK D. KWONG  
APPROVED BY T. JONES DATE ISSUED 12/12/2022

**OTR TWO WELLS**  
91 OLD PORT WAKEFIELD ROAD  
TWO WELLS  
26M B-DOUBLE PASSING FUELLING B-DOUBLE  
Wednesday 7 June 2023  
DRAWING NO. 301401112-01-P5-AT05 ISSUE P5





MRV

- Width : 2.50
- Track : 2.50
- Lock to Lock Time : 6.0
- Steering Angle : 34.0

meters



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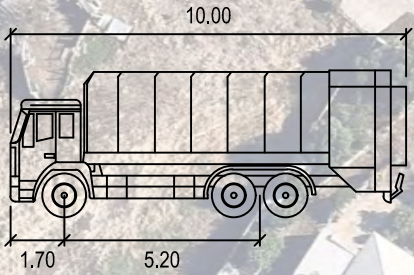
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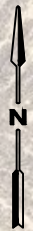
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DESIGNED	T.JONES	DESIGN CHECK	D. KWONG		
APPROVED BY	T.JONES	DATE ISSUED	12/12/2022		

**OTR TWO WELLS**  
91 OLD PORT WAKEFIELD ROAD  
**TWO WELLS**  
8.8M MRV OLD PORT WAKEFIELD ROAD EXIT  
Wednesday 7 June 2023  
DRAWING NO. 301401112-01-P5-AT06 ISSUE P5



10m REFUSE VEH.

	meters
Width	: 2.50
Track	: 2.47
Lock to Lock Time	: 6.0
Steering Angle	: 38.3



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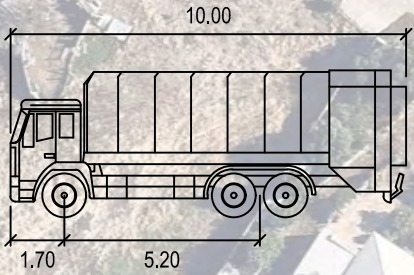
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APPROVED BY	T.JONES	DATE ISSUED	12/12/2022		

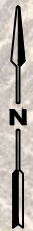
**OTR TWO WELLS**  
91 OLD PORT WAKEFIELD ROAD  
TWO WELLS  
10M WASTE COLLECTION ACCESS  
Wednesday 7 June 2023  
DRAWING NO. 301401112-01-P5-AT07





10m REFUSE VEH.

	meters
Width	: 2.50
Track	: 2.47
Lock to Lock Time	: 6.0
Steering Angle	: 38.3



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APPROVED BY	T. JONES	DATE ISSUED	12/12/2022		

**OTR TWO WELLS**  
91 OLD PORT WAKEFIELD ROAD  
TWO WELLS  
LIGHT VEHICLE ACCESS  
DRAWING NO. 301401112-01-P5-AT08

# WINDMILL ROAD, TWO WELLS PROPOSED SERVICE STATION ACCESS ASSESSMENT REVIEW

## 1. BACKGROUND

The Adelaide Plains Council has engaged Be Engineering Solutions to undertake a review of access arrangements for the proposed On The Run (OTR) service station at 91 Old Port Wakefield Road, Two Wells and the future use of Windmill Road. The service station will have direct access to Old Port Wakefield Road, Mallala Road and Windmill Road.

Both Mallala Road and the subject section of Old Port Wakefield Road are under the care and control of the Department for Infrastructure and Transport (DIT), Windmill Road is under the care and control of Adelaide Plains council.



Figure 1 - Location of service station and accesses

## 2. VEHICLE VOLUMES

Table 1: Vehicle Volume Data (as supplied by Location SA)

1. Section of	2. Year	3. Average Daily Traffic Volume 4. (vehicles per day)	5. Commercial Content (%)
Gawler Road	2022	3100	8.5
Old Port Wakefield Road (DIT Control)	2022	4300	9
Mallara Road North	2022	4500	13.5
Mallara Road South	2022	4400	16

### 3. DEVELOPMENT PROPOSAL

The DIT Schedule 9 – Referral Response dated 18 May 2022 provides conditional approval for the retail fuel outlet with associated drive through retail outlet. Advice 1 of the Schedule 9 states;

*All access to the subject development shall be gained as shown on ADS Architects, Site Plan, Drawing No. 22JN1467 SK02, dated 11 January 2022 and Stantec Traffic Compliance Statement, Reference: 301401112.1090 dated 4 April 2022.*

#### Internal layout

Based on the Stantec Site Traffic Compliance Statement, the proposal allows access to Windmill Road south of the development. The report identifies egress of the refueling truck to Windmill Road.



Figure 2 - Egress of 19.1m OTR refueling truck

Mallala Road and Old Port Wakefield Road are both gazetted to accommodate 26m B-doubles. The provided internal site layout does not demonstrate movements for such vehicles, this is of concern especially access to the service station from Mallala Road. Taking into consideration Mallala Road has a 16% heavy vehicle content the internal layout should be reviewed or signage installed to prohibit heavy vehicle access. Other development concerns include.

- The diesel refueling location identified in the Stantec Site Traffic Compliance Statement is positioned within the southbound traffic lane located along the eastern side of the site obstructing through movements.

- Access to the site from Mallala Road results in vehicles facing north at the fuel bowser whilst vehicles entering from Old Port Wakefield Road would be facing south creating conflicting internal vehicle movements.

#### 4. WINDMILL ROAD

Windmill Road is an 180m unsealed road located between Mallala Road and Old Port Wakefield Road providing access to residential properties and car park.

The Windmill Road and Old Port Wakefield Road intersection was upgraded as part of a shared path project in May 2021 and has a width of 9m (figure 3). The intersection currently accommodates turn movements of medium rigid vehicles associated with residents. The western end of Windmill Road is unmade therefore does not intersect with Mallala Road. The road is therefore operating as a no through road.

The Stantec Site Traffic Compliance Statement associated with the OTR service station development application does not provide turn movements for the egress of the 19.1m fuel tanker onto Old Port Wakefield Road or the 26m B-Double gazetted on adjacent roads. Taking into consideration the angled approach of Windmill Road, the left movement would likely encroach onto the opposing traffic lane, whilst not preferred is permitted under the Australian Road Rules.



Figure 3 - Angled Windmill Road and Old Port Wakefield Road intersection to accommodate 19.1m refueling vehicle

Windmill Road forms the minor leg of an offset four-way intersection with Old Port Wakefield Road and Gawler Road (Figure 4). Traffic volumes obtained from Location SA Map Viewer states Gawler Road accommodates a daily average of 3,100 vehicle movements with an 8.5% heavy vehicle content. Site observations noted the predominant movement is right turn from Gawler Road to Old Port Wakefield Road and left turn onto Gawler

Road. The additional turn movements to and from Windmill Road associated with the service station will increase the capacity of the uncontrolled intersection.



*Figure 4 - Offset four-way intersection*

The western end of Windmill Road forms an unmade road (figure 5). DIT's Schedule 9 Referral response states Mallala Road was proclaimed as a controlled access road on 9 December 1982 pursuant to Part 2A of the Highways Act 1926. Therefore there is no proclaimed or permitted means of access by which vehicles may directly enter or leave the controlled access road from/to Windmill Road.

As part of the development process, the new access from Windmill Road to Mallala Road will require a permit application to be submitted to DIT by council as the road authority to formalise the use of this access under the Highways Act 1926.



*Figure 5 - Location of Windmill Road in relation to the Old Port Wakefield and Mallala Road intersection (proposed roundabout)*

Council would require a works agreement with the developer to undertake the upgrade of Windmill Road including road sealing, upgrade of the Old Port Wakefield Road intersection to accommodate 26m B-Double turn movements and extend the road to Mallala Road subject to DIT approval. Windmill Road would also require to be gazetted to accommodate 26m B-Doubles or the largest vehicle entering the site

A roundabout treatment is proposed for the Old Port Wakefield Road and Mallala Road intersection. Meany Drive will be realigned to form the forth leg of the intersection as part of a Hickingbottom housing development.

Taking into consideration the proximity of roundabout and the proposed Windmill Road and Mallala Road intersection, motorists may use Windmill Road as a cut through to avoid the roundabout which would be an undesirable outcome as the intersection would uncontrolled.

It is understood the vacant land located on the southern side of Windmill Road is proposed to be developed as a shopping precinct and council offices, access to the site would likely be from Windmill Road.

## 5. RECOMMENDATIONS

Taking into consideration the future developments within the Two Wells township a transport plan is required to maintain a safe and efficient road network.

The opening of Windmill Road to Mallala Road coupled with providing access to the proposed service station and future shopping precinct will vastly change the road function. Taking into consideration the broader road network and adjacent arterial roads, Windmill Road should remain a local road providing access to and from the adjacent land use. The use of the road for through traffic should be deterred to ensure motorists utilise the arterial road network.

Based on the review it is recommended to.

- Prohibit through movements on Windmill Road by,
  - Undertaking a road closure east of the proposed service station access to direct traffic from the service station direct to Mallala Road (approx 75m). The proposal is subject to a works agreement between council and the developer to ensure the road is designed and constructed to councils satisfaction. DIT access approval will also be required
  - The eastern section of Windmill Road (approx. 125m) to maintain access to Old Port Wakefield Road for existing properties and the proposed shopping precinct and council offices. Simultaneous two-way traffic movements and turn around area should be considered
  - Dependent on future developments a review of the operation of the Gawler Road, Old Port Wakefield Road and Windmill Road intersection should be considered



Figure 6 - Proposed Windmill Road closure

- Council may wish to request further clarification regarding the internal operation of the service station
- Consider pedestrian access to the service station and future developments

Yours Sincerely,



**Darren Blasdale**  
**Senior Traffic Engineer**  
**Be Engineering Solutions Pty Ltd**

# **APPENDIX B**

(Representation and Applicant's Response)



# Details of Representations

## Application Summary

Application ID	22008121
Proposal	Construction of a retail fuel outlet with associated drive through retail outlet and freestanding signage pylons.
Location	91 OLD PORT WAKEFIELD RD TWO WELLS SA 5501

## Representations

### Representor 1 - Troy Salomons

Name	Troy Salomons
Address	Po box 937 TWO WELLS SA, 5501 Australia
Phone Number	0405493580
Email Address	troysalomons@bigpond.com
Submission Date	24/05/2022 03:51 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

### Reasons

Two wells doesn't need an otr when They are already building at Virginia, it will loose the country town feel, how much did they pay the government off to allow to get this through. Also it will ruin the family owned businesses already running in this town who are far more convenient

## Attached Documents

## Representations

### Representor 2 - Daniel Crossman

Name	Daniel Crossman
Address	40 Lomalinda Drive CRAIGMORE SA, 5114 Australia
Phone Number	0401912331
Email Address	Daniel.crossman@hotmail.com
Submission Date	24/05/2022 04:06 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development
<b>Reasons</b>	
As someone building in Two Wells right now it is essential we have a modern up to date service station offering more than just 91 Octane fuel like the currently run down and out of date OTR on Old Pt Wakefield Road	

### Attached Documents

## Representations

### Representor 3 - Kyra Ireland

Name	Kyra Ireland
Address	Po box 590 TWO WELLS SA, 5501 Australia
Phone Number	0403619171
Email Address	kyraireland1@gmail.com
Submission Date	24/05/2022 04:15 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development
<b>Reasons</b>	
I think it would be great for two wells because there is hardly no places to eat and I think it would be very convenient for everyone	

### Attached Documents

## Representations

### Representor 4 - Samantha Sideras

Name	Samantha Sideras
Address	P.O. Box 933 VIRGINIA SA, 5120 Australia
Phone Number	0435954521
Email Address	Samanthamurray@live.com.au
Submission Date	24/05/2022 08:27 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development
<b>Reasons</b>	

### Attached Documents

## Representations

### Representor 5 - Lauren Wendelborn

Name	Lauren Wendelborn
Address	PO BOX 1042 TWO WELLS SA, 5501 Australia
Phone Number	0478107440
Email Address	l.wendelborn@outlook.com
Submission Date	25/05/2022 06:58 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development
<b>Reasons</b>	

### Attached Documents

## Representations

### Representor 6 - Renai Richardson

Name	Renai Richardson
Address	PO Box 1353 TWO WELLS SA, 5501 Australia
Phone Number	0424646333
Email Address	r.k.richardson@hotmail.com
Submission Date	25/05/2022 09:15 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development
<b>Reasons</b>	I support this development because we dont have a good petrol station in the area, it will bring jobs in the area it. with the area growing so quickly and population growing its really needed

### Attached Documents

## Representations

### Representor 7 - Louise Bray

Name	Louise Bray
Address	PO Box 37 EDINBURGH RAAF SA, 5111 Australia
Phone Number	0421 734 810
Email Address	Louise.giles@hotmail.com
Submission Date	25/05/2022 10:11 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development

#### Reasons

The township of Two Wells needs updated services like this. We need to be able to move forward with this type of development in conjunction with the increased population. The only thing I would suggest is more than one diesel pump! The current OTR on Old Pt Wakefield only has two and always seems to have cars/trucks waiting - that's my experience at least. Highly support this application and hope it's approved.

## Attached Documents

## Representations

### Representor 8 - Jayne Sampei

Name	Jayne Sampei
Address	PO Box 1379 TWO WELLS SA, 5501 Australia
Phone Number	
Email Address	jayne.sampei@outlook.com
Submission Date	25/05/2022 05:01 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
<b>Reasons</b>	
-already 1 OTR in two wells and way too many in Adelaide -unsightly petrol station -not a good location being close to residential areas and too much light entering houses at night	

### Attached Documents



## Representations

### Representor 9 - Tamara ANDERSON

Name	Tamara ANDERSON
Address	513 Wasleys Rd BARABBA SA, 5502 Australia
Phone Number	0423402730
Email Address	Tamarapanderson15@gmail.com
Submission Date	27/05/2022 12:15 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
<b>Reasons</b>	
There is a monopoly by OTR in regional areas and they push out small businesses. They will include franchise food that will also impact the local businesses.	

### Attached Documents

## Representations

**Representor 10** - christopher gibbs

Name	christopher gibbs
Address	po box 221 TWO WELLS SA, 5501 Australia
Phone Number	0423464740
Email Address	chrisgibbs514@gmail.com
Submission Date	28/05/2022 12:42 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I support the development with some concerns

### Reasons

Being directly next door to the property. I am concerned about the noise and lights from the service station at all hours keeping my young children awake and the future health affects this may cause from the excess fumes. In the plans a 2.1 m colour bond fence is used to separate our properties. I don't think this will be enough. (safety incase of fire) (noise/ lights) The proposed 9m sign directly in the corner of the property in direct view from our house. Would ask for it to be moved to opposite side near Mallala rd. Concerns about the entrance off Old Port Wakefield rd and down to windmill rd will cause difficulty entering and exiting our own property. Windmill rd exit. Windmill rd is a low maintenance rd and will not handle trucks and high amounts of cars. Location of the diesel pump within a meter from the fence line. The underground tanks being so close to our property. Concerns about the noise and fumes from the refueling trucks. What will be happening with the trees down windmill rd. We do have some concerns about what this will do to the value of our property in the future.

## Attached Documents

## Representations

### Representor 11 - Janine Lennon

Name	Janine Lennon
Address	PO Box 205 TWO WELLS SA, 5501 Australia
Phone Number	0407987424
Email Address	assist_pds@outlook.com
Submission Date	09/06/2022 12:49 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I support the development with some concerns
<b>Reasons</b>	
I am concerned about potential noise impacts on my nearby dwelling, the Public Notification docs refer to an Environmental Noise Assessment but it has not been supplied therefore I cannot ascertain the potential noise impacts.	

### Attached Documents

8 July 2022

Mr M Rutt  
Development Officer  
Adelaide Plains Council

Via PlanSA Portal

Dear Martin,

**Response to Representations (DA 22008121) 91 Old Port Wakefield Road, Two Wells SA 5501**

On behalf of the applicant we write to respond to the letters of representation received in relation to the construction of a retail fuel outlet with associated drive through retail outlet and freestanding signposts at the above mentioned land.

During the notification of the application, eleven (11) letters of representation were submitted to Council.

- Mr T Salomons – PO Box 937, Two Wells SA 5501
- Mr D Crossman – 40 Lomalinda Drive, Craigmore SA 5114
- Ms K Ireland – PO Box 590, Two Wells SA 5501
- Ms S Sideras – PO Box 933, Virginia SA 5120
- Ms L Wendelborn – PO Box 1042, Two Wells SA 5501
- Ms R Richardson – PO Box 1353, Two Wells SA 5501
- Ms L Bray – PO Box 37, Edinburgh RAAF SA 5111
- Ms J Sampei – PO Box 1379, Two Wells SA 5501
- Ms T Anderson – 513 Wasleys Road, Barabba SA 5502
- Mr C Gibbs – PO Box 221, Two Wells SA 5501
- Ms J Lennon – PO Box 205, Two Wells SA 5501

Three representors have indicated their opposition to the proposal, six have indicated their support for the proposal and two have indicated their support with some concerns. Two representors have expressed a desire to be heard personally at any subsequent Council Assessment Panel (CAP) meeting.

The representors support for the proposed development is acknowledged and appreciated and the remainder of this correspondence will provide a response to the additional points of concern.

The concerns of the representors can be summarised as follows:

**PEREGRINE CORPORATION**

- Disturbance from light spill generated by the OTR at night;
- Traffic impacts at the site and surrounding locality;
- Noise impacts on locality through operation of the OTR;
- Impacts of 9 metre pylon fronting Old Port Wakefield Road on adjoining residential property; and
- Impacts from fumes and odours during the operation of the OTR; and
- Proliferation of service station and impacts to property price.

The concerns of the representors are addressed in detail below.

**Light spill**

Lighting standards are uniform across the OTR network and while light spill is occasionally raised as a pre-development issue, it is invariably resolved and does not cause further concern.

All external lighting including drive-thru lighting is designed with the use of spill guards to direct light within the site and away from residential properties abutting the south-eastern boundary and those adjacent the site on the north-eastern and north-western sides of Old Port Wakefield and Mallala Roads. Additional protection against light spill to the representors property to the south-east will be provided through the Colorbond fence along the site boundary ranging in height from 2.4m to 5m in height.

The overhead drone photo taken at night at the Tailem Bend OTR site and included as photo 1 below, highlights the effectiveness of LED down lighting and spill guards in containing light spill within the boundaries of a Retail Fuel Outlet site.

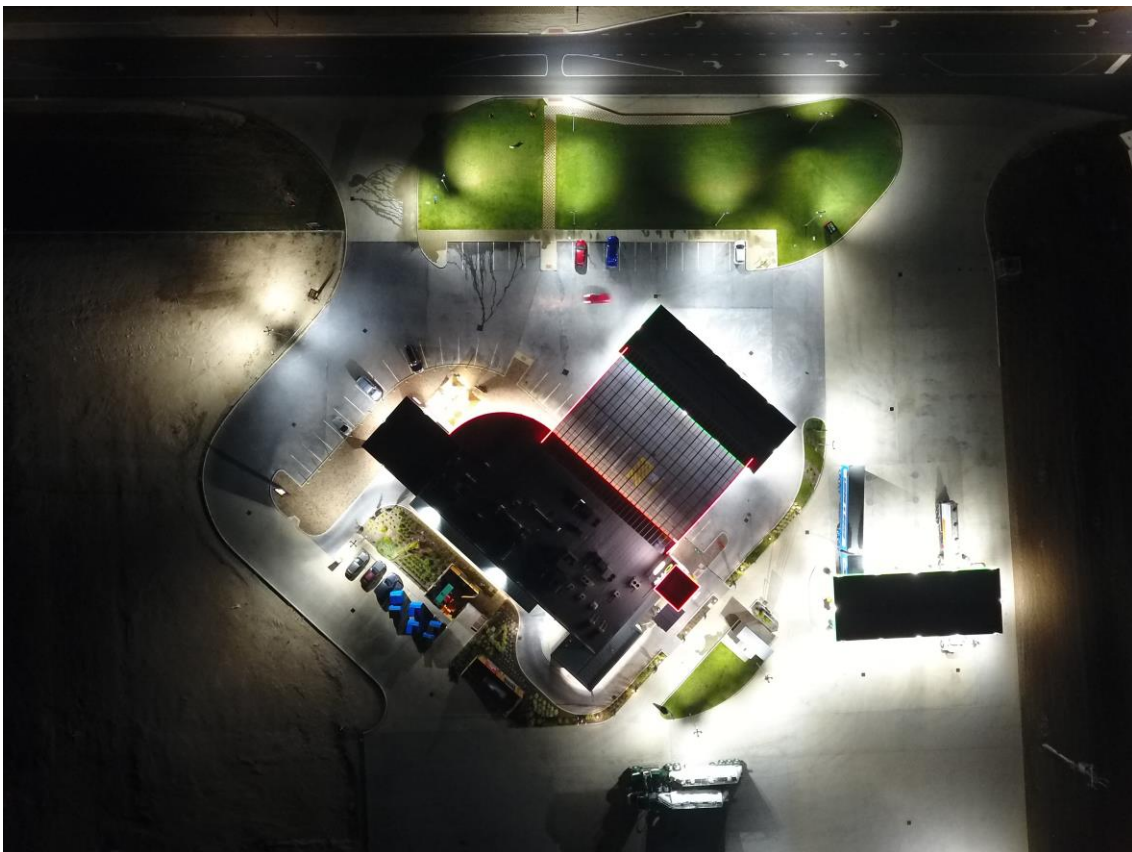


Photo 1: Drone photo taken at OTR Tailem Bend (Motorsport Park)

## PEREGRINE CORPORATION

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### Traffic considerations

It is noted that the site layout, parking and internal vehicle circulation areas have been designed following extensive consultation with DIT's traffic engineers and Stantec Traffic Consultants. The proposed layout will result in the safe and efficient circulation through the site of all fuel tankers, service vehicles and customer cars.

A Traffic Compliance Statement (TCS) was prepared by Stantec and submitted to Council as part of the application. The TCS concluded the proposed development has been designed with consideration to Austroads Guidelines and Australian Standards, and Traffic Code applicable to the design of traffic management and parking in South Australia. The Detailed design will meet the requirements of the relevant guidelines, standards and code.

In addition, the TCS demonstrates the following:

- The 12 car parking spaces which are provided more than exceeds the 7 spaces required at an applicable rate of 2.5 spaces per 100m<sup>2</sup> of floor area;
- The layout of the site access points and car parking spaces, including the 1 disabled parking spaces and the shared space, confirms with applicable Australian Standards;
- The proposed three new crossovers comply with Figure 3.1 in AS/NZS2890.1:2004 and provides appropriate sight distance from each access point. The site access points will not have any impact on adjacent properties.
- The proposed crossovers on Mallala Road and Old Port Wakefield Road exceed the sight distance requirements.
- The four proposed fuel bowsers are positioned to provide sufficient space for queuing vehicles;
- The site accommodates the movements of a 19.1m B Double fuel tanker vehicle, as well as an 8.8m MRV vehicle for waste collection and deliveries. The drive-thru accommodates a B99 light vehicle. Sweep paths of heavy and light vehicles are provided as part of the TCS; and
- The proposed drive-thru will generate a significantly lower volume of traffic than the 120 trips per hour indicated. This rate outlined is based on rates for a mainstream fast-food outlet (Hungry Jacks or McDonalds). The proposed drive-thru will be an OTR Convenience drive-thru offering groceries, coffee and prepared food and will not offer "co-branded" quick-service restaurant food such as Oporto or Hungry Jacks which will attract far fewer customers and a mainstream fast-food outlet. The trip rate Stantec has adopted for the drive-thru therefore represents a worst-case scenario. Recent surveys conducted at other OTR operated drive through facilities found the maximum drive-thru peak hour traffic generation was 34 trips.
- The total anticipated traffic generation for the retail fuel outlet is likely to be closer to 180 vehicle trips (90 in/out movements) per peak hour. On this basis the development is not anticipated to have an adverse impact on the safety or operation of the adjacent road network.

The applicant submits that on the basis of this response the proposal has satisfactorily addressed the traffic and safety concerns raised by the representors.

### Noise impacts

Accompanying this letter is the Environmental Noise Assessment prepared by Sonus in relation to the proposed development and dated June 2022. The report notes that the closest noise sensitive receivers are the residences to the immediate east, to the north-west on the opposite side of Mallala Road and to the north-east on the opposite side of Old Port Wakefield Road.

## PEREGRINE CORPORATION

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The report looks at the noise levels at these sensitive locations arising from activities at the proposed development and finds that the predicted noise levels will achieve the relevant requirements of the *Planning and Design Code* and the *Environment Protection (Noise) Policy 2007* subject to a series of recommended treatments, comprising:

- Specific fence heights and constructions;
- Installation of acoustic absorption in specific locations;
- reducing the noise from any alarms as far as practical;
- ensuring all inspection points, gated trenches etc. are correctly fixed; and
- restricting the times for fuel and other deliveries (to between the hours of 7:00am and 10:00pm) and waste collection (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).

By implementing these recommendations, the report finds that the development will not detrimentally affect the amenity of the locality or cause unreasonable interference through noise, thereby achieving the relevant provisions of the *Planning and Design Code*.

To the extent the recommendations of the report call for specific built form elements, they are demonstrated on the site plan included on page 9 of the Sonus report (that is, relocation of the diesel bowser further southwest to provide greater separation from the dwelling to the southeast and the construction of acoustic fencing along the south-eastern boundary of the site ranging in height from 2.4m to 5m). To the extent the recommendations require operational implementation, the applicant would be in agreement with the imposition of conditions on any development plan consent that would give effect to those recommendations.

The applicant submits that in these circumstances, the noise concerns raised by the representations have been adequately addressed in relation to the development of this site.

### **Impact of the 9 metre freestanding pylon signage**

To address the concerns of the visual impacts of the proposed 9 metre freestanding signage pylon shown in the eastern corner of the site fronting Old Port Wakefield Road, the applicant consents to reduce the height of the pylon to 6 metres and relocate its position to the north-western side of the crossover on Old Port Wakefield Road. Plans showing this change will be submitted as part of the response to a separate Council request for further information.

### **Environmental impacts including pollution and contamination**

The applicant has a long and proud history of working with the EPA to ensure that its fuel sites satisfy the requirements and objectives of the Environment Protection Act 1993.

As outlined in the planning report dated 8 March 2022 the proposal incorporates the best environmental practises with respect to vehicle refuelling facilities. Fuel storage tanks will be fitted with vapour recovery systems that ensure air quality is not compromised.

The fuel infrastructure consists of double-walled fiberglass tanks. The underground fuel tanks are sited to comply with AS/NZ S1596 and AS1940. These tanks carry a manufacturer warranty against internal and external corrosion of 40 years.

Fuel variances are carefully monitored for signs of leakage. Automatic tank gauging (ATG) will automatically detect discrepancies in the levels of the tanks, thereby allowing the operator to respond proactively to any anomalies.

The applicant confirms the fuel lines are double walled and in respect of the fuel lines from the underground storage tanks to the dispensers, these fuel lines are fitted with a mechanical pressure leakage detection mechanism. This system tests the pressure within the fuel lines when the dispensers are not in use and should the system detect pressure anomalies, it will

**PEREGRINE CORPORATION**

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automatically shut off the fuel pump to prevent fuel from being pumped from the tanks and minimize any potential for fuel leakage.

The fuel line from the tanker fill box to the underground storage tank is single walled and is not fitted with pressure leakage detection. The potential for leakage and spillage is monitored through visual inspection at the time that the fuel is dispensed from the fuel delivery vehicle to the tanker loading box and by submitting daily fuel reconciliation data for statistical inventory reconciliation analysis, which is completed by a qualified third party.

The applicant agrees to the inclusion of a condition in any subsequent development approval that requires the installation of a stage 2 vapour recovery system.

Regarding fuel odours the applicant is confident that the vapour recovery measures outlined above are more than sufficient to address any potential fuel odour impacts.

Having regard to the above matters, the applicant submits that the concerns raised in the representations have been adequately addressed.

**Density of service stations**

This is not a valid planning concern. The level of current supply and demand for a particular use within the surrounding area is a business consideration for the applicant and the planning system leaves the number and density of particular retail and commercial land uses to be determined by market forces. The commercial viability of the proposed integrated service station complex and the determination of an acceptable density of commercial land uses is beyond the scope of the planning system.

We trust that the information provided above will assist Council in completing its assessment of the proposed development.

Should Council require any further details or clarification please contact the writer on 0439 883 977 or by email at [t.beazley@peregrine.com.au](mailto:t.beazley@peregrine.com.au).

Yours Sincerely,



**Tim Beazley**  
Town Planner  
Peregrine Corporation



# **APPENDIX C**

(CoH, EPA Responses)

In reply please quote: 2023/00405, Process ID: 1117  
 Enquiries to: Reece Loughron  
 Telephone: 7133 1665  
 E-mail: dit.landusecoordination@sa.gov.au



Government of South Australia

Department for Infrastructure  
 and Transport

**TRANSPORT STRATEGY &  
 PLANNING DIVISION**

**Transport Assessment**

GPO Box 1533  
 ADELAIDE SA 5001

ABN 92 366 288 135

17 April 2023

Mr George Jacks  
 Adelaide Plains Council  
 PO Box 18  
 MALLALA SA 5502  
[GJacks@apc.sa.gov.au](mailto:GJacks@apc.sa.gov.au)

Dear Mr Jacks

### SCHEDULE 9 - REFERRAL RESPONSE

<b>Development No.</b>	22008121 – Amended (dated 31 October 2022)
<b>Applicant</b>	PC Infrastructure Pty Ltd
<b>Location</b>	91 Old Port Wakefield Road and Mallala Road, Two Wells
<b>Proposal</b>	Construction of a retail fuel outlet with associated drive through retail outlet and freestanding signage pylons.

The above application has been referred to the Commissioner of Highways (CoH) in accordance with Section 122 of the *Planning, Development and Infrastructure Act 2016*, as the prescribed body listed in Schedule 9 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

### CONSIDERATION

The subject site abuts Old Port Wakefield Road, Mallala Road and Windmill Road. Old Port Wakefield Road and Mallala Road are arterial roads under the management of the CoH. At this location, Old Port Wakefield Road and Mallala Road carry approximately 4,300 and 4,400 vehicles per day (9% and 16% commercial vehicles) respectively. Mallala Road is identified as a Primary Freight Route under the Department for Infrastructure and Transport's *A Functional Hierarchy for South Australia's Land Transport Network*, and is gazetted for 26.0 metre B-Double vehicles. Old Port Wakefield Road has a default urban speed limit of 50km/h and Mallala Road has a posted speed limit of 80km/h. Windmill Road is a local road under the care and control of Council and has a default urban speed limit of 50km/h.

### Access and Road Safety

DIT has previously responded to this application on 18 May 2022. In February 2023, an amended plan was lodged, and DIT sought additional information from the applicant regarding the amended design.

The applicant has now provided a package of information which included an updated Traffic Compliance Statement (dated 3 March 2023) and updated plans (refer ADS Architects, Drawing No. JN1467 SK02d (dated 20 October 2022) with associated turn paths. DIT has reviewed the design and supports the overall intent of the design including the dedicated commercial vehicle egress movements via Windmill Road. The western section of Windmill Road will essentially be closed to through traffic and an agreement entered into between Council and applicant regarding the design, maintenance and ongoing responsibility of this section of road.

It is understood that the Mallala Road access will cater for all movements (reviewed further during roundabout upgrade) and the eastern access on Old Port Wakefield Road will cater for left turn in and left turn out movements only. DIT is satisfied that the development will cater for the likely traffic being generated by the development and that the design will be consistent with the future

upgrading of the Mallala Road/Old Port Wakefield Road intersection with a roundabout. However, there are several issues that will need to be further refined during detail design, which include:

1. Increasing the length of the proposed median on Old Port Wakefield Road to physically prevent right turn in/right turn out movements from/to the subject site.
2. Providing the Mallala Road access with a generous taper on the entry side of the access.
3. The swept paths for the B-Double right turn out of Windmill Road currently indicate that there may be some utilisation of the unsealed shoulder of Mallala Road for commercial vehicles. This must be addressed with additional pavement provided to prevent deterioration of the road edge.
4. An interim access plan for the development should the timing of the OTR construction occur before the roundabout upgrade.

With respect to the proposed part closure of Windmill Road, DIT recommends that the eastern section be signed as a 'No Through Road' and that suitable turnaround facilities (e.g. cul-de-sac or Y-shaped reversing bay), are provided so that vehicles do not reverse back onto Old Port Wakefield Road.

### Control of Access

The subject site abuts a section of Mallala Road that was proclaimed as controlled access road on 9 December 1982 pursuant to Part 2A of the *Highways Act 1926*. Departmental records show that there is no proclaimed or permitted means of access by which persons and vehicles may directly enter or leave the controlled access road from/to this site. As part of the development the new access to Mallala Road will be required and a permit application will be required to be submitted to DIT by the applicant to formalise the use of this access under the *Highways Act 1926*. Further information will be provided as a note.

### Signage and Lighting

The proposal also includes signage visible from the adjacent road network. These have been assessed against the DIT's publication '*Advertising Signs: Assessment Guidelines for Road Safety* (August 2014)'. The following conditions are recommended to ensure the signs operate in a manner consistent with this guideline:

1. Illuminated signage shall not flash, scroll, move or imitate a traffic control device in any way.
2. 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.
3. 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.
4. 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. < 150Cd/m<sup>2</sup>), 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 <sup>2</sup> ) Max
Sunny Day	40000	6300
Cloudy Day	4000	1100
Twilight	400	300
Dusk	40	150
Night	<4	150

5. 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.

The site is proposed to operate 24/7 and therefore requires the site to be lit at night. The Department supports the site being illuminated provided that any lighting is appropriately located and/or shielded in order to minimise the potential for road vehicle and train driver distraction.

#### **ADVICE**

The Department for Infrastructure and Transport supports the proposed development and directs the planning authority to attach the following conditions to any approval:

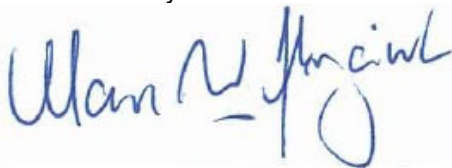
1. All access to the subject development shall be gained as shown on ADS Architects, Site Plan, Drawing No. 22JN1467 SK02d, dated 20 October 2022 and updated Stantec Traffic Compliance Statement, Reference: 301401112.1090 dated 3 March 2023.
2. The final design of the Mallala Road and Old Port Wakefield Road access points shall address the following:
  - a. The proposed median on Old Port Wakefield Rd shall be 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.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.

The following notes provide important information for the benefit of the applicant and is required to be included in any approval:

- The applicant is required to enter into a Developer Agreement with DIT to undertake and complete the required road works.
- 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](http://www.nhvr.gov.au) for permit/s to utilise these roads for access by Restricted Access Vehicles.
- 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](mailto:dit.landusecoordination@sa.gov.au)

Yours sincerely



**A/MANAGER, TRANSPORT ASSESSMENT**  
for **COMMISSIONER OF HIGHWAYS**



**Environment Protection Authority**  
GPO Box 2607 Adelaide SA 5001  
211 Victoria Square Adelaide SA 5000  
T (08) 8204 2004  
Country areas 1800 623 445

**OFFICIAL**

EPA Reference: PDI 278

17 May 2022

Martin Rutt  
Adelaide Plains Council  
PO Box 18  
Mallala SA 5502

[mrutt@apc.sa.gov.au](mailto:mrutt@apc.sa.gov.au)

Dear Martin,

### EPA Development Application Referral Response

<b>Development Application Number</b>	22008121
<b>Applicant</b>	OTR / PC Infrastructure Pty Ltd
<b>Location</b>	91 Old Port Wakefield Road Two Wells
<b>Proposal</b>	Construction of a retail fuel outlet with associated drive through retail outlet and freestanding signage pylons.

This application was referred to the Environment Protection Authority (EPA) by the Adelaide Plains Council in accordance with section 122 of the *Planning, Development and Infrastructure Act 2016*. The following response is provided in accordance with section 122(5)(b)(ii) of the Planning, Development and Infrastructure Act.

#### PROPOSAL

The proposal seeks the construction of a new retail fuel outlet (petrol station) including associated advertising and a drive-through food outlet. The station would include a single row of four petrol fuel pumps with eight fuel filling positions and one diesel bowser.

The petrol station is proposed to operate 24 hours per day, seven days per week.

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### SITE

The subject site is located at 91 Old Port Wakefield Road, Two Wells described as Allotment 1 in Filed Plan 9099, Certificate of Title Volume 5494 Folio 875 in the Hundred of Port Gawler.

The site contains an existing residential dwelling, an associated shed and evidence of two horse feedlots.

The site is flat in topography and has various established vegetation across its area and along its western border (to Mallala Road).

The proposed petrol station is located adjacent an existing residential dwelling at 89 (67A) Old Port Wakefield Road.

### CONSIDERATION

The EPA assessment criteria are outlined in section 57 of the *Environment Protection Act 1993* and include the objects of the Environment Protection Act, the general environmental duty, relevant environment protection policies and the waste strategy for the State.

It should be noted that the referral trigger to the EPA for assessments is for 'Petrol Stations' - being a facility for the storage and retail sale of petroleum products or other liquid organic chemical substances. The EPA has therefore provided an assessment of the potential environmental impacts associated with the proposed petroleum storage and dispensing activity only.

The EPA has not undertaken an environmental assessment of those parts of the application outside the scope of the activity of environmental significance that triggered the referral to the EPA. Given this, the EPA has not undertaken an assessment of any potential noise impacts and therefore the planning authority should be satisfied that the proposed development would comply with the *Environment Protection (Noise) Policy 2007*.

Advice contained herein includes consideration of the location with respect to existing land uses and is aimed at protecting the environment and avoiding potential adverse impacts upon the locality.

### ENVIRONMENTAL ASSESSMENT

#### Interface Between Land Uses

The EPA publication *Evaluation distances for effective air quality management* (August 2016) ('ED Guideline') recommends an evaluation distance of 200 metres between a service station/retail outlet operating 24 hours per day not on a highway/freeway and a sensitive receiver (i.e., a dwellings, business etc). From an air quality perspective (human health and amenity), the EPA considers the 50 metre evaluation distance to be appropriate.

The provided site plan details that the nearest sensitive receiver, for the purposes of the ED Guideline, is a residential dwelling located approximately 20 metres from the nearest bowser.

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Air quality impacts are considered below.

The ED Guideline can be accessed at [http://www.epa.sa.gov.au/files/12193\\_eval\\_distances.pdf](http://www.epa.sa.gov.au/files/12193_eval_distances.pdf).

### Air Quality

Petrol vapour emissions at retail petrol stations are a significant and growing source of air pollution in South Australia. Emissions of volatile organic compounds contribute to air pollution and are emitted from storage systems holding hydrocarbons (other than diesel and LPG), as well as from fuel bowsers and tanker deliveries.

Vapour recovery systems are designed to reduce petrol emissions into the atmosphere from underground storage systems. The proposal includes the installation of a Stage 1 Vapour Recovery System ('VR1') to the underground storage tanks, including the underground storage tank vent pipes being fitted with a pressure vacuum relief valve to minimise loss during the unloading and storage of fuel.

A request for information response (dated 22 April 2022) acknowledged the need for the addition of a condition requiring the installation of Stage 2 Vapour Recovery Systems ('VR2') in any planning consent. The proposed Stage 2 vapour recovery system would be installed for the fuel bowsers which would direct vapours back into the tank during vehicle refueling.

Given the distance to the nearest sensitive receivers and the proposed installation of both a Stage 1 and Stage 2 vapour recovery system, the EPA considers the petroleum storage and dispensing would not result in unacceptable air quality impacts. Conditions are directed below in this regard.

### Water Quality

Potentially contaminated stormwater runoff can be generated at retail petrol stations from the hard surfaced forecourt areas including refueling areas, parking areas, footpaths, loading areas and other trafficable areas. Pursuant to the *Environment Protection (Water Quality) Policy 2015* (SA), occupiers of land must take all reasonable and practicable measures to avoid the discharge or deposit of pollutants (including petroleum products) into any waters or onto land in a place from which it is reasonably likely to enter any waters.

The proposed stormwater management measures for the petrol station are detailed in the following:

- Schmidt Bentley Engineering Consulting (SBEC), *Siteworks and Drainage Plan* - Sheet 1, SHEET No. C2.1, JOB No. 2110-20, dated 07/03/2022.
- Schmidt Bentley Engineering Consulting (SBEC), *Siteworks and Drainage Plan* - Sheet 2, SHEET No. C2.1, JOB No. 2110-20, dated 07/03/2022.

The provided plan '*Siteworks and Drainage Plan*' dated March 2022 by SBEC identifies that all runoff from hardstand areas would be collected via a series of grated inlet pits and pass to a SPEL Purceptor (P.050.L.C1.2C) Class 1 full retention oil-water separator. It is proposed that this has a minimum 10,000 litre capacity retention tank. A detention tank and a SPEL Hydrosystem stormwater filter are also proposed for outflow to the street stormwater system. This is satisfactory to the EPA and a condition to



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this effect is directed below.

Any sludge from the Class 1 full retention oil/water separator (no bypass) must be collected by an EPA licensed contractor. A note is advised below to remind the proponent that the waste is required to be removed as necessary by a waste transporter licensed by the EPA to carry such material to an appropriate waste facility.

### Potential Site Contamination

The EPA recommends that to demonstrate the general environmental duty (as required under section 25 of the Environment Protection Act) has been met, the proposed leak monitoring systems should be designed and installed in accordance with *Australian Standard 4897-2008 The design, installation and operation of underground petroleum storage systems*.

The letter from Peregrine Corporation (dated 8 March 2022) titled *Development Application - New OTR Retail Fuel Outlet at 91 Old Port Wakefield Road, Two Wells* indicates that the fibreglass tanks would be double-walled with automatic tank gauging (ATG). Delivery pipework (tanks to pumps) would be double contained with a leak detection system. Further, all equipment is proposed to be designed and installed in accordance with *Australian Standard 4897-2008 The design, installation and operation of underground petroleum storage systems*.

The proposed fuel storage methods and protection measures for minimisation and/or detection of leakage are satisfactory to the EPA. Conditions are directed below in this regard.

### Environmental Authorisation

The operation of a petrol station requires an Environmental Authorisation (EPA Licence) pursuant to the Environment Protection Act. A note is included below to remind the applicant of the need to obtain a licence.

### CONCLUSION

Based on the information provided with the application and provided the conditions are implemented below, the EPA is satisfied that the proposed petroleum storage and dispensing activity would not cause unacceptable environmental impacts.

### DIRECTION

The relevant authority is directed to attach the following conditions to any approval:

1. 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.
2. 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 refueling.

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3. 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*.
4. 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*.
5. 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.

**The following notes provide important information in relation to the development and are requested to be included in any approval:**

- 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.
- 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.
- 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](mailto:EPALicensing@sa.gov.au) for information about the licensing application process and requirements.
- A licence application may be refused where conditions of Development Approval directed by the Environment Protection Authority have not been complied with.
- More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: [www.epa.sa.gov.au](http://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](mailto:josh.gill2@sa.gov.au).

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Yours faithfully,

Courtney Stollznaw  
Delegate  
**ENVIRONMENT PROTECTION AUTHORITY**

# **APPENDIX D**

(Infrastructure Agreement)

**PC Infrastructure Pty Ltd atf the PC Infrastructure Trust (ACN 612 900 946)**

("the Developer")

And

**ADELAIDE PLAINS COUNCIL**

("the Council")

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## **INFRASTRUCTURE AGREEMENT**

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**THIS AGREEMENT** is made the \_\_\_\_\_ day of \_\_\_\_\_ 2023

**BETWEEN**

**PC Infrastructure Pty Ltd atf the PC Infrastructure Trust** ACN 612 900 946

**270 The Parade, Kensington SA 5068**

("the Developer")

**AND**

**Adelaide Plains Council** ABN 58 384 968 672 of 2A Wasleys Road, Mallala SA 5502

("the Council")

**BACKGROUND**

- A. The Council is a council constituted under the LG Act.
- B. The Developer has lodged Development Application number 22008121 ("Development Application") for the land comprised in Certificate of Title Register Book Volume 5494 Folio 875 known as 91 Old Port Wakefield Road, Two Wells SA 5501 ("the Land").
- C. The Development proposes the "Construction of a retail fuel outlet with associated drive through retail outlet and freestanding signage pylons" on the Land ("the Development").
- D. The Developer does not own the Land but has sufficient interest in the Land to be able to lawfully develop the Land.
- E. The Development is a performance-assessed development requiring public notification under the Planning and Design Code and the Act. The relevant authority for the Development Application is the Adelaide Plains Council Assessment Panel.
- F. The Development proposes that the Works be undertaken by the Developer on public roads owned by the Council to facilitate safe and convenient access and egress for the Development. To support the Development Application, the Developer obtained ADS Architects Site Plan SK02d dated 20 October 2022 (**Annexure 1**).
- G. **Annexure 1** requires that a number of upgrade works, as described in **Annexure 2** to this Agreement ("the Works") must occur to facilitate appropriate access and egress to the Development for vehicles expected to use the Development as well as ensuring an appropriate level of visual amenity. The Works must comply with all applicable Australian Standards and the Council's requirements.
- H. The purpose of this Agreement is to secure the undertaking of the Works when the Development is lawfully commenced. In this Agreement, the parties agree when the works will be required and the terms and conditions which apply to the undertaking of the works.

**INTERPRETATION**

- 1. The Background forms part of this Agreement and is correct.
- 2. In this Agreement, unless the contrary intention appears:
  - 2.1 headings do not affect interpretation;

- 2.2 singular includes plural and vice versa;
- 2.3 words of one gender include any gender;
- 2.4 a reference to a party includes its agents, executors, administrators, successors and permitted assigns;
- 2.5 a reference to a person includes a corporation, association, government body and any other entity and vice versa;
- 2.6 a reference to this Agreement includes the Annexures;
- 2.7 an agreement, representation, warranty or indemnity by two or more parties (including where two or more persons are included in the same defined term) binds them jointly and severally;
- 2.8 an agreement, representation, warranty or indemnity in favour of two or more parties (including where two or more persons are included in the same defined term) is for the benefit of them jointly and severally;
- 2.9 a reference to legislation includes any amendment to it, any legislation substituted for it, and any subordinate legislation made under it;
- 2.10 words or expressions given meaning in this Agreement have those meanings and subject to that, the same meaning as in a provision of the Act or the Regulations that deals with the same matter;
- 2.11 the meaning of general words is not limited by specific examples introduced by 'including', 'for example' or similar expressions.
- 2.12 where two or more terms are connected with the word 'or', any one or more, or all of those terms are referred to.

## DEFINITIONS

3. In the interpretation of this Agreement, unless the contrary intention appears or the context otherwise requires, the following expressions have the following meanings:
  - 3.1 **Act** means the *Planning, Development and Infrastructure Act 2016* (SA).
  - 3.2 **Actual Practical Completion Date** means, in accordance with clause 16.4 of this Agreement, the expiration of 10 clear Business Days after the Council receives a certificate in accordance with clause 16.3 of this Agreement and no objection to the certificate is made by the Council to the Developer, or, if it occurs earlier, the date on which the Council issues a certificate of practical completion for the Works.
  - 3.3 **Adjacent Land** means any land adjacent to the Land.
  - 3.4 **Agreement** means this agreement as executed by the parties.
  - 3.5 **Business Day** means a day that is not a Saturday, Sunday or public holiday in South Australia.

- 3.6 **Defects Warranty Period** means, in respect of the Works, twelve (12) calendar months from the Actual Practical Completion Date.
- 3.7 **Development** means the Development as provided in the Development Application.
- 3.8 **Development Application** means Development Application number 22008121 lodged in respect of the Land.
- 3.9 **Dispute** is defined in clause 57 of this Agreement.
- 3.10 **Engineering Plans and Specifications** means the detailed engineering plans and specifications required to undertake the Works which will be obtained by the Developer and approved by the Council in accordance with clause 6 of this Agreement.
- 3.11 **Estimate of Costs** means a detailed estimate of all costs reasonably required for completion of the Works including (but not limited to) the cost of all labour, materials and equipment and other incidental costs required for the Works.
- 3.12 **Final Completion** means the state of the Works being complete and fit for use by the Developer, the Council and the public generally, including all performance or structural tests and inspections (including commissioning if applicable) required by the Council having been satisfactorily completed, all "As Built" drawings having been handed over and all omissions or defects having being made good.
- 3.13 **Land** means the whole of the land comprised in Certificate of Title Register Book Volume 5494 Folio 875 otherwise known as 91 Old Port Wakefield Road, Two Wells South Australia 5501.
- 3.14 **LG Act** means the *Local Government Act 1999 (SA)*.
- 3.15 **Notice of Dispute** is defined in clause 57 of this Agreement.
- 3.16 **Practical Completion** means the state of being substantially complete and fit for use by the Developer, its agents and contractors and the public generally, all performance or structural tests required by the Council having been satisfactorily completed and omissions or defects being limited to items:
- (a) the immediate making good of which by the Developer is accepted by the Council as not being practicable; and
  - (b) which the Council accepts do not cause any impediment to the use or enjoyment of the Works or the Land by the Developer, its agents and contractors or the public generally.
- 3.17 **Practical Completion Date** means the date which is eighteen (18) months following the date on which the Development Application receives full development approval.
- 3.18 **Professional Engineer** is defined in regulation 85(3) of the Regulations.
- 3.19 **Rectification Work** is defined in clause 19 of this Agreement.



- 3.20 **Regulations** mean the *Planning, Development and Infrastructure (General) Regulations 2017* (SA).
- 3.21 **Security** means the bank guarantee or such other security as it approved by the Council in writing in accordance with clause 26.
- 3.22 **Total Works Cost** means the estimated total cost of the Works as determined in accordance with clause 9 of this Agreement.
- 3.23 **Works** means the works described in Background Clause G and **Annexure 2** and shown in **Annexure 1** to this Agreement.

#### **STATUS OF THIS AGREEMENT**

4. Clauses **6 – 46** of this Agreement are only binding on the Developer from the date that planning consent for the Development is granted.
5. This Agreement terminates:
- 5.1 upon the refusal of planning consent to the Development;
  - 5.2 upon the cancellation of planning consent or development approval for the Development;
  - 5.3 in the event that planning consent or development approval for the Development lapses in accordance with the Act;
  - 5.4 in the event that the Works are undertaken and completed, to the reasonable satisfaction of the Council, under a separate agreement.

#### **ENGINEERING PLANS AND SPECIFICATIONS**

6. The Developer must procure suitable engineering plans and specifications from a Professional Engineer as required for the Works, and provide those plans and specifications to the Council for its written approval.

#### **TOTAL WORKS COST**

7. The Developer must, within 30 days of obtaining the Council's approval of the Engineering Plans and Specifications in accordance with clause 6, provide the Council with an Estimate of Costs from the Developer's civil contractor engaged to complete the Works.
8. The Total Works Cost for the purpose of this Agreement will be the amount of the Estimate of Costs provided to the Council in accordance with clause 7, plus an additional 20%.
9. The Developer will provide the Security to the Council within seven (7) days of the determination of the Total Works Cost in accordance with clause 8, or at such other time as directed by the Council.
10. The Council agrees that it will consider any reserve matter imposed on the planning consent for the Development Application concerning the Works fulfilled and that it will issue final development approval under the Act to the Development as well as any authorisation

required for the Works under section 221 of the LG Act to the Developer, within seven (7) days of receiving the Security.

## **THE WORKS**

11. The Developer must undertake (or cause to be undertaken) the Works:
  - 11.1 at the Developer's cost and risk in all things;
  - 11.2 in accordance with the Development Application, and the engineering plans and specifications approved by the Council in accordance with clause 6 of this Agreement;
  - 11.3 under the supervision of a Professional Engineer engaged by the Developer and with the exercise of reasonable skill, care and diligence;
  - 11.4 as far as is reasonably practicable, minimising any disturbance and inconvenience to others; and
  - 11.5 allowing the Council and its agents to inspect the Works at reasonable times after the Council has given the Developer (or its contractor for the Works) reasonable notice.
12. The Developer must, prior to commencement of the Works, take out a policy of public risk insurance with cover of not less than twenty million dollars (\$20,000,000) per claim, and the Developer must:
  - 12.1 keep such policy current at all times until expiry of the Defects Warranty Period; and
  - 12.2 prior to commencement of the Works and at any other time upon request by the Council, provide the Council with a copy of the certificate of currency and policy for such insurance.
13. The Developer must, at its own cost, obtain and comply with any approval, consent, certificate, permit or licence from any statutory authority or body or property owner as is required to undertake the Works.
14. Upon request by the Council, the Developer must notify the Council of the names and telephone numbers of individuals (including contractors) having management responsibility for the Works and the Council may contact those individuals at reasonable times for matters relating to the Works.

## **COUNCIL INPUT AND OBLIGATIONS**

15. Unless the contrary is stated in this Agreement, the Council is not obliged to provide the Developer with any:
  - 15.1 connection to any services including but not limited to water, electricity, gas, stormwater and the like or other services as may be upon or adjacent to the Land or the Adjacent Land;
  - 15.2 materials, plant and equipment; or
  - 15.3 records or other information held by the Council.

## **PRACTICAL COMPLETION**

16. The Developer must achieve Practical Completion of the Works on or before the Practical Completion Date.
17. If the Developer believes or is aware (or should reasonably be aware) that Practical Completion is unlikely to be achieved by the Practical Completion Date, the Developer must promptly notify the Council and advise the Council of the reasons for the expected delay and the date which the Developer expects to be the Actual Practical Completion Date.
18. Practical Completion is not achieved unless:
  - 18.1 the Developer notifies the Council at least 5 Business Days in advance of the Actual Practical Completion Date;
  - 18.2 the Developer notifies the Council at least 2 Business Days prior to the date upon which a Professional Engineer will inspect the Works for the purpose of assessing Practical Completion and inviting the Council to take part in the inspection;
  - 18.3 within 5 Business Days after the inspection detailed at clause 18.2, the Professional Engineer issues to the Council a certificate confirming that the Works have achieved Practical Completion (as that term is defined in clause 3 of this Agreement); and
  - 18.4 within 10 Business Days after receiving the Professional Engineer's certificate, the Council does not notify the Developer of any objection to the issue of that certificate.
19. If following the inspection undertaken pursuant to clause 18.2 above, the Council is of the opinion that additional work is required to achieve Practical Completion, then:
  - 19.1 within 10 Business Days after the inspection, the Council must notify the Developer of the additional work required;
  - 19.2 the Developer must, as soon as is reasonably practicable, cause the additional work to be carried out in accordance with the requirements of this Agreement; and
  - 19.3 when the additional work is completed, the process under clause 18 must be carried out again.

## **AFTER PRACTICAL COMPLETION**

20. As soon as practicable and in any event within 60 days after the Actual Practical Completion Date, the Developer must provide the Council with:
  - 20.1 a copy of all certificates, licences, permits, consents or approvals required for the Works;
  - 20.2 where the Engineering Plans and Specifications required tests or inspections to be carried out before Practical Completion of the Works was achieved, copies of the results of those tests or inspections;
  - 20.3 as constructed drawings in 'AutoCAD' and 'pdf' electronic format, operating and maintenance manuals and all other documents relevant to the use, operation or maintenance of the Works; and

20.4 all other documents as this Agreement may require the Developer to provide to the Council.

## **DEFECTS WARRANTY**

21. The Developer must rectify and make good any defects or omissions to the Works arising from faulty materials and/or workmanship during the Defects Warranty Period (“the Rectification Work”).
22. If the defect or omission is known to the Developer on the Actual Practical Completion Date, the Developer must complete the Rectification Work as soon as practicable and in any event within 30 days of the Actual Practical Completion Date.
23. If the defect or omission only becomes known to the Developer during the Defects Warranty Period, the Developer must complete the Rectification Work as soon as practicable and in any event within 60 days of knowing of, or receiving notice of, the defect or omission.
24. The Developer must notify the Council within 2 Business Days of its completion of any Rectification Work.
25. If during the Defects Warranty Period the Council forms the view that a defect or omission in the Works for which the Developer is responsible poses a material danger to the safety or health of any member of the public, the Council may direct the Developer to rectify the defect or omission within a reasonable period which may be less than the periods specified in clauses 22 and 23.
26. A separate Defects Warranty Period of 6 calendar months commences on the date any Rectification Work is completed and notified to the Council in accordance with clause 24.

## **SECURITY**

27. The Developer must provide the Security to the Council for the due observance of the Developer’s obligations under this Agreement. The Developer’s liability under this Agreement is not limited to the Security.
28. The Security must comprise either:
  - 28.1 2 unconditional Bank Guarantees for the amounts that are:
    - 28.1.1 90% of the Total Works Cost; and
    - 28.1.2 10% of the Total Works Cost,with both Bank Guarantees to be noted in favour of the Council and acceptable to the Council in its absolute discretion, and which will pay such amounts in full to the Council on demand, at the Council’s election and for any reason whatsoever; or
  - 28.2 such other security as is approved by the Council in writing (which approval may be withheld by the Council in its absolute discretion).
29. The Council may have recourse to the Security to discharge or partially discharge any liability or potential liability of the Developer to the Council as a result of the failure of the

Developer to perform any of the Developer's obligations under this Agreement with respect to the Works or the Rectification Works.

30. In the event of a breach by the Developer of the Developer's obligations under this Agreement with respect to the Works or the Rectification Works, the Council may have recourse to the Security at any time without reference or notice to the Developer.
31. The Council must return the Bank Guarantee noted in clause 28.1.1 to the Developer (or otherwise return 90% of the value of any other Security approved by the Council in lieu of the Bank Guarantee) within 10 Business Days of the Actual Practical Completion Date.
32. The Council must return the remaining Security (if any) to the Developer upon the expiration of the Defects Warranty Period, as extended from time to time pursuant to clause 28 above, or such earlier date as the Council in its absolute discretion may determine.
33. The Council must return the Security to the Developer if the Development Application is not approved, or is approved and then lapses or is cancelled without any of the Development having been commenced.

#### **PERFORMANCE OF THE WORKS BY THE COUNCIL**

34. If:

34.1 on the Practical Completion Date, the Developer has not achieved Practical Completion of the Works; and

34.2 within 30 days after the Practical Completion Date, the Council notifies the Developer that it intends to complete the Works itself; and

34.3 on the date of that notice, Practical Completion of the Works has still not been achieved,

then without further notice to the Developer, the Council may:

34.4 complete the Works to the exclusion of the Developer and for that purpose take possession of any such of the following as may be reasonably required:

34.4.1 any materials, plant or equipment on the land the subject of the Works as are under the control of or owned by the Developer and that are required for completing the Works;

34.4.2 any approval, consent, certificate, authorisation, permit or licence from any person held by or for the benefit of the Developer in relation to the Works; and

34.4.3 the Engineering Plans and Specifications, and all other plans, drawings and specifications for the Works.

35. The Council must, as soon as reasonably practicable, return anything taken pursuant to clause 34.4 which is surplus to the Council's requirements to achieve Practical Completion of the Works.

## **PERFORMANCE OF DEFECTS RECTIFICATION BY COUNCIL**

36. If the Developer fails to substantially commence and then diligently complete any Rectification Works pursuant to clauses 21, 22 or 23 (as the case may be), then the Council may without notice to the Developer, cause the Rectification Works to be undertaken.

## **RECOVERY OF PERFORMANCE COSTS**

37. If the Council carries out any work in exercise of its rights pursuant to clauses 34 or 36 (“the Council’s Works”):
- 37.1 the Council must use reasonable endeavours to minimise the costs and expenses incurred in undertaking the Council’s Works;
  - 37.2 the Council must keep commercially reasonable records of the Council’s Works and the costs and expenses incurred in undertaking the Council’s Works and must allow the Developer to inspect and take copies of those records at any time during the Council’s business hours upon reasonable notice;
  - 37.3 within 60 days after completion of the Council’s Works, the Council must notify the Developer of the costs and expenses incurred by the Council in undertaking the Council’s Works; and
  - 37.4 the Council may recover from the Developer its reasonable costs and expenses incurred in undertaking the Council’s Works by issuing a tax invoice to the Developer for payment within 30 days; or by recourse to the Security (or a combination of both, as the Council sees fit).
38. For the purposes of clause 37, the Council’s costs and expenses include (but are not limited to):
- 38.1 where any of the Council’s employees carry out or manage work, the hourly rates customarily charged by the Council to third parties;
  - 38.2 where any of the Council’s plant or equipment is used for the works, the rates customarily charged by the Council to third parties for such plant or equipment; and
  - 38.3 where the Council supplies any materials for the work, the cost to the Council in procuring and/or supplying those materials.
39. For the sake of clarification, GST input tax credits allowable to the Council for its costs and expenses will be deducted from any costs and expenses recovered by the Council from the Developer pursuant to clause 37 above.
40. If the Council’s tax invoice issued under clause 37.4 is not paid within 30 days, the Council may recover from the Developer interest on the amount unpaid calculated at a rate of 12% per annum on and from the date the amount was due and payable up to and including the date the invoice amount is paid.

## **RECORDS**

41. At all times up to the Actual Practical Completion Date and for at least 12 calendar months thereafter, the Developer must keep or cause to be kept commercially reasonable records regarding the undertaking of the Works and of any Rectification Work. At any time during that period, the Council may inspect and take extracts from those records wherever kept.

## **REPORTS**

42. On the same day as occurs or, at the very latest, on the next Business Day, the Developer must report to the Council (in writing):
- 42.1 any material complaint by a member of the public about the undertaking of the Works or any Rectification Work;
  - 42.2 any theft or material damage to property in carrying out the Works or any Rectification Work, whether covered by insurance or not;
  - 42.3 any serious or material environmental harm arising from the Works or any Rectification Work which must be reported under the *Environment Protection Act 1993*; and
  - 42.4 any material variation, suspension, revocation or expiry without renewal of the insurance required to be held by the Developer under this Agreement.
43. The Developer must, within 48 hours of a request being made, provide to the Council reasonable details of any matter reported under clause 42.

## **COUNCIL'S INSURANCE**

44. If by reason of the Developer's default under this Agreement or any negligent act or omission of the Developer in undertaking the Works or any Rectification Work, the Council makes a claim under the Local Government Association Mutual Liability Scheme or under any insurance policy held by the Council, the Developer must pay any excess or deductible for that claim.

## **INDEMNITY AND LIABILITY**

45. As a continuing obligation, the Developer indemnifies and holds harmless the Council against all losses damages costs and expenses suffered or incurred by the Council:
- 45.1 which are caused by or arising out of any execution rectification or maintenance by the Developer of the Works or any Rectification Work or the state or condition of those Works (where such state or condition arises out of faulty or negligent design, materials and/or workmanship);
  - 45.2 in respect of all actions, proceedings, claims and demands which may be brought or made against the Council in respect of the death of or any injury to any person or any loss of or damage to any property caused by or arising out of:
    - 45.2.1 any negligent act or omission of the Developer on the Land or the Adjacent Land;

- 45.2.2 faulty design, materials and/or workmanship in the execution of the Works or any Rectification Work;
  - 45.2.3 the state or condition of the Works or any Rectification Work or any part thereof (where such state or condition arises out of faulty design, material and/or workmanship); or
  - 45.2.4 the Developer's failure to observe or perform its obligations under this Agreement.
46. A recommendation, approval, consent or inspection under this Agreement by the Council:
- 46.1 does not create or give rise to any liability to the Developer on the part of the Council;
  - 46.2 is not an assumption of a duty of care, nor implies the exercise by the Council or any person acting on its behalf or for whom the Council is responsible, any care or skill; and
  - 46.3 does not relieve the Developer from its liabilities or obligations under this Agreement.
47. The Developer's obligations and liabilities under this Agreement are in no way limited or restricted by the Developer obtaining and effecting insurance as required by this Agreement, or engaging contractors to carry out the Works or any portion of the Works or any Rectification Work.

#### **ABOUT THE COUNCIL**

48. The Council makes no guarantee that this Agreement, nor any written communication under this Agreement will be kept confidential in that the Council makes no guarantee that this Agreement nor any written communications thereof:
- 48.1 will qualify as an exempt document under the *Freedom of Information Act 1991* (SA); or
  - 48.2 if recorded in minutes of the Council kept under the LG Act would be prevented from being made publicly available under that Act.
49. The Council enters into this Agreement as a council intending to act under section 102 of the Act and section 221 of the LG Act not in any other capacity under the Act or the LG Act or otherwise. This Agreement does not preclude or pre-empt the exercise by the Council of any other regulatory or statutory power or function.

#### **NOTICES AND COMMUNICATION**

50. Wherever practicable, written communications under this Agreement must be by email or, failing that, by post.
51. To be effective, a notice under this Agreement must:
- 51.1 be in writing;
  - 51.2 in the case of a notice issued by the Council, be signed by an authorised officer of the Council;



- 51.3 in the case of a notice issued by the Developer, be signed by a person authorised by the Developer; and
- 51.4 be hand delivered or sent by pre-paid post or email to the recipient's last known address.
52. A notice is deemed to be received:
- 52.1 if sent by email, upon delivery provided no notification of a failed delivery is received by the sender;
- 52.2 if hand delivered, upon delivery;
- 52.3 if sent by pre-paid post, two Business Days after posting;
- 52.4 however, if the notice is deemed to be received on a day that is not a Business Day or after 5.00 pm on any day, the notice is deemed to be received at 9.00 am on the next Business Day.
53. A notice by the Council stating the amount of money owing or payable to it or any other matter is sufficient evidence of that matter unless proved incorrect.

#### **GOODS AND SERVICES TAX**

54. In this Agreement an expression defined in the *A New Tax System (Goods and Service Tax) Act 1999* (Cth) has the meaning given to it in that Act.
55. If a party makes a supply under or in connection with this Agreement in respect of which GST is payable, the consideration for the supply is increased by an amount equal to the GST payable by the supplier on the supply.
56. A party need not make a payment for a taxable supply under or in connection with this Agreement until it receives a tax invoice for the supply.

#### **COSTS OF THIS AGREEMENT**

57. The Developer will bear its own costs and the Council's costs (including legal costs) of and incidental to the preparation of this Agreement.

#### **SURVIVAL OF OBLIGATIONS**

58. The Developer's obligations under this Agreement survive any future transfer of the Land or any portion of it to any third party unless the Developer firstly secures:
- 58.1 the third party to enter into a binding agreement with the Council supported by adequate security on the same or substantially similar terms as set out in this Agreement; and
- 58.2 the written consent of the Council to the release of the Developer's obligations under this Agreement.

#### **DISPUTE RESOLUTION**

59. A party at any time may notify the other party of a dispute concerning any matter relating to or arising out of this Agreement (“the Dispute”) and require that it be resolved in accordance with this Agreement (“Notice of Dispute”).
60. The Notice of Dispute must:
  - 60.1 be in writing;
  - 60.2 identify the subject matter of the dispute;
  - 60.3 nominate the person who will have authority to settle the dispute;
  - 60.4 have annexed to it copies of all relevant correspondence and background information relevant to the dispute; and
  - 60.5 contain particulars of the quantification of any claim in relation to the dispute.
61. The parties must use their best endeavours to settle the dispute within 20 Business Days after the date of the issue of the Notice of Dispute, or such further period as the parties agree.
62. If the Dispute is not resolved under clause 61, it will be mediated in accordance with the Australian Commercial Disputes Centre Guidelines for Commercial Mediation (“the Guidelines”) current at the date that the Notice of Dispute was issued. Where there is any inconsistency between the Guidelines and this Agreement, this Agreement prevails.

## **MISCELLANEOUS**

63. Where a clause or part of a clause in this Agreement would, but for this clause, be invalid, void or unenforceable:
  - 63.1 the clause or part of the clause shall be read down to the extent necessary to avoid that result; or
  - 63.2 where the clause or part of the clause cannot be read down, such clause or part of the clause will be severed from this Agreement and the remainder of the Agreement shall continue in full force, unless this would result in a material change to the intended effect of the Agreement.
64. No failure or delay by a party to exercise any right or remedy under this Agreement will operate as a waiver nor will any singular or partial exercise of any right or remedy under this Agreement preclude any further exercise of that right or remedy or the exercise of any other right or remedy.
65. If a party accepts or waives any breach of this Agreement by the other party, that acceptance or waiver cannot be taken as an acceptance or waiver of any future breach of the same obligation or of any other obligation under this Agreement.
66. This Agreement is governed by the laws of South Australia and any legal action relating to it must be brought in the courts of that state.
67. A party must not assign or otherwise deal with this Agreement or any right under it without the written consent of the other party.





Annexure 1



## Annexure 2

### Works

#### THE WORKS

The road infrastructure shall be designed and constructed in accordance with Austroads "Guide to Road Design" and any relevant Acts, Regulations and Australian Standards.

The Developer must undertake the following:

1. Construct an 8.0m wide road consisting of a 50mm fine AC10 hotmix wearing course on a 300mm thick pavement consisting of 150mm PM1/20QG and 150mm PM2/20QG both compacted to 98% Modified.
2. Construct a 150mm high barrier kerb & gutter on both sides of the new road (Windmill Rd) set back 1.0m from the open drain on the southern side. (Extents and locations to be determined during the detailed design which is to be undertaken by a future consultant).
3. Install headwalls and Class 4 culverts under the two access points onto Mallala Rd (proposed driveway crossover and formalising the intersection with Windmill Rd and Mallala Rd).
4. Provide pedestrian ramps to suit a future 1.5m footpath on both sides of the two access / egress points onto Mallala Rd.
5. Construct a 300mm (w) x 300mm (h) flush kerb / edge beam with N12 bars and min 50mm cover, across the road dividing the new hotmix from the unsealed section of Windmill Rd.
6. Install a traffic barrier adjacent the flush kerb, either a gate with bollards or all bollards (some removeable) to facilitate pedestrian access and restrict vehicular access.
7. Regrade / make good the swale on Windmill Rd and Mallala Rd to maintain stormwater flows and to facilitate a future footpath connection by Council on Mallala Rd.