



Minutes of the 78th Meeting of the
State Commission Assessment Panel
held on Thursday 9 April 2020 commencing at 12.30pm
via Skype for Business

1. **OPENING**

1.1. **PRESENT**

Presiding Member	Simone Fogarty
Members	Dennis Mutton (Deputy Presiding Member) Mark Adcock Chris Branford Peter Dungey Sally Roberts
Secretary	Jessie Surace
DPTI Staff	Simon Neldner (Agenda item 3.2.1 & 2.1.1) Jason Cattonar (Agenda item 2.1.1) Hannah Connell (Agenda item 2.1.1)

1.2. **APOLOGIES** Nil

Note: Meeting procedures of the SCAP have been modified in the light of COVID-19 and State Government protocols. Where possible participation in this meeting has been undertaken remotely to minimise risks.

2. **SCAP APPLICATIONS**

2.1. **DEFERRED APPLICATIONS**

- 2.1.1 **Leyton Properties Pty Ltd**
490/E008/19
Calton Road, Gawler East, Lot 9010 CT 6205/146 (Proposed lot 2044 and 2050 in DA 490/D026/19)
Town of Gawler

Proposal: Petrol filling station with associated shop, car parking and signage.

Chris Branford declared a conflict (due to a previous commercial relationship) and left the meeting.

The Presiding Member welcomed all in attendance to the State Commission Assessment Panel hearing:

Applicants

- Richard Dwyer, Ekistics
- Warwick Mittiga, Springwood
- Hamish Brown, Leyton Property

A late email from the applicant, sent through during the course of the meeting, was provided to the SCAP.

The State Commission Assessment Panel discussed the application.

RESOLVED

1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.
2. That the State Commission Assessment Panel is satisfied that the proposal generally accords with the related Objectives and Principles of Development Control of the Gawler (CT) Development Plan.
3. To grant Development Plan Consent to the proposal by Leyton Properties Pty Ltd for Petrol filling station (24 hour operation) with associated shop, fuel canopy, car parking signage, retaining walls, fencing and landscaping at CT 6205/146, proposed lots 2044 and 2050 in DA 490/D026/19, subject to the following reserved matters and conditions of consent.

PLANNING CONDITIONS

1. That except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the details and following plans submitted in Development Application No 490/E008/19.

Reason: to ensure the development is constructed in accordance with endorsed plans and application details.

2. The proposed Class 1 separator and treatment device (indicated as SPEL Puraceptor or similar) shall be installed onsite in working order prior to the commencement of the use hereby approved.

Reason: To ensure that infrastructure is provided in an orderly manner.

3. Prior to Development Approval being granted, an Engineered Site Works Plan shall be prepared with site levels and access gradients required on site, including the amount and type of fill, in consultation with the Council and to the reasonable satisfaction of the State Commission Assessment Panel.

Reason: to ensure that the site can be developed at levels appropriate to surrounding localities.

Noise

4. All sound attenuation measures, treatments and operational restrictions recommended in the Sonus Environmental Noise Assessment (Report Number: S6185C2) dated September 2019 entitled Retail Development Springwood must be implemented prior to the occupation of the site and adhered to on a continuous basis.

Reason: to ensure appropriate noise attenuation measures are in place.

Car Park /Access

5. All vehicle car parks, driveways and vehicle entry and manoeuvring areas shall be designed and constructed in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009) and be constructed, drained and paved with bitumen, concrete or paving bricks in accordance with sound engineering practice and appropriately line marked to the reasonable satisfaction of the State Commission Assessment Panel prior to the occupation or use of the development.

Reason: to ensure safe and functional parking and manoeuvring areas.

6. All bicycle parks shall be designed and constructed in accordance with Australian Standard 2890.3-2015.

Reason: to ensure safe and functional parking and manoeuvring areas.

7. All car parking areas, driveways and vehicle manoeuvring areas shall be maintained at all times to the reasonable satisfaction of the State Commission Assessment Panel.

Reason: to ensure safe and functional parking and manoeuvring areas.

8. All materials and goods shall be loaded and unloaded within the boundaries of the subject land.

Reason: to ensure safe and functional parking and manoeuvring areas.

9. All loading and unloading, parking and manoeuvring areas shall be designed and constructed to ensure that all vehicles can safely enter and exit the subject land in a forward direction.

Reason: to ensure safe and functional parking and manoeuvring areas.

10. All access points, car parking and vehicle manoeuvring areas shall be of an all-weather surface and must be maintained in a good condition at all times.

Reason: to ensure safe and functional parking and manoeuvring areas.

Waste

11. Waste storage areas shall be:
 - a) Where possible undercover or contained within the building
 - b) Constructed or bunded to prevent the entry of external stormwater
 - c) Constructed to drain to a stormwater treatment system/device capable of removing pollutants

Reason: To ensure waste collection from the development is appropriately managed, so as to minimise impacts to on surrounding properties.

12. Prior to occupation of the development, final details of the waste collection arrangements which identify how waste would be stored, transported and disposed of, shall be submitted to the satisfaction of the State Commission Assessment Panel.

Reason: To ensure waste collection from the development is appropriately managed, so as to minimise impacts to on surrounding properties.

13. Waste collection associated with the hereby approved use shall be limited between the following hours:

- 9am and 7pm on Sundays and public holidays; and
- 7am and 7pm on any other day

Reason: To ensure waste collection from the development is appropriately managed, so as to minimise impacts to on surrounding properties.

Lighting

14. External lighting shall be restricted to that necessary for security and safety purposes only and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties or motorists.

Reason: to ensure external lighting does not introduce undue potential for hazards to users of the adjacent road network or adjacent properties in accordance with the necessary standard

15. All external lighting on the site shall be designed and constructed to conform to Australian Standard (AS 4282-1997) and be carried out in accordance with the Lighting Report prepared by TMK Consulting Engineers dated 1st April 2020.

Reason: to ensure external lighting does not introduce undue potential for hazards to users of the adjacent road network or adjacent properties in accordance with the necessary standard.

Stormwater

16. All stormwater design and construction shall be in accordance with Australian Standard AS/NZS 3500.3:2015 (Part 3) to ensure that stormwater does not adversely affect any adjoining property or public road.

Reason: to ensure stormwater infrastructure is designed and constructed to minimise potential for flood risk to adjoining property or public roads associated with stormwater runoff in accordance with the necessary standard.

Landscaping

17. Landscaping shall be carried out in accordance with the Landscaping Plan submitted by Brown Falconer Drg. No. 3298 DA 05 Rev 5.

Reason: to ensure the landscaping is maintained and nurtured at all times

18. Landscaping shown on the approved plans shall be established prior to the operation of the development and shall be maintained and nurtured at all times with any diseased or dying plants being replaced.

Reason: to ensure the landscaping is maintained and nurtured at all times

19. A watering system shall be installed at the time landscaping is established and operated so that all plants receive sufficient water to ensure their survival and growth

Reason: to ensure the landscaping is maintained and nurtured at all times

20. Mechanical plant shall be designed to be screened from public view and to the satisfaction of SCAP.

Reason: to ensure the landscaping is maintained and nurtured at all times.

Advertising Signage

21. Illuminated signs shall not be of a light intensity to cause a light overspill nuisance to adjacent occupiers, or cause a distraction to drivers on adjacent public roads.

Reason: to ensure illuminated signs do not cause nuisance to sensitive receivers.

22. Signage on this site visible from the adjacent roads shall not contain any element that flashes, scrolls, moves or changes, or imitates a traffic control device.

Reason: to ensure that signs do not cause a hazard for nearby traffic

23. Signage upon the site shall be finished in a material of low reflectivity to minimise the likelihood of sun/headlamp glare.

Reason: to ensure that signs do not cause a hazard for nearby traffic

24. The advertisement(s) and support structure(s) shall be prepared and erected in a professional and workmanlike manner and maintained in good repair at all times, to the reasonable satisfaction of SCAP.

Reason: to ensure the safety of signs and their support structures.

EPA CONDITIONS

25. 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.

Reason: To ensure the subject land is suitable for its intended use.

26. 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.

Reason: To ensure the subject land is suitable for its intended use.

27. All underground fuel storage tanks must be double-walled and fitted with an Automatic Tank Gauging (ATG) detection system.

Reason: To ensure the subject land is suitable for its intended use.

28. Prior to use, all fill lines between the underground storage tanks and fuel dispensers must be double-contained and fitted with a pressure leak detection system.

Reason: To ensure the subject land is suitable for its intended use.

29. All runoff from hardstand areas (including the refuelling and fuel delivery areas) of the site (refer to Stormwater Plan and Concrete Grading Plan prepared by Sagero, Project No. SA190020, Drawing No. C01 and C02 Issue C dated August 2019) must be directed via grates and grade changes to a forecourt full retention oil/water separator (no bypass function) that:
- has as a minimum spill capture capacity of 10,000 litres
 - reduces oil content in the outlet to less than 5 mg/L (as confirmed by independent third party scientific testing)
 - operates effectively in the event of a power failure
 - has an alarm connected by telemetry to appropriate maintenance personnel.

Reason: To ensure the subject land is suitable for its intended use.

30. The full retention oil/water separator must be maintained in accordance with the manufacturer operational and maintenance requirements to ensure design capacity and treatment standards are available at all times.

Reason: To ensure the subject land is suitable for its intended use.

31. Any sludge or residues collected within the full retention oil/water separator is considered waste and must be removed by an EPA licenced waste transporter.

Reason: To ensure the subject land is suitable for its intended use.

ADVISORY NOTES

- This Development Plan Consent will expire after 12 months from the date of this Notification, unless final Development Approval from Council has been received within that period or this Consent has been extended by the State Commission Assessment Panel.
- The applicant is also advised that any act or work authorised or required by this Notification must be substantially commenced within 1 year of the final Development Approval issued by Council and substantially completed within 3 years of the date of final Development Approval issued by Council, unless that Development Approval is extended by the Council.
- The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).
- A Construction Environmental Management Plan (CEMP) shall be prepared in collaboration with the Town of Gawler (Council) and be implemented in accordance with current industry standards – including the *Local Nuisance and Litter Control Act 2016*, the EPA publications “Handbook for Pollution Avoidance on Commercial and Residential Building Sites – Second Edition” and were applicable, “Environmental Management of On-site Remediation” – to minimise environmental harm and disturbance during construction.

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

- Timing, staging and methodology of the construction process and working hours;
- Traffic management strategies;
- Control and management of construction noise, vibration, dust and mud;
- Management of infrastructure services during construction and re-establishment of local amenity and landscaping;
- Stormwater and groundwater management during construction;
- Site security, fencing and safety and management of impact on local amenity for residents, traffic and pedestrians;

- Disposal of construction waste, any hazardous waste and refuse in an appropriate manner according to the nature of the waste;
 - Protection and cleaning of roads and pathways;
 - Overall site clean-up;
 - Work in the public realm;
 - Hoardings; and
 - Tradesperson vehicle parking.
- e. The applicant is reminded of its general environmental duty, as required by Section 25 of the *Environment Protection Act*, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm. To demonstrate the general environmental duty has been met, the design of the leak detection systems associated with the fuel storage tanks and fuel lines should meet the requirements of Australian Standard 4897-200. The design, installation and operation of underground petroleum storage systems.
- f. The applicant is reminded the emission of noise from the premises is subject to control under the *Environment Protection Act and Regulations 1993*, and the applicant (or person with the benefit of this consent) should comply with those requirements.
- g. If at any stage contamination is identified which poses actual or potential harm to water that is not trivial, a notification of contamination which affects or threatens groundwater (pursuant to section 83A of the *Environment Protection Act 1993*) must be submitted to the EPA.
- h. EPA information sheets, guidelines documents, codes of practice, technical bulletins etc. can be accessed on the following web site: <http://www.epa.sa.gov.au>.

An environmental authorisation in the form of a licence is required for the operation of this development. The applicant is required to contact the Environment Protection Authority before acting on this approval to ascertain licensing requirements. Information on applying for a licence (including licence application forms) can be accessed here: http://www.epa.sa.gov.au/business_and_industry/applying_for_a_licence.

- i. The applicant is reminded of their obligations under the *Local Nuisance and Litter Control Act 2016* and the *Environment Protection Act 1993*, with regard to the appropriate management of environmental impacts and matters of local nuisance. For further information about appropriate management of construction sites, please contact Town of Gawler.
- j. All stormwater and wastewater disposal from the site shall be connected to Council infrastructure and be engineered to the satisfaction of the Town of Gawler.
- k. Prior to occupation of the development, the applicant is reminded of their obligations under S221 of the *Local Government Act 1999* to enter into an agreement with the Town of Gawler, detailing works required to be undertaken to the Gawler East Link Road (GELR) and any adjoining local roads.
- l. A final detailed Stormwater Management Plan prepared in consultation with the Town of Gawler shall be implemented for the site. The details of the plan shall be incorporated within the Building Rules Consent documentation
- m. The applicant advises that under the *Real Property Act 1886* they will register free and unrestricted rights of way where required to maintain access to the subject land.

2.2. **NEW APPLICATIONS** - Nil

2.3. **RESERVED MATTERS** - Nil

3. **CROWN DEVELOPMENTS (ADVISORY ITEMS)**

3.1. **DEFERRED APPLICATIONS – Nil**

3.2. **NEW APPLICATIONS**

3.2.1 **Department for Planning Transport and Infrastructure**
050/V002/19

Road Reserve, Devonport Terrace: Ovingham & Prospect

City of Prospect

Proposal: Tree damaging activity in association with the Gawler Rail Electrification Project: removal of four 'regulated' trees (one significant and three regulated) and the major pruning of four 'regulated' trees (including one significant and three regulated) with the Devonport Terrace Road Reserve.

The Presiding Member welcomed all in attendance to the State Commission Assessment Panel hearing:

Applicants

- Catherine Gray, DPTI
- David Waltham, DPTI
- Kevin Shine, Lendlease
- Chris Podger, Lendlease

Council

- Scott McLusky, City of Prospect

The State Commission Assessment Panel discussed the application.

RESOLVED

That the State Commission Assessment Panel provide its recommendation in confidence to the Minister for Planning.

4. **MAJOR DEVELOPMENTS – VARIATIONS - Nil**

5. **OTHER BUSINESS**

6. **NEXT MEETING**

6.1. To be advised.

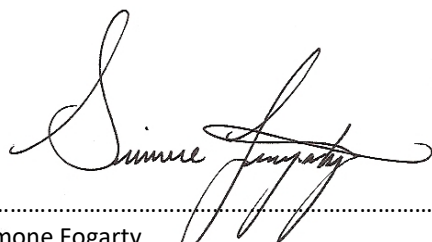
7. **CONFIRMATION OF THE MINUTES OF THE MEETING**

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

8. **MEETING CLOSE**

The Presiding Member thanked all in attendance and closed the meeting at 3.27pm.

Confirmed 9/04/2020



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Simone Fogarty
PRESIDING MEMBER