



Port Augusta
CITY COUNCIL



Port Pirie
Regional Council



UNEARTH
WHYALLA

AGENDA

UPPER SPENCER GULF REGIONAL ASSESSMENT PANEL

**Tuesday 5 July 2022, Port Augusta Council
Chamber, 4 Mackay Street, Port Augusta,
commencing at 4pm.**



AGENDA

UPPER SPENCER GULF REGIONAL ASSESSMENT PANEL

Notice is hereby given that a meeting of the Upper Spencer Gulf Regional Assessment Panel will be held in the Port Augusta Council Chamber, 4 Mackay Street, Port Augusta, on Tuesday 5 July 2022, commencing at 4pm.

David Altmann
ASSESSMENT MANAGER
27 June 2022

1. **Welcome – Stewart Payne, Presiding Member**

2. **Present**

3. **Apologies**

4. **Confirmation of Minutes**

That the minutes of meeting held on 23 September 2021 be received and adopted.

5. **Business Arising from the Previous Minutes**

6. **Conflict of Interest Declarations**

7. **Hearing of Representations – Development Act applications**

Nil.

8. **Hearing of Representations – Planning, Development and Infrastructure Act applications**

Nil.

9. **Officer Reports**

9.1 Development Act application - Development number 660/64/2020 – LH Perry & Sons Freehold Properties Pty Ltd - Unmanned Petrol Filling Station

APPLICATION NO:	660/64/2020
RELEVANT AUTHORITY:	Council - Upper Spencer Gulf Regional Assessment Panel
APPLICANT:	LH Perry & Sons Freehold Properties Pty Ltd
OWNER:	Minister for Environment and Water
DESCRIPTION OF PROPOSAL:	Unmanned Petrol Filling Station, canopy and associated road works
PROPERTY DETAILS:	2047 Yorkeys Crossing PORT AUGUSTA WEST 5700 Lot: PCE 86* DP: 36449 CR: 5438/430
DEVELOPMENT PLAN ZONE:	Primary Industry Zone
REFERRALS/AGENCY CONSULTATIONS:	Transport SA, EPA, Council's Infrastructure Department
NATURE OF DEVELOPMENT	Non-Complying
PUBLIC NOTIFICATION:	Category 3 notification
RECOMMENDATION	Grant Planning Approval – subject to SCAP concurrence, reserved matters, conditions and notes
OFFICER:	Former Assistant Community Planner – Y Burns (initial carriage)

RELEVANT AUTHORITY

The Council via the Upper Spencer Gulf Regional Assessment Panel is the relevant authority for this application submitted under the *Development Act 1993* – this is because the application was lodged on 11 May 2020 for a non-complying assessment.

PURPOSE

To provide the Upper Spencer Gulf Regional Assessment Panel with a report in order to enable the Panel to consider the application in accordance with the provisions of the Port Augusta City Development Plan.

PROPOSAL

Unmanned petrol filling station, canopy and associated road works, including construction and sealing of Yorkeys Crossing Road and construction of driveway areas.

KEY PLANNING ISSUES

Land Use – Primary Industry Zone

External road works – EPA and Highways Commissioner Requirements

RECOMMENDATION:

To grant Development Plan Consent subject to SCAP concurrence, reserved matters, conditions and notes (please see the formal recommendation at the end of the report).

THE PROPOSAL

The Applicant seeks Development Plan Consent for an unmanned petrol filling station, canopy and associated road works, parking, and refuelling areas.

More specifically the main elements of the proposal involve:

- Above ground fuel tank
- Canopy
- Truck Fuelling area
- Truck Parking area
- Road works to Yorkeys Crossing to facilitate access and egress
- Associate works such as stormwater management

The aboveground fuel tank is 12m long x 2.438m wide x 2.896 m high and has a storage capacity of 67,000 litres (60,000 litre Diesel tank and a 7, 000 litre Adblue tank) and a footprint of 29m².

The tank will contain dual compartments for storage of diesel and adblue, customers are able to fill up at an inbuilt fuel bowser and pay via a pay card machine.

The external cladding of the tank is a low-light reflective painted external finish.

The Canopy measures at 10.019m long x 5.233m wide x 6.037m high. The canopy will be cladded with painted aluminium and contain advertising for Perry's Fuel Distributors.

The proposed facility is unmanned and accessible 24 hours 7 days a week.

Please refer to the **Attachments** for a copy of plans and documentation – under separate cover.

SUBJECT LAND AND LOCALITY

The subject land is described in Certificate of Title, volume 5438 folio 430, as allotment comprising pieces 86 and 87, in Deposited Plan 36449.

The land is registered as a Crown Record with the Custodian outlined as the Minister for Sustainability, Environment and Conservation.

Register on the title are:

- Annual licence to Port Augusta Motor Cycle Club Inc for Community Purposes; and
- Annual licence to Port Augusta Speedway Club for Community Purposes; and
- Annual licence to Port Augusta Model Aero Club for Community Purposes; and
- Annual licence to IOR Property Group No.2 Pty Ltd for Commercial or Industrial Purposes.

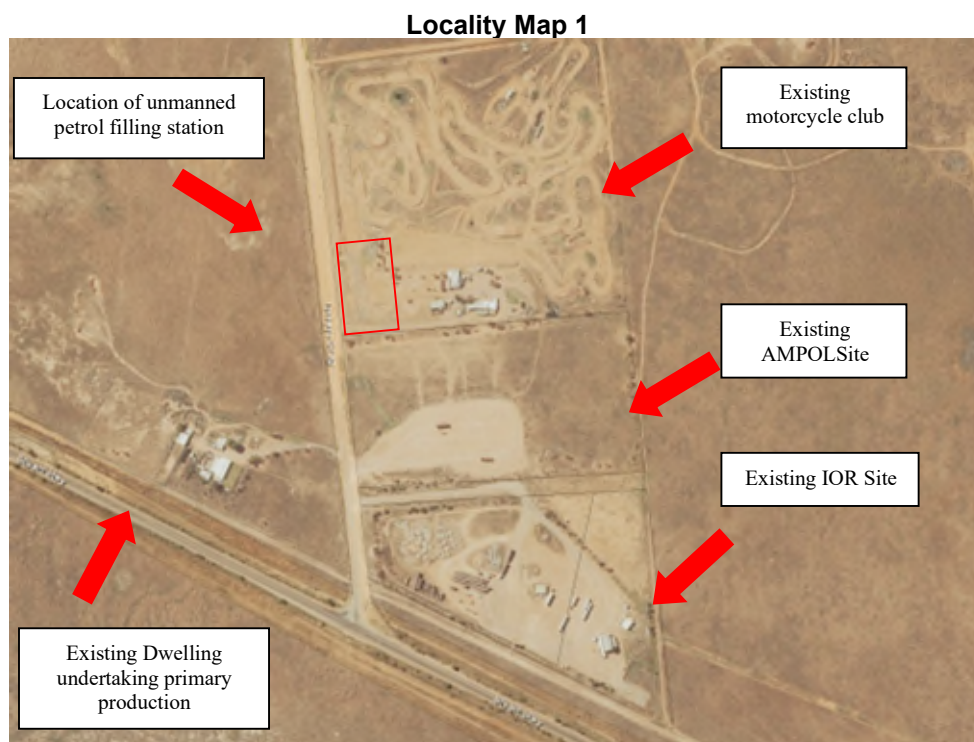
The land is located within the Primary Industry Zone of the Port Augusta (City) Development Plan. The allotment is bound by Yorkeys Crossing and Stuart Highway. It is irregular in shape and comprises of an area of 282.9 hectares. The proposed development will occupy a small portion of the allotment described above. The area for occupation will front Yorkeys Crossing, is rectangular in shape and will measure at 93m x 45m and have a total area of 4185m².

The general area incorporates the Motor Cycle Club, the Speedway Club, the Model Aero Club and the industrial land uses, Ampol Australia Petroleum and IOR Property Group.

The Port Augusta township is located approximately 3.3 km away from the subject land via Stuart Highway. The area is characterised by the uses outlined above, as well as an open semi-arid landscape consisting of low lying native arid vegetation and sheep grazing activities on pastoral land.

The subject land adjoins allotment 326 Yorkeys Crossing which is used for industrial purposes. Further south on allotment 100 is IOR's unmanned petrol filling station and road transport terminal. Both of these uses are located within the Industrial Zone and used for its intended purpose.

200m from the subject allotment is the nearest dwelling located within the primary industry zone and undertaking a primary industry activity.



REFERRALS

Environment Protection Authority (EPA)

The application required a mandatory referral to the EPA pursuant to Section 37 of the *Development Act 1993* and Schedule 8, Item 11 of the *Development Regulations 2008* as a development which involves an activity of major environmental significance.

Referral to the EPA was undertaken and consideration of the location with respect to existing land uses and adverse impacts upon the locality and environment have been considered.

The EPA must have regard to the Environmental Protection Act and general environmental duty and any relevant environment protection policies. The trigger for referral to the EPA for assessment was for storage and retail sale of petroleum products, as outlined by Schedule 22, (5a) of the *Development Regulations*.

The EPA provided advice in relation to the storage and retail sale (dispensing) of petroleum products only as this was the trigger for referral under Schedule 22, (5a).

Air Quality

The EPA has undertaken an assessment against *Evaluation distances for effective air quality and noise management (August 2016)*. The EPA raised no issues in relation to effective air quality management to sensitive receivers (i.e. Dwelling, Residential Zone), and notes that the closest sensitive receiver (dwelling) is located 200 metres from the subject site. The relevant policy seeks for a separation of 50 metres for a sensitive land use.

The EPA highlights that it is satisfied that the proposed development would not result in unacceptable air quality impacts from vapours from the storage of diesel or adblue.

Water Quality

As outlined within the Environmental Protection (Water Quality) Policy 2015, potential contaminated stormwater runoff can be generated at petrol stations from hard surfaced forecourt areas that include refuelling, parking, footpaths, loading zones and other trafficable areas.

Stormwater

The proposed stormwater management for the site has been detailed within the Statement in Support and Statement of Effect prepared by URPS and the subsequent information in response to the EPA's further information requests.

The vehicle refilling areas have been designed to ensure that they are appropriately bunded and graded to in-ground grated sumps. All stormwater including that from the proposed canopy (as amended) shall be contained within the bunded area and collected in the grate sumps and then transferred to a Class 1 Contaminate separator (Stormseptor or similar) designed to treat water to 5PPM and have spill capture capacity of 9000 litres at all times to accommodate the full volume of a tanker compartment.

The EPA has outlined that the details above are satisfactory and a condition is directed to be placed on any consent.

The treated water from the separator would be discharged to a small onsite detention area for soakage as per the engineer's stormwater calculations.

The applicant has confirmed that any sludge or oily waste from the separator would be removed by an EPA Licensed transporter to a licensed waste depot. This is acceptable to the EPA and a condition is directed to be placed on any consent in this regard.

Leak Detection

The proposed fuel storage tanks and lines to the fuel dispensers are all located above ground and within the self-bunded tank. In the unlikely event of a fuel tank leak, fuel products will be contained

within the double walled tank. Any leakage from the fuel bowser which isn't captured within the tank bund would drain to the proposed contaminant system. This is satisfactory to the EPA.

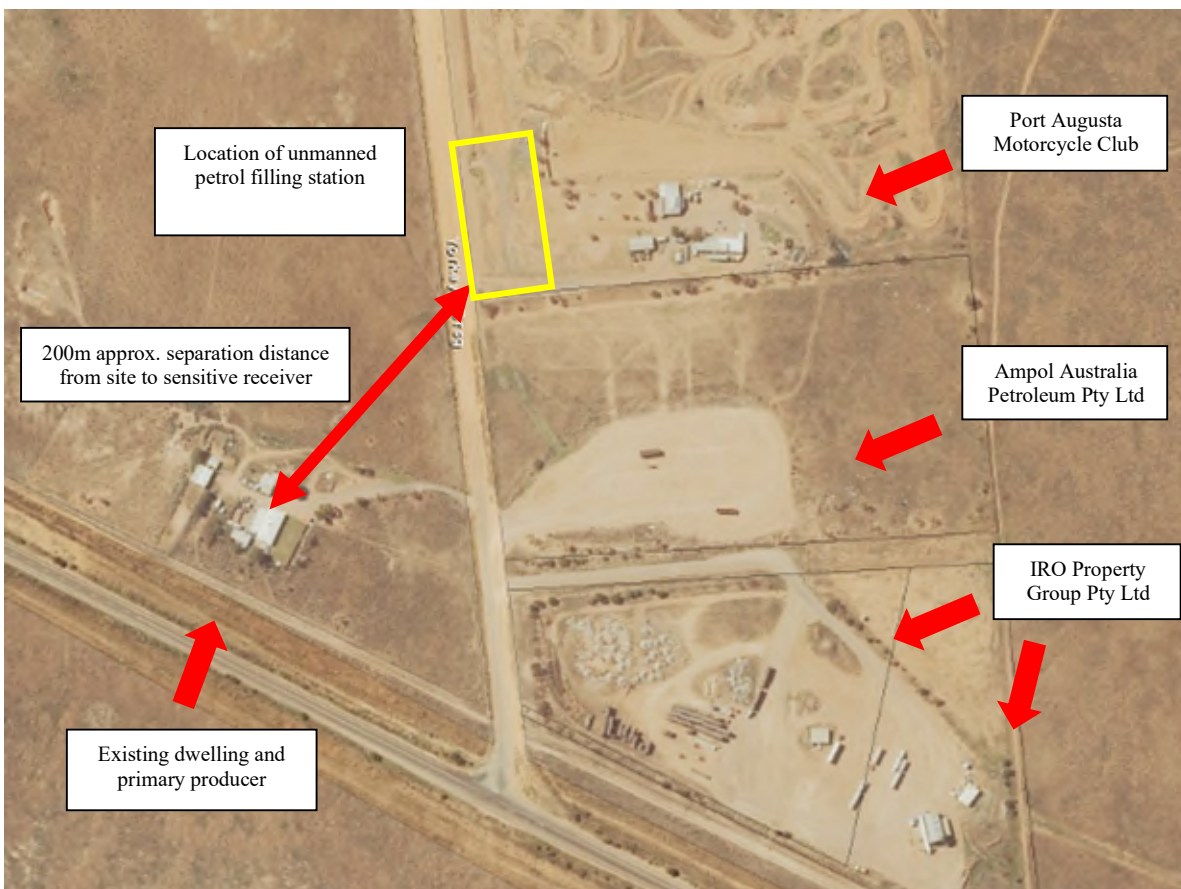
The leak detection system will include audible alarms and automatic shutdown of fuel systems with offsite notification to the facility manager. These measures from minimisation and/or detection of leakage are satisfactory to the EPA and a condition is directed to be placed on any consent in this regard.

Environmental Authorisation

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

Noise

The EPA has not undertaken an assessment of the potential noise impacts. Petrol station developments, particularly integrated complexes, comprise many varied noise sources. The likely noise sources from this proposal include cars and trucks entering, operating within and leaving the premises; fuel deliveries; and operation of fuel pumping equipment. As the proposed facility would operate during the night time hours, seven days a week and a sensitive receiver is located adjacent the subject site consideration should be given to compliance with the Environment Protection (Noise) Policy 2007.



Aerial image – Demonstration of Setback distances from the subject site to sensitive receiver and development within the locality.

Council Staff have reviewed the EPA publication *Evaluation distances for effective air quality and noise management (August 2016)*. This document recommends 200 metres between a service station/fuel outlet operating 24 hours a day not on a highway/freeway and a sensitive receiver (dwelling, Residential Zone). According to the *Evaluation distances for effective air quality and noise management (August 2016)* the proposed development complies with this requirement.

Please refer to the EPA report in the **Attachments** - under separate cover.

Commissioner of Highways

The application required a mandatory referral to the Commissioner of Highways pursuant to Section 37 of the *Development Act 1993* and Schedule 8 of *Development Regulations 2008* as the development involves development adjacent to a main road.

The Commissioner of Highways advised that the site abuts a section of Yorkeys Crossing which is a local road under the care and control and responsibility of Council. Yorkeys Crossing connects to the Stuart Highway approximately 300m from the site.

Stuart Highway at the intersection is identified as a Major Traffic Route, a Primary Freight Route and a Direct Tourist Route under the Department of Planning, Transport and Infrastructure 'A functional Hierarchy for South Australia's Land Transport Network'. The route is gazetted for 53.5 metre vehicles (PBS Level 4A).

At this location Stuart Highway carries approximately 1,000 vehicles per day (28% commercial vehicles) and a posted speed limit of 110 km/h.

The Commissioner of Highways has reviewed the documentation provided including the CIRQA Turn Path Assessment which indicated that a one-way flow through the site will be accommodated with all entry movements via the northern access and all exit movements via the southern access. The Commission of Highways supports the arrangement as it will provide the most efficient vehicular flow through the site and ensure internal vehicle conflict is minimised when compared to two-way flow.

The Commissioner of Highways advised that the Council should be fully satisfied that sufficient internal storage area (including any layover area) is provided so that vehicles will not queue out onto Yorkeys Crossing and recommends that a Route Assessment be provided in order to confirm the route access to the site for Restricted Access Vehicles is suitable. Subsequently a Route Assessment has been requested by the Council and prepared by CIRQA. The assessment has been reviewed by Council's Infrastructure and Engineering Department who have advised that there are no issues.

The Commissioner of Highways supports the proposed development and advises that a series of conditions and a note should be attached to any approval.

Please refer to the Commissioner of Highways report in the **Attachments** - under separate cover.

Internal referral

The application was referred to the Councils Infrastructure and Engineering Department for review. This department has reviewed the relevant information in relation to stormwater management, traffic management and road design. In this process details in relation to the above have been addressed to the satisfaction of the Council and or conditions are imposed.

In addition to the internal referral above, an Infrastructure Agreement and Land Management Agreement have been entered into between the Council and the developer regarding final design, costing and developer funded works to Yorkeys Crossing Road and driveway areas of the development site.

The Infrastructure Agreement ensures that entry/egress to and from the Development are appropriate so as to satisfy the relevant provisions of the Council's Development Plan and outlines where various works are required, including engineering design, construction and sealing of portion of Yorkeys Crossing and driveway areas.

PROCEDURAL MATTERS

Non-Complying Assessment Pathway

The proposed development is for an unmanned petrol filling station as defined in the *Development Regulations*: -

Petrol filling station means land used for the purpose of fuelling motor vehicles and may include any associated land for the servicing of motor vehicles, or for the sale of goods where the area used for the sale of goods is not greater than 50 square metres, but does not include a motor repair station.

The proposed development is located within the Primary Industry Zone of the Port Augusta (City) Development Plan consolidated on 7 July 2016.

The Zone envisages land uses such as:-

- Bulk handling and storage facility
- Farming
- Intensive animal keeping
- Tourist accommodation (including through the diversification of existing farming activities and conversion of farm buildings)
- Wind farm and ancillary development
- Wind monitoring mast and ancillary development

The Zone lists the proposal as a form of Non-Complying development as outlined below:-

Development (including building work, a change in the use of land, or division of an allotment) for the following is non-complying:

- Petrol filling station

For this reason, the application has been assessed as a non-complying form of development pursuant to Regulation 17.

Category 3 public notification

The proposed development was classified as a category 3 development, as it is a non-complying form of development.

PUBLIC NOTIFICATION

The application was a category 3 Development and required public notification. An advert was placed in the Transcontinental Newspaper on 13 January 2021

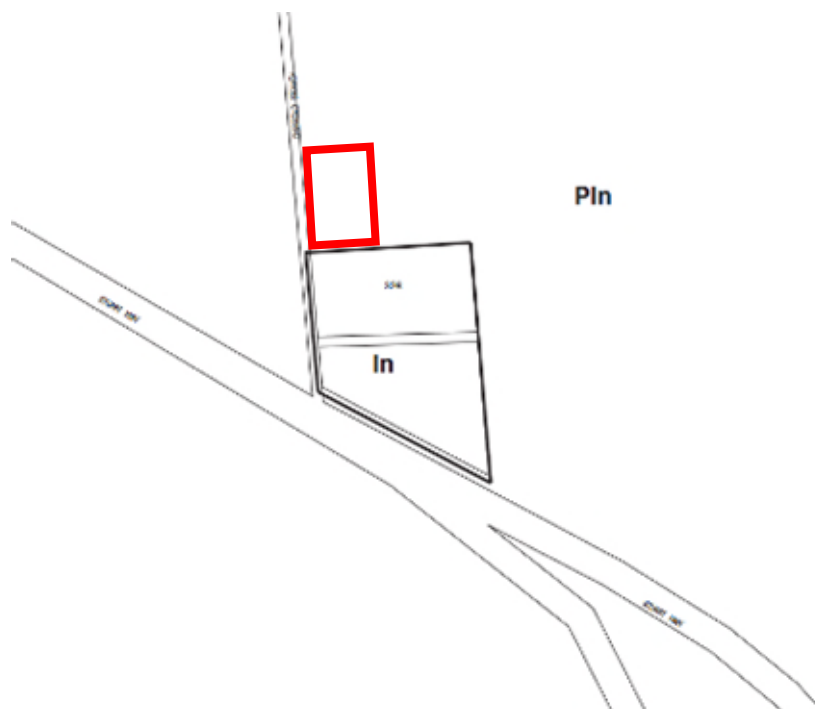
The public notification period ran from 13 January 2021 to 27 January 2021.

Adjoining land owner/occupiers were notified.

No representation were received.

DEVELOPMENT PLAN ASSESSMENT

The subject land is located within the Primary Industry Zone of the Port Augusta (City) Development Plan, consolidated on 7 July 2016.



Zone Map – MAP PtAu/5

An assessment of the proposed against the Development Plan is as follows:

<u>Primary Industry Zone</u>	
<u>Objective 1:</u>	Economically productive, efficient and environmentally sustainable primary production.
<u>Objective 2:</u>	Allotments of a size and configuration that promote the efficient use of land for primary production.
<u>Objective 3:</u>	Protection of primary production from encroachment by incompatible land uses and protection of scenic qualities of rural landscapes.
<u>Objective 5:</u>	Development that contributes to the desired character of the zone.

DESIRED CHARACTER

Development in the primary production areas will include a range of different types of farming activities, as well as appropriate value-adding uses. Large allotments of greater than 40 hectares in size will be maintained in the Primary Industry Zone to prevent the reduced viability of primary production and to acknowledge the semi-arid landscape.

New buildings will generally be associated with existing clusters of buildings and will be of complementary scale and massing to those buildings, while also being of appropriate dimensions to serve their intended function. New dwellings will generally be single storey and will include pitched roofs, verandas and porches to address climatic issues. Isolated new buildings, including large sheds, will be located and designed to blend with the existing landscape, with appropriate earthworks and building design to suit the natural landform. Other structures will be of a form that blends with, and does not detract from, the scenic qualities and function of the primary production area.

The open rural landscape is the dominant character element and new development will maintain that character, with new buildings appropriately sited, designed and screened by vegetation. New buildings will be constructed using materials and colours that blend with the rural landscape and are traditionally used within the rural environment including corrugated steel, stone and timber.

Wind farms and ancillary development such as substations, maintenance sheds, access roads and connecting power-lines (including to the National Electricity Grid) are envisaged within the zone and constitute a component of the zone's desired character. These facilities will need to be located in areas where they can take advantage of the natural resource upon which they rely and, as a consequence, components (particularly turbines) may need to be:

- (a) located in visually prominent locations such as ridgelines;
- (b) visible from scenic routes and valuable scenic and environmental areas; and
- (c) located closer to roads than envisaged by generic setback policy.

This, coupled with the large scale of these facilities (in terms of both height and spread of components), renders it difficult to mitigate the visual impacts of wind farms to the degree expected of other types of development. Subject to implementation of management techniques set out by general / council wide policy regarding renewable energy facilities, these visual impacts are to be accepted in pursuit of benefits derived from increased generation of renewable energy.

Land Use

Principle of Development Control 1

The following forms of development are envisaged in the zone:

- Bulk handling and storage facility
- Farming
- Intensive animal keeping
- Tourist accommodation (including through the diversification of existing farming activities and conversion of farm buildings)
- Wind farm and ancillary development
- Wind monitoring mast and ancillary development.

Comments :-The intent of the zone is for economically productive, efficient and environmentally sustainable primary production. However, one of the other primary objectives of the zone is a zone that caters for development that contributes to the desired character.

The desired character outlines that the zone is intended for allotments of a size and configuration that promotes the efficient use for primary production and other value adding activities.

The zone calls for a range of different types of farming activities on large allotments of 40 hectares in size and envisages uses such as bulk handling and storage facilities, farming, intensive animal keeping, tourist accommodation, wind farms, wind monitoring mast and ancillary development and any other appropriate value adding developments.

Whilst the development is not inline with economic productive and sustainable primary production, there are established industrial land uses in the immediate locality that service the Stuart Highway and particularly land uses of a similar nature.

The proposed development is seen as a value adding development located off the highway to provide services to freight vehicles in a locality where there are some existing services.

Importantly, no land is taken out of primary production as the site is not farmland.

In order to further satisfy the desired character of the area and reduce visual impact, conditions of approval in relation to adequate landscaping and screening of the development should be added to any consent.

Council Wide	
<u>Form of Development</u>	
<u>Objective 1:</u>	Orderly and economic development
<u>Objective 2:</u>	A proper distribution and segregation of living, working and recreational activities by the allocation of suitable areas of land for those purposes.
<u>Objective 5:</u>	The promotion and development of Port Augusta as an attractive regional service centre.
<u>Objective 4:</u>	The redevelopment of localities and areas which have an unsatisfactory form and layout and which may be considered obsolete or detrimental to the promotion of improved construction forms and land uses which may positively impact upon economic activity and employment prospects
<u>Objective 9:</u>	Industrial, commercial, retail and office development located in suitable areas
<u>Land Use</u>	
<u>Principle of Development Control 2</u>	Development should be orderly and economic
<u>Principle of Development Control 3</u>	The condition of development in localities having a bad or unsatisfactory layout, or which is unhealthy, or obsolete, should be improved or rectified.
<u>Environment</u>	
<u>Principle of Development Control 11</u>	Development should not occur if any wastes produced, or likely to be produced, by the development, cannot be disposed of without risk of pollution of the environment.

<u>Principle of Development Control 14</u>	-Development should not impair the amenity of the locality or any other development or cause hazards to any member of the public by the emission of noise, vibrations, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.
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Comments: The planning policy calls for development to occur in an orderly and economic manner, which does not result in any impact or impair the amenity. The policy outlines that such impacts could occur by poor site location or layout, environmental conditions or development located within unsuitable areas.

Orderly and economic development is considered to be methodical, logical, systematic and not haphazard or capricious and includes development that improves the wellbeing and quality of life within the respective locality.

Whilst the primary intent and purpose of the zone is for primary production, the area is characterised by similar existing land uses in the immediate locality. Located on the adjoining site is Amol Australian truck break down/trailer storage yard and 100m south is IOR Petroleum site. Similarly, the development is located on the same parcel as the Port Augusta Motorcycle Club & Port Augusta Speedway Club.

Given the setback from other uses the development is believed to allow for the proper segregation of land uses for specific functional reasons.

Further it has been demonstrated that the proposed development will not impair the amenity by fumes, noise, dust, odour, traffic congestion and movements or any other pollutant. This has been demonstrated through the EPA and Commissioner of Highways referral advice and compliance with the Environment Protection Policies.

Dust will be managed by sealing of Yorkeys Crossing and internal vehicle manoeuvring areas of the development site.

A Construction and Environmental Management and Monitoring Plan has been requested to be prepared to reduce impacts during the construction to nearby residents. The plan must be submitted to the Council prior to Development Approval.

<u>Council Wide</u>	
<u>Appearance of Land and Buildings</u>	
<u>Objective 18</u>	The amenity of localities not impaired by the appearance of land, buildings and objects.
<u>Objective 19:</u>	Development landscaped in a manner appropriate to the region.
<u>General</u>	
<u>Principle of Development Control 41</u>	Development should display a high standard of design, appearance, amenity and site layout
<u>Principle of Development Control 43</u>	The apparent bulk, height or scale of any large buildings which may be required for specific functional reasons should be minimised by the careful articulation and composition of building forms and facades.

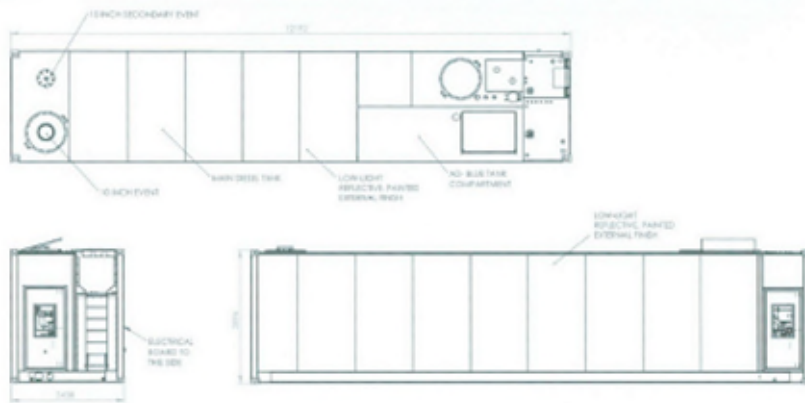
<u>Building Set-backs</u>	
<u>Principle of Development Control 45</u>	Buildings should be set-back from road and side boundaries a distance dependent on the scale and height of the buildings relative to other buildings in the locality.
<u>Principle of Development Control 46</u>	Buildings and structures should be set-back from the road frontage no less than the adjacent buildings except where the adjacent allotment is vacant, buildings and structures should be setback eight metres from the front boundary and three metres from the side boundary.
<u>Landscaping</u>	
<u>Principle of Development Control 47</u>	Building development should be landscaped in a manner which requires minimal artificial watering, utilises rainfall and run-off, provides shade, reduces dust and acts as a wind break. Such landscaping should promote a pleasant character in the locality and aid in the climatic control of building temperatures.
<u>Principle of Development Control 48</u>	Landscaping should: <ul style="list-style-type: none"> (a) not result in the introduction or increased spread of scheduled pest plants or environmental weeds; (b) predominantly be comprised of indigenous species relevant to Port Augusta and its environs; (c) include species that are appropriate for the environmental conditions surrounding the development; and (d) when required to screen development, be of a suitable height, growth rate and year round foliage to facilitate the screening function.

Comments: The development is located on a site which is occupied by the Port Augusta Motorcycle club and Speed Way. On the allotment are various buildings and structures used for the club activities. Furthermore, the area is industrialised by the existing land uses in the adjoining industrial zone.

The built form element is generally relatively low scale and low impact, and the bulk, height and scale is consistent with the general buildings in the locality.

Furthermore, the site location and internal layout have been determined to function in a satisfactory way and is suitable for its intended purpose. Internal traffic movement have been assessed by the Commissioner of Highways and by Council's Engineers.

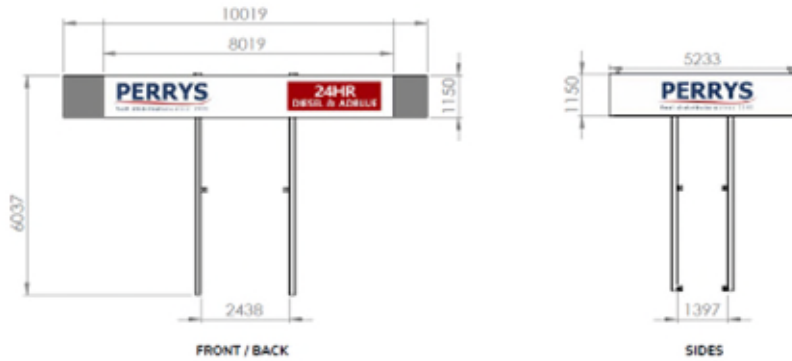
The building will consist of a modular above ground storage tank with compartments for diesel and adblue and an attached canopy - please see the details below:-



TANK ELEVATIONS 2047 Yorkeys Crossing Road, Port Augusta West

JOB NO: 20210101
 PROJECT NO: SP
 DATE: 08/06/21
 REVISION: 1

GPS
 URPS



CANOPY ELEVATIONS
 2047 Yorkeys Crossing Road, Port Augusta West

JOB NO: 20210101
 PROJECT NO: SP
 DATE: 08/06/21
 REVISION: 1

0 1 2 4m
 SCALE: 1:100 @ A4

URPS

Floor and Elevation Plans

The policy further calls for development to be landscaped in a manner appropriate to the region. This has been dealt with as a reserved matter where a landscaping plan has been requested to be submitted prior to any Development Approval.

Please see the photos below of the character and amenity of the area and the physical built form infrastructure in the locality.



Motorcycle club



Motor Cycle Club



IOR Petroleum Site



IOR Petroleum



IOR Petroleum



Adjacent Sensitive receiver



Adjacent Sensitive Receiver



Ampol Site



Ampol Site

<u>Council Wide</u>	
<u>Environment Protection</u>	
<u>Objective 23:</u>	The conservation, protection and enhancement of native vegetation.
<u>Objective 25:</u>	The retention and reuse, where possible, of rainfall and stormwater run-off.
<u>General</u>	
<u>Principle of Development Control 49</u>	Development should not have an adverse effect on natural features, land adjoining water, scenic routes, or scenically attractive areas.
<u>Principle of development Control 50</u>	Development should provide for the efficient use of natural rainfall and water run-off.
<u>Water Conservation</u>	
<u>Principle of Development Control 79</u>	Development should promote low water landscapes and efficient irrigation through planting native species which are less dependent on water and using salt tolerant species.
<u>Council Wide</u>	
<u>Natural Resources</u>	

<u>Objective 31</u>	Retention, protection and restoration of the natural resources and environment
<u>Objective 35</u>	Development consistent with the principles of water sensitive design.
<u>Objective 37</u>	Storage and use of stormwater which avoids adverse impact on public health and safety.
<u>Objective 40</u>	Minimal disturbance and modification of the natural landform.
<u>Principle of Development Control 80</u>	Development should be undertaken with minimum impact on the natural environment, including air and water quality, land, soil, biodiversity, and scenically attractive areas.
<u>Principle of Development Control 88</u>	Development should include stormwater management systems to protect it from damage during a minimum of a 1 in 100 year average return interval flood.
<u>Principle of Development Control 89</u>	Development should have adequate provision to control any stormwater over-flow runoff from the site and should be sited and designed to improve the quality of stormwater and minimise pollutant transfer to receiving waters.
<u>Principle of Development Control 91</u>	Development should include stormwater management systems to minimise the discharge of sediment, suspended solids, organic matter, nutrients, bacteria, litter and other contaminants to the stormwater system.
<u>Principle of Development Control 92</u>	Stormwater management systems should preserve natural drainage systems, including the associated environmental flows.
<u>Principle of Development Control 93</u>	<p>Stormwater management systems should:</p> <ul style="list-style-type: none"> (a) maximise the potential for stormwater harvesting and re-use, either on-site or as close as practicable to the source; (b) utilise, but not be limited to, one or more of the following harvesting methods: <ul style="list-style-type: none"> (i) the collection of roof water in tanks; (ii) (ii) the discharge to open space, landscaping or garden areas, including strips adjacent to car parks; (iii) the incorporation of detention and retention facilities; (iv) aquifer recharge. 94 Where it is not practicable to detain or dispose of stormwater on site, only clean stormwater runoff should enter the public stormwater drainage system.
<u>Principle of Development Control 95</u>	<p>Artificial wetland systems, including detention and retention basins, should be sited and designed to:</p> <ul style="list-style-type: none"> (a) ensure public health and safety is protected;

	(b) minimise potential public health risks arising from the breeding of mosquitoes.
<u>Biodiversity and Native Vegetation</u>	
<u>Principle of Development Control 105</u>	Development should retain existing areas of native vegetation and where possible contribute to revegetation using locally indigenous plant species.
<u>Principle of Development Control 108</u>	Native vegetation should not be cleared if such clearing is likely to lead to, cause or exacerbate any of the following: <ul style="list-style-type: none"> (a) erosion or sediment within water catchments; (b) decreased soil stability; (c) soil or land slip; (d) deterioration in the quality of water in a watercourse or surface water runoff; (e) a local or regional salinity problem; (f) the occurrence or intensity of local or regional flooding.
<u>Principle of Development Control 109</u>	Development that proposes the clearance of native vegetation should address or consider the implications that removing the native vegetation will have on the following: <ul style="list-style-type: none"> (a) provision for linkages and wildlife corridors between significant areas of native vegetation; (b) erosion along watercourses and the filtering of suspended solids and nutrients from run-off; (c) the amenity of the locality; (d) bushfire safety; (e) the net loss of native vegetation and other biodiversity.
<u>Principle of Development Control 110</u>	Where native vegetation is to be removed, it should be replaced in a suitable location on the site with locally indigenous vegetation to ensure that there is not a net loss of native vegetation and biodiversity.
<u>Principle of Development Control 111</u>	Development should be located and occur in a manner which: <ul style="list-style-type: none"> (a) does not increase the potential for, or result in, the spread of pest plants, or the spread of any non-indigenous plants into areas of native vegetation or a conservation zone; (b) avoids the degradation of remnant native vegetation by any other means including as a result of spray drift, compaction of soil, modification of surface water flows, pollution to groundwater or surface water or change to groundwater levels;

	(c) incorporates a separation distance and/or buffer area to protect wildlife habitats and other features of nature conservation significance.
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Comments – The area already contains minimal native vegetation due to the existing land uses in the locality being the Port Augusta Motorcycle club and Speed Way.

The clearance of land will require any application to the Native Vegetation Council and notes to this affect are proposed on any consent.

A reserved matter is proposed for a landscaping plan to be submitted prior to any Development Approval.

Landscaping will be a significant improvement on the amenity and locality particularly where the existing activities have removed native vegetation and caused degradation of the area. Landscaping will provide shade to the area for truck refueling and provide screening and visually enhance the locality.



Aerial image indicating locality

The policy above discusses retention and re-use of rain fall and run off. As a part of the application a stormwater management design has been prepared by EPIC Projects and Consulting. The information supplied outlines that potential contaminated water will be captured in a bunded area, the water will be treated, then treated water will be discharged from a separator to a small detention area for soakage as per the engineers stormwater calculations. Please see details below:-



Site Drainage Plan

<u>Council wide</u>	
<u>Hazards</u>	
<u>Objective 53</u>	Minimisation of harm to life, property and the environment through appropriate location of development and appropriate storage, containment and handling of hazardous materials.
<u>Containment of Chemical and Hazardous Materials</u>	
<u>Principle of Development Control 138</u>	Hazardous materials should be stored and contained in a manner that minimises the risk to public health and safety and the potential for water, land or air contamination.
<u>Principle of Development Control 139</u>	Development that involves the storage and handling of hazardous materials should ensure that these are contained in designated areas that are secure, readily accessible to emergency vehicles, impervious, protected from rain and stormwater intrusion and other measures necessary to prevent: <ul style="list-style-type: none"> (a) discharge of polluted water from the site; (b) contamination of land; (c) airborne migration of pollutants; (d) potential interface impacts with sensitive land uses.

Comments: The EPA has undertaken its assessment and it has been demonstrated that the proposed development will not impair the amenity by fumes, noise, dust, odour, traffic congestion and movements or any other pollutant by compliance with Environment Protection Policies.

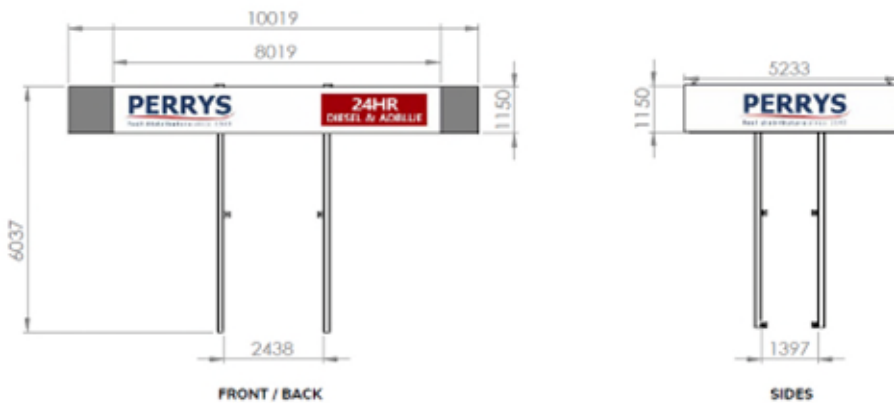
<u>Council wide</u>	
<u>Outdoor Advertisements</u>	
<u>Objective 68:</u>	An urban environment and rural landscape not disfigured by advertisements.
<u>Objective 69:</u>	Advertisements in retail, commercial and industrial urban areas, and centre zones, designed to enhance the appearance of those areas.
<u>Objective 70:</u>	Advertisements not hazardous to any person.
<u>Principle of Development Control 204</u>	<p>The location, siting, size, shape and materials of construction, of advertisements should be:</p> <ul style="list-style-type: none"> (a) consistent with the desired character of areas or zones as described by their objectives; (b) consistent with the predominant character of the urban or rural landscape; or (d) in harmony with any building or site of historical significance or heritage value in the locality.
<u>Principle of Development Control 205</u>	<p>Advertisements should not detrimentally affect by way of their siting, size, shape, scale, glare, reflection or colour the amenity of areas, zones or localities in which they are situated. 206</p> <p>Advertisements should not impair the amenity of areas, zones or localities, in which they are situated by creating, or adding to, clutter, visual disorder and the untidiness of buildings and spaces.</p>
<u>Principle of Development Control 207</u>	<p>Advertisements should not obscure views of attractive landscapes or particular trees or groups of trees. 208</p> <p>The scale of advertisements should be compatible with the buildings on which they are situated and with nearby buildings and spaces.</p>
<u>Principle of Development Control 212</u>	<p>Advertisements should not create a hazard to persons travelling by any means.</p>
<u>Principle of Development Control 213</u>	<p>Advertisements should not obscure a driver's view of other road vehicles, of rail vehicles at or approaching level crossings, of pedestrians and of features of the road such as junctions, bends, changes in width, traffic control devices and the like, that are potentially hazardous.</p>
<u>Principle of Development Control 214</u>	<p>Advertisements should not be so highly illuminated as to cause discomfort to an approaching driver, or create difficulty in their perception of the road, or of persons or objects on it.</p>
<u>Principle of Development Control 215</u>	<p>Advertisements should not be liable to interpretation by drivers as an official traffic sign or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals.</p>
<u>Principle of Development Control 216</u>	<p>Advertisements should not distract drivers from the primary driving task at a location where the demands on driver concentration are high.</p>

<u>Principle of Development Control 217</u>	An outdoor advertisement should be displayed only on land upon which the business to which it relates is conducted unless it is of particular value to the public as an information sign.
<u>Principle of Development Control 218</u>	Advertisements or advertising displays erected on a verandah or which project from a building wall should: <ul style="list-style-type: none"> (a) have a minimum clearance over a footway of 2.5 metres; (b) where erected on or over a verandah, not protrude past the extremities of the verandah; (c) have a minimum clearance of 0.45 metres to the vertical alignment of the road kerb or edge of carriageway; and (d) where projecting from a wall, abut the edge of the advertisement or advertising display to the surface of the wall.

Comments: The proposed development will incorporate Perry's Fuel Distributors Corporate signage which is outlined in the image below.

The signage is attached to the fascia of the canopy, the signage will not be internally illuminated/reflective and is unlikely to cause any glare and should not cause any undue distraction to drivers.

The sign generally meets the provisions as outlined above.



CANOPY ELEVATIONS

2047 Yorkeys Crossing Road, Port Augusta West

JOB REF: 19ACL-0118
PREPARED BY: MP
DATE: 09/06/21
REVISION: 1

0 1 2 4m
SCALE: 1:100 @ A4



Elevation Plan and Signage

<u>Council Wide</u>
<u>Industrial Development</u>

<u>Objective 88:</u>	Industrial, warehouse, storage, commercial and transport distribution development on appropriately located land, integrated with transport networks and designed to minimise potential impact on these networks.
<u>Objective 91:</u>	Industrial development occurring without adverse effects on the health and amenity of occupiers of land in adjoining zones.
<u>Principle of Development Control 307</u>	Industrial development should enable all vehicles to enter and exit the site in a forward direction, where practical.
<u>Principle of Development Control 308</u>	Industrial development abutting an arterial road, a non-industrial zone boundary, or significant open space should be developed in a manner that does not create adverse visual impacts on the locality.
<u>Principle of Development Control 309</u>	Building facades facing a non-industrial zone, public road, or public open space should: <ul style="list-style-type: none"> (a) use a variety of building finishes (b) not consist solely of metal cladding (c) contain materials of low reflectivity (d) incorporate design elements to add visual interest (e) avoid large expanses of blank walls.
<u>Principle of Development Control 310</u>	Industrial development should minimise significant adverse impact on adjoining uses due to hours of operation, traffic, noise, fumes, smell, dust, paint or other chemical over-spray, vibration, glare or light spill, electronic interference, ash or other harmful or nuisance-creating impacts.
<u>Principle of Development Control 311</u>	Landscaping should be incorporated as an integral element of industrial development along nonindustrial zone boundaries.
<u>Principle of Development Control 312</u>	Fencing (including colour-coated wire mesh fencing) adjacent to public roads should be set back in one of the following ways: <ul style="list-style-type: none"> (a) in line with the building façade (b) behind the building line (c) behind a landscaped area that softens its visual impact.

Comments: The proposed development has demonstrated via the Stormwater Management Designs, Traffic Management Plan and Route Assessment that the site is able to meet the requirement as outlined above.

Furthermore, the EPA, Commissioner of Highway and Councils Engineering team have outlined that they are satisfied with the development.

The Principles of Development Control outlined above have been dealt with as outlined below:-

- Appropriate egress and access have been designed and movements will occur in a forward direction, please refer to the Traffic Management Plan.
- A landscaping plan has been requested in a reserved matter.
- Colour coated wire mesh fencing has been included as a condition of consent should any be granted by the Panel.

<u>Council Wide</u>	
<u>Infrastructure</u>	
<u>Objective 94</u>	Infrastructure provided in an economical and environmentally sensitive manner.
<u>Principle of Development Control 319</u>	Development should not occur without the provision of adequate utilities and services, including: <ul style="list-style-type: none"> (a) electricity supply; (b) water supply; (c) drainage and stormwater systems; (d) waste disposal; (e) effluent disposal systems; (f) formed all-weather public roads; (g) telecommunications services; (h) social infrastructure, community services and facilities; (i) gas services.
<u>Principle of Development Control 322</u>	Development should not take place until adequate and coordinated drainage of the land is assured.
<u>Principle of Development Control 328</u>	Utilities and services, including access roads and tracks, should be sited on areas already cleared of native vegetation. If this is not possible, their siting should cause minimal interference or disturbance to existing native vegetation and biodiversity.
<u>Principle of Development Control 330</u>	Development in proximity to infrastructure facilities should be sited and be of a scale to ensure that adequate separation is provided to protect people and property while also ensuring that the infrastructure provider is able to easily gain access to the facility for maintenance and upgrade purposes.
<u>Council Wide</u>	
<u>Interface between Land Uses</u>	
<u>Objective 99:</u>	Development located and designed to prevent adverse impact and conflict between land uses.

<u>Objective 100:</u>	Protect community health and amenity and support the operation of all desired land uses.
<u>Principle of Development Control 331</u>	Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following: <ul style="list-style-type: none"> (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants; (b) noise; (c) vibration; (d) electrical interference; (e) light spill; (f) glare; (g) hours of operation; (h) traffic impacts.
<u>Principle of Development Control 332</u>	Development should be sited and designed to minimise negative impact on existing and potential future land uses considered appropriate in the locality.
<u>Principle of Development Control 334</u>	Residential development adjacent to non-residential zones and land uses should be located, designed and/or sited to protect residents from potential adverse impacts from non-residential activities.
<u>Noise</u>	
<u>Principle of Development Control 337</u>	Development should be sited, designed and constructed to minimise negative impacts of noise and to avoid unreasonable interference.
<u>Principle of Development Control 338</u>	Development should be consistent with the relevant provisions in the current Environment Protection (Noise) Policy.
<u>Council Wide</u>	
<u>Transportation</u>	
<u>Objective 101:</u>	A road network of a standard that enables safe and comfortable travel between major centres and gives access to popular resorts
<u>Objective 103:</u>	The free flow of traffic on roads by minimising interference from adjoining development.
<u>Principle of Development Control 345</u>	Car parking spaces, vehicular loading spaces and associated access aisles and manoeuvring areas, should be sealed with an impervious material or paved to a suitable standard to minimise any dust and mud nuisance, be drained to the watertable of an adjacent public road, and have individual spaces linemarked and maintained thereafter.

Principle of Development Control 348	Development should have vehicular access which is not liable to be affected adversely by floodwaters or heavy rains
Principle of Development Control 349	The layout of access aisles and manoeuvring areas on an allotment should allow for vehicles to enter the parking area, and any public road, in a forward direction.
Principle of Development Control 350	Vehicular access points to and from each allotment and the layout of car parking spaces should provide for safe vehicular movement which will not detrimentally affect traffic safety and vehicular movement on adjoining streets, or the safety of pedestrians.
Principle of Development Control 351	The number of vehicle crossings should be kept to a minimum and all development should have a solid immovable barrier along road boundaries to restrict access onto and off an allotment other than by way of approved crossovers.
Principle of Development Control 353	Access lanes and aisles, other than those associated with residential development, which are required to carry two-way traffic should not be less than six metres wide and, where required to carry one-way traffic, not be less than 3.5 metres wide

Comments: Yorkeys Crossing is an oversize heavy vehicle bypass route. The road is primarily unsealed and provides a route around Port Augusta. A significant number of heavy vehicles use this alternative route per day due to an inability to pass through town over the Joy Baluch AM Bridge.

Similarly, Stuart Highway is a Major Traffic Route, a Primary Freight Route and a Direct Tourist Route under the Department of Planning, Transport and Infrastructure 'A functional Hierarchy for South Australia's Land Transport Network'.

The proposed development has included a Traffic Management report - traffic movements into and through the site have been designed to comply with appropriate Australian Standard and safe engineering practices.

The proposed use on the land is unlikely to increase the intensity of activities in the area or increase the impact between sensitive land uses.

SUMMARY

The proposed development is a non-complying form of development within the Primary Industry Zone.

Whilst the development is not in line with economic productive and sustainable primary production, there are established industrial land uses in the immediate locality that service the Stuart Highway and particularly land uses of a similar nature.

Importantly, no land is taken out of primary production as the site is not farmland.

The proposed development is seen as a value adding development located off the highway to provide services to freight vehicles in a locality where there are some existing services.

Having regard to the Development Plan, related documentation and reports, the proposed development warrants Development Plan Consent subject to a series of reserved matters, condition and notes.

RECOMMENDATION

It is recommended the Upper Spencer Gulf Regional Assessment Panel :-

1. Pursuant to Section 35(2) of the *Development Act 1993*, determines that the proposed development is not seriously at variance with the Port Augusta (City) Development Plan.
2. Pursuant to Section 33 of the *Development Act 1993*, grants Development Plan Consent to DA 660/64/2020 for the construction of an unmanned petrol filling station canopy and associated road works at 2047 Yorkeys Crossing PORT AUGUSTA WEST (Lot: PCE 86* DP: 36449 CR: 5438/430), subject to the concurrence of the State Commission Assessment Panel and subject to the following conditions and notes.

Reserved Matters

Pursuant to Section 33(3) of the Development Acts 1993, the following matters are reserved for further assessment by Council prior to granting Development Approval:

- A detailed landscape plan, which includes native indigenous species of trees, shrubs, grasses, and groundcovers.
- Final engineering designed for the stormwater detention basin shall be submitted to the Council.
- Final engineering designs for the construction of Yorkey Crossing Road and internal driveway/roadways shall be submitted to the Council.

Conditions

Council

1. The proposed development shall be undertaken in accordance with the plans and documentation submitted unless otherwise specified as a condition of consent.
2. The northern access point shall allow for vehicles to enter only, and the southern egress point shall allow for vehicles to exit only, the access and egress shall be appropriate line marked and sign posted.
3. That all driveways, parking and vehicle manoeuvring areas shall be set out and line marked in accordance with the approved documentation in accordance with Australian Standards and be constructed, drained and paved with bitumen, concrete or paving bricks in accordance with sound engineering practices to the reasonable satisfaction of Council and prior to use of the development.
4. During construction activities the property must be managed in a manner so as to prevent erosion and pollution of the subject site and the environment including keeping the area in a tidy state and ensuring any waste material are appropriately contained.
5. A Construction and Environmental Management and Monitoring Plan shall be prepared to reduce impacts during the construction to nearby residents. The plan must be

submitted to the Council prior to Development Approval.

6. Any lighting shall be shielded to reduce glare to the adjoining residential land use.
7. A colour coated wire mesh security fence shall be constructed around the perimeter of the site to provide for a safety barrier to the adjoining development.
8. All stormwater including that from the proposed canopy (as amended) shall be contained within the bunded area and collected in the grate sumps and then transferred to a Class 1 Contaminate separator (Stormseptor or similar) designed to treat water to 5PPM and have spill capture capacity of 9000 litres at all times to accommodate the full volume of a tanker compartment

EPA

9. Prior to use, the aboveground fuel storage tanks must be double-walled and fitted with a leak detection system and alarm which is connected by telemetry to appropriate off site facilities manager or maintenance personnel.
10. All runoff from the hard paved areas associated with the new petrol filling activity component on the site (which includes the refuelling and fuel delivery areas around the aboveground storage tanks) and as detailed in the drawing titled 'Port Augusta Fuelling Station' Drawing no. C-201027, revision B prepared by Epic projects and Consulting and dated 30/11/2020, must be directed via grates and grade changes to a full retention oil/water separator (no bypass function) that:
 - (a) has as minimum spill capture capacity of 8,000 litres;
 - (b) reduces oil content in the outlet to less than 5 mg/L (as confirmed by independent third party scientific testing);
 - (c) operates effectively in the event of a power failure;
 - (d) has an alarm connected by telemetry to appropriate maintenance personnel;
11. Any sludge or residues collected within the full retention oil/water separator is considered waste and must be removed by an EPA licensed waste transporter.

Commissioner of Highways

12. Access shall be gained in accordance with URPS site plan, Jon Ref 19ADL-0118, Revision 3 and CIRQA Turn Path Assessment, Project 319073. Sheet #01_SH01, Revision A dated 18 March 2019.
13. All vehicles shall enter and exit the site in a forward direction.
14. Signage shall be installed to reinforce the desired traffic flow through the site.
15. The internal manoeuvring areas for commercial vehicles shall be designed in accordance with AS2890.2:2018.

Notes

Council

1. Before any building work is undertaken, the building work is to be certified by a private certified, or by some person determined by the Council for the purposes, as complying with the provisions of the Building Rules.
2. Development Approval must be obtained prior to undertaking any works associated with the development.
3. The development must be substantially commenced within 24 months of the date of this notification, unless this period has been extended by the Planning Authority.
4. You are advised that any act or work authorised or required by this Notification must be completed within three years of the date of the Notification unless this period is extended by the Planning Authority.
5. No site works or clearance of native vegetation is to occur without the prior written authorisation of the Native Vegetation Council under the Native Vegetation Act.
6. Under section 20 of the Aboriginal Heritage Act 1988 (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land if any Aboriginal sites, objects and remains to the Minister responsible for the administration of the Act, as soon as practicable, given the particulars of the nature and location of the Aboriginal sites, objects or remains. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (register or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act.
7. This approval does not obviate any consideration that may apply to the Environment Protection and Biodiversity Conservation Act 1999 (cth). For further information visit: <http://www.environment.gov.au/epbc>.

Commissioner of Highways

8. In the event that Restricted Access Vehicles will gain access to the site, the applicant must ensure that all necessary approvals/permits are obtained from the National Heavy Vehicles Regulator. Refer link: www.nhvr.gov.au

EPA

9. 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 the activity on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
10. 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 form) can be accessed here: http://www.epa.sa.gov.au/business_and_industry/applying_for_a_licence
11. A licence may be refused where the applicant has failed to comply with any conditions

of development approval imposed at the direction of the Environmental Protection Authority.

12. EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can accessed on the following web site: <http://www.epa.sa.gov.au>

9.2 PDI Act application – Development number 21023971, Augusta Collective Pty Ltd – Retail Fuel Outlet

DEVELOPMENT NO.:	21023971
APPLICANT:	Augusta Collective Pty Ltd
ADDRESS:	1 DAW ST PORT AUGUSTA WEST SA 5700
NATURE OF DEVELOPMENT:	Retail fuel outlet with associated car parking, stormwater works, landscaping and advertisements, including two freestanding pylon signs, acoustic fence up to 4.5 metres in height and alteration to public roads (Stuart Highway and Daw Street, Port Augusta)
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Employment Overlays: <ul style="list-style-type: none"> • Building Near Airfields • Hazards (Bushfire - Regional) • Hazards (Flooding - Evidence Required) • Native Vegetation • Urban Transport Routes
LODGEMENT DATE:	8 December 2021
RELEVANT AUTHORITY:	Regional Assessment Panel
PLANNING & DESIGN CODE VERSION:	4 November 2021 2021.16
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	David Bills Consultant Planner for the Council
REFERRALS STATUTORY:	Commissioner of Highways - EPA
REFERRALS NON-STATUTORY:	Infrastructure Parks and Gardens
Days left on Clock	4 days as of date of meeting

ATTACHMENTS (under separate cover)

- ATTACHMENT 1: Proposal Plans
- ATTACHMENT 2: Future Urban Planning Report
- ATTACHMENT 3: Previous Land Division
- ATTACHMENT 4: Native Vegetation Declaration
- ATTACHMENT 5: Resonate Acoustic Report
- ATTACHMENT 6: WGA Stormwater Management Plan
- ATTACHMENT 7: Traffic Assessment
- ATTACHMENT 8: Additional Traffic Assessment
- ATTACHMENT 9: Landscape Plan

DESCRIPTION OF PROPOSAL

The development proposes a retail fuel outlet with associated car parking, stormwater works, landscaping and advertisements, including two freestanding pylon signs, acoustic fence up to 4.5 metres in height and alteration to public roads (Stuart Highway and Daw Street, Port Augusta).

Retail Fuel Outlet

A retail fuel outlet is proposed and will be occupied by X Convenience/Mobil. Overall, the built form will have a gross leasable floor area of 504 square metres.

A retail fuel outlet is defined as follows:

Means land used 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 vehicle accessories and/or parts*
- h) the installation of motor vehicle accessories and/or parts."*

A retail fuel outlet outlet is a Performance Assessed kind of development in the Employment Zone.

The hours of operation (including ancillary activities) proposed are 24 hours per day, 7 days a week.

Access and Car parking

A total of 15 sealed and line marked car parking spaces are proposed. As detailed below, other works are required outside the boundaries of the subject land to ensure that safe and convenient access to the land is provided. Such works are detailed in the next section of this report.

Access to the retail fuel outlet is via a new access point from Daw Street and from a shared and integrated access with the adjacent Bunnings development.

Fencing

An acoustic fence ranging from 3.0 to 4.5 metres in height is proposed for the length of the north-western boundary of the site, inclusive of the portion of the site where the Bunnings is proposed.

Advertising signage

Two freestanding signs adjacent to the Stuart Highway boundary of the site are proposed as part of this development application, the details of each are as follows:

- Aa 12.0 metre-high, freestanding sign advertising the bulky goods outlet that is the subject of DA 21010773 (this sign is to be externally illuminated); and
- A 6.2 metre-high freestanding sign advertising the proposed retail fuel outlet (this sign is to be internally illuminated).

Both signs will be double sided.

A wall-mounted sign is also proposed on the north-eastern elevation of the control building.

BACKGROUND

The site has been the subject of a number of development applications, including:

- Development Application ('DA') 660/118/2020 - for a petrol filling station that was granted Development Plan Consent and is currently the subject of a third-party appeal that has not yet been resolved
- DA 660/149/2020 - for the division of the site that was granted Development Approval
- DA 21010773 – planning approval granted for a bulky goods outlet (Bunnings), acoustic fence and directional signage
- DA 22014527 – variation for height of approved Bunnings development – Item 9.3 of this Agenda.

The applicant advises that the proposed retail fuel outlet is similar to the petrol filling station that was consented to as part of DA 660/118/2020, with the main difference being an increase in the gross leasable floor area of the control building and a reduction in the number of refuelling points. No changes are proposed to the previously approved access arrangements.

A land division application has been approved by Port Augusta City Council. This land division created two allotments.

Works are proposed off site to facilitate the proposed development as follows:

1. The applicant has proposed upgrade works to Eyre Highway, Stuart Highway and Daw Street to accommodate safe access and egress to and from the proposed development.
2. Eyre Highway and Stuart Highway are dedicated to the Commissioner of Highways under the Highways Act. Daw Street remains under the care and control of the Council.
3. In order to ensure that the upgrade works will occur to the Council's requirements and at the applicant's expense, an Infrastructure Agreement and a Land Management Agreement have previously been entered into. The purpose of these documents is explained below:
 - A. The Infrastructure Agreement ensures that the upgrade works to Daw Street occur appropriately. The IA requires that final engineering plans and details and appropriate security be provided to the Council after the grant of planning consent (should the USGRAP grant planning consent to the application) but before development approval is granted. Should planning consent not be granted, the IA terminates;
 - B. The LMA ensures that the IA will be honoured in the event that the owner of the subject land changes and/or the proposed development is undertaken by a person other than Augusta Collective. In the event that either of these events occurs, the

proposed development cannot proceed unless the IA is honoured or that a new IA is entered into to replace the current IA.

Unfortunately, it is not possible to simply vary an LMA. A variation to an LMA requires either a supplementary LMA to be lodged on the same title and which varies the relevant LMA or for the original LMA to be rescinded and replaced with a new LMA.

Concerning the retail fuel outlet, the Council's position which is informed by legal advice, is set out below.

1. The original LMA and IA are rendered redundant by the new DA as it is a fresh DA and not a variation.
2. The original DA was lodged under the Development Act so there was no ability to use a reserved matter to secure the necessary IA – it had to be secured before the grant of Development Plan consent
3. The road upgrades will require a section 221 authorisation under the *Local Government Act 1999* before they can be undertaken lawfully, regardless of the new DA. A reserved matter can be considered pursuant to section 102(3)(c) of the PDI Act in lieu of another LMA and IA at this time and this may avoid the need for a new LMA. In particular, by the time that development approval is applied for, it is reasonable to expect that the developer would be in a position to have final engineering drawings and costings for the upgrade works, in which case the Council could insist on an IA at that time before it grants the section 221 authorisation and that it be provided with security under the IA before it grants the s221 authorisation and, therefore, development approval. If, at that time, the developer is not ready with engineering plans and drawings and costing such that it is not possible to ensure that an IA is executed and security provided before the grant of the s221 authorisation, the LMA (which ensures that the IA is secured if another developer proceeds with the development) can then be required to support the IA as has been the case with the prior DA for this site and the adjacent Bunnings site.

In order to avoid another LMA, then the above recommendations in 1-3 above will provide the Council with an appropriate solution to ensure that the upgrade works occur in a timely fashion and at the proponent's cost, rather than at the Council's costs which are, by extension, costs borne by the Council's ratepayers.

SUBJECT LAND & LOCALITY

Subject Land

The subject land is comprised of one allotment with a site area of 1.841 hectares, Certificate of Title 5974/381. The site has a frontage to Stuart Highway (63.42 metres in length) and frontages to Daw Street, (122.62 metres in length) a council managed road.

There is an easement that runs along the length of the northern length of the site and is 3 metres in width. The Certificate of Title does not specify the body to which the easement belongs however the applicant's planning consultant indicated that this is likely to be for wastewater infrastructure.

The land is relatively flat although there is a slight fall from Daw Street into the site. The site is undeveloped (with no current land use) and consists of sparse vegetation and gravel.

Locality

The locality contains a variety of land uses as follows:

- To the north is the newly developed Bentleys Cabin Park.
- To the west, sharing a boundary with the subject land is the Standpipe Golf Motor Inn
- Further to the west is the Port Augusta Golf Club
- To the east are dwellings.

The Eyre Highway is to the south of the subject land. The Stuart Highway connects to the Eyre Highway to the south-east of the subject land and traverses to the north. There are no heritage listed properties in the locality.

Image 1 – Subject land and locality



Legend

Subject Land -----

Locality -----

Image 2 – Subject land looking north- east



Image 3 – Subject land looking west



Image 4 – Subject land looking north towards the Bentley Cabin Park



Image 5 - Looking north towards the Standpipe Golf Motor Inn



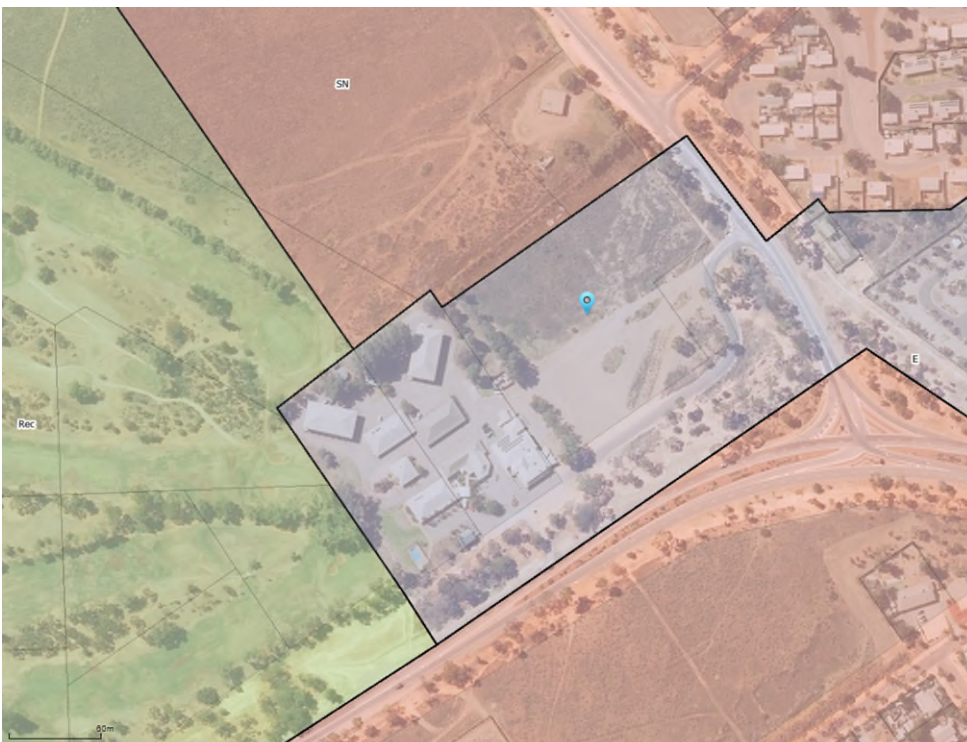
Image 6 - Looking north- west towards the Standpipe Golf Motor Inn



Zoning

The subject land is located within part of the Employment Zone shown in lilac below. This extends to the west and east of the subject land.

The Recreation Zone is to the west of the subject land and the Standpipe Golf Motor Inn as identified in green. The Suburban Neighbourhood Zone to the north-east and south is shown in pink.



PROCEDURAL MATTERS

Relevant Authority

The Upper Spencer Gulf Regional Assessment Panel is the relevant authority for this planning application under the *Planning, Development and Infrastructure Act 2016*. This is because the application was subject to a Performance Assessment process under the Planning and Design Code with notification.

PUBLIC NOTIFICATION

Table 5 of the Employment Zone details notification requirements. A retail fuel outlet and signage are excluded from notification, unless it is on land adjacent to land to a site (or land) used for residential purposes in a neighbourhood-type zone and unless less than 9m in height.

The application was therefore notified in accordance with the requirements the Planning and Design Code and the *Planning, Development and Infrastructure Act 2016*, with notification to adjoining owners (as defined) and with a Notice on the land.

Representations

No representations were received during the notification period.

REFERRALS

Agency Referrals - Commissioner of Highways:

The Commissioner of Highways has responded that there is no objection to the proposal with comments.

Six conditions are required to be placed on the consent should approval be granted. They have been included as part of the recommendation. In addition, four advisory notes have been recommended.

Agency Referrals – Environment Protection Authority

The EPA do not oppose the development and have directed the relevant authority to attach five conditions to the consent should approval be granted.

They have been included as part of the recommendation. In addition, five advisory notes have been recommended.

Internal Referrals

Two internal referrals were undertaken to the Council's Infrastructure and Parks and Open Space Departments.

A number of issues were raised as part of the initial review of the proposal regarding stormwater, traffic and inappropriate planting species. The applicant provided revised documentation. All traffic and stormwater issues have been resolved with the Council comments as follows:

Stormwater:

- WGA Report shows 150 diameter PVC overflow pipe from 5kL above ground rainwater tank capturing roof flows for reuse, which is missing from Amended Plans Piteo Architects Dwg PA-01.
- All new stormwater pipes between boundary and kerb, and stormwater kerb outlets require Section 221 approval

Parks and Open Space:

- The addition of a small rural fence (post and wire) presents to be a positive addition to support protection of existing Daw Street verge vegetation. Care should be taken during installation of the fence to ensure existing tree roots are protected from potential effects of compaction during site works).
- For irrigation, an irrigation plan is required noting Port Augusta's extreme climatic conditions present challenges for establishment and ongoing maintenance. Verge maintenance would need to be subject to an Infrastructure Management Agreement.
- During construction (from machinery/ equipment/storage) consideration to temporary fencing around areas to be landscaped, for protection against mechanical damage to trunks, canopy. Threat to tree health would be changes to existing soil levels, storage of heavy machinery and materials in tree protection areas. Tree protection measures for existing trees and road reserve vegetation within the road reserve to be in accordance with AS4970-2009 Protection of trees on development sites.
- Tree removals required from land under Council care and control need prior written approval, with the application to be lodged to Council.
- DDA accessible footpath access to the retail fuel outlet to allow for safe pedestrian walkability / mobility access to the area, consideration to linkages to residential areas east and south across busy national highways.

Note:

A condition relating to landscaping is proposed as part for the recommendation. In addition, a condition of consent is proposed to resolve the concerns with one of the species identified to be used in the landscaping plan.

In addition, the requirement for the ongoing maintenance of the landscaping on Council land will need to be subject to a condition and also covered in the section 221 authorisation that allows the works to occur as well as the continued existence of the landscaping.

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in the Attachments.

Overlays

Overlay	Desired Outcome	Performance Outcomes	Assessment
Building Near Airfields	1 Maintain operational and safety requirements of airfields	PO 1.1 PO 1.2 PO 1.3	No impact on airfield safety.
Hazards (Bushfire Regional)	1 Development responds to relevant level of bushfire risk and is sited to minimise impact of bushfire threat.	PO 1.1 PO 1.2 PO 1.3 PO 5.1 PO 5.2 PO 5.3	There is no unacceptable risk to buildings. Road access has been designed with all weather surfaces.
Native Vegetation	1 Minimises loss of native vegetation.	PO 1.1 PO 1.2 PO 1.4	The applicant has signed a declaration stating that no native vegetation is to be removed. Trees to be removed along the western boundary of the site were planted and are not native vegetation.
Urban Transport Routes	1 Safe and efficient transport routes for all road users and safe and efficient access to and urban transport routes.	PO 1.1 PO 2.1 PO 3.1 PO 4.1 PO 5.1 PO 6.1 PO 7.1 PO 8.1 PO 9.1 PO 10.1	The Commissioner of Highways and Council have provided support of the proposal.

Land Use

The Employment Zone's Desired Outcomes seek a range of land uses including 'low impact light industrial, commercial and business activities'.

The intent is that the zone will complement the role of other zones that are focussed around providing for significant industrial, shopping and business activities.

Performance Outcomes of the Employment Zone are as follows:

PO 1.1

A range of employment-generating light industrial, service trade, motor repair and other compatible businesses servicing the local community that do not produce emissions that would detrimentally affect local amenity.

PO 1.2

Shops provide convenient day-to-day services and amenities to local businesses and workers, support the sale of products manufactured on-site and otherwise complement the role of Activity Centres.

The proposal is considered acceptable from a land use perspective because a retail fuel outlet and an advertisement are specifically identified as envisaged in the Zone per DPF 1.1.

The car park, fencing and landscaping are considered to be ancillary and in association with the specifically envisaged forms of development within the Zone.

Building Height and setbacks

The built form is oriented so that the front of the building faces the Stuart Highway. It will face the car park with the main entrance on this elevation. The Daw Street elevation will be a secondary frontage providing a blank façade.

The development is proposed in a locality where there is little built form other than the Standpipe Golf Motor Inn to the west and the Cabin Park to the north. The control building is located centrally on the site with the canopy located between the building and the Stuart Highway. The proposed setbacks are considered to be appropriate, particularly as there is no existing or emerging pattern of development in this locality.

Performance Outcomes of the Employment Zone in relation to building heights and setbacks seek the following:

PO 3.1

Buildings are set back from the primary street boundary to contribute to the existing/emerging pattern of street setbacks in the streetscape.

PO 3.2

Buildings are set back from a secondary street boundary to accommodate the provision of landscaping between buildings and the street to enhance the appearance of land and buildings when viewed from the street.

PO 3.3

Buildings are set back from rear access ways to provide adequate manoeuvrability for vehicles to enter and exit the site.

PO 3.4

Buildings are sited to accommodate vehicle access to the rear of a site for deliveries, maintenance and emergency purposes.

The siting enables for adequate manoeuvrability around the perimeter of the site for on-site deliveries.

The portion of the building facing the boundary of a Zone intended to be used for residential purposes is to the north and south. The separation of the building to the Suburban Neighbourhood Zone to the north is approximately 11 metres. An acoustic fence provides separation to the Cabin Park to the north.

There is a separation of 52 metres between the subject land and the Suburban Neighbourhood land to the south on the other side of Daw Street and the Eyre Highway. The separation between the proposed structures and the adjacent neighbourhood type zones are considered adequate.

Interface issues from noise therefore need to be examined and are detailed below. The site layout enables vehicles to enter and exit in a forward position with landscaping on the site. It is noted that there is landscaping on council land that will mitigate scale and soften the built form.

The Employment Zone envisages buildings with a height of up to two building levels of 9m in height.

The proposed development is well below the maximum building height as sought by DPF 3.5 with the canopy over the bowers set at 6.3m above finished ground level.

The setback of the built form from boundaries with the Suburban Neighbourhood Zone means that visual impacts are mitigated and there are no overshadowing impacts meeting PO 3.6 and 3.7.

The overall built form is lower than some other developments in the locality and the height proposed is acceptable.

Design & Appearance

Desired Outcome 2 seeks for distinctive buildings that provide high visual amenity.

In addition, the Employment Zone seeks the following:

PO 2.1

Development achieves distinctive building, landscape and streetscape design to achieve high visual and environmental amenity particularly along arterial roads, zone boundaries and public open spaces.

PO 2.2

Building facades facing a boundary of a zone primarily intended to accommodate residential development, public roads, or public open space incorporate design elements to add visual interest by considering the following:

- a) using a variety of building finishes*
- b) avoiding elevations that consist solely of metal cladding*
- c) using materials with a low reflectivity*
- d) using techniques to add visual interest and reduce large expanses of blank walls including modulation and incorporation of offices and showrooms along elevations visible to a public road.*

The design of the control building faces a residential type zone and a major highway. The design of the building includes a significant extent of glazing and dining areas. The presentation of this façade includes brick and glass elements with a patterned mullion treatment.

The site is currently vacant and the development will be completed in a neat and orderly manner improving its current condition. In addition, various design features ensure the building appearance is overall acceptable.

The Desired Outcome of the Design General Policies also seek that the development be contextual, durable, inclusive and sustainable. In this regard:

- The site is adjacent two arterial roads where there is no readily defined built form character. As such, a neat and orderly commercial development such as the proposed retail fuel outlet, will not be out of place in this context.
- The proposed building materials are durable and will need minimal ongoing maintenance.
- The development has not demonstrated any specific sustainable techniques of note however there are opportunities for solar voltaic cells to be established on the roof. The use of stormwater retention/detention tanks also provides for water re-use.

Finally, the proposal is considered to adequately meet PO 1.5 with respect to minimising the negative visual impacts or outdoor storage, waste management, loading and unloading. This is because all waste and loading areas are sufficiently screened from public view.

Landscaping

Landscaping both on and off the subject land is proposed. Council has reviewed the proposed species, noting that the current landscape plan is limited and does not include a plant schedule table.

The landscape plan requires further information including 'plant schedule' table and note on quantity of plantings, pot size, expected mature growth size and key code to indicate planting location. This should be supported by notes on garden bed preparation species, soil amelioration, organic mulch and irrigation to supporting establishment and ongoing maintenance. Garden bed edging should be considered to retain mulch. Kerb lip to be at suitable height to retain garden mulch placed to be flush with top of edging to prevent overflow.

An irrigation plan is also required - Port Augusta's extremes climatic conditions can reach up to 50 degrees Celsius during summer periods with low annual rainfall less than 250mm so challenges for establishment and ongoing maintenance

A condition is proposed that requires the provision of a final landscaping plan prior to Development Approval.

Landscaping that is proposed on council land will be covered by a condition and section 221 Authorisation. This will mean that Council is not responsible for the maintenance of the landscaping and that the owner will maintain the landscaping in perpetuity.

The relevant Code provisions are as follows:

PO 5.1

Landscaping is provided to enhance the visual appearance of development when viewed from public roads and thoroughfares.

PO 5.2

Development incorporates areas for landscaping to enhance the overall amenity of the site and locality.

PO 7.2

Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced and the like.

PO 7.4

Street level vehicle parking areas incorporate tree planting to provide shade and reduce solar heat absorption and reflection.

PO 7.5

Street level parking areas incorporate soft landscaping to improve visual appearance when viewed from within the site and from public places.

Traffic Impact, Access and Parking

The proposed development has involved considerable input with respect to traffic matters from the Commissioner of Highways and Council. A collaborative approach has resulted in all traffic issues being resolved with support provided for the proposal.

The development relies on access off the Stuart Highway. This will provide an entry point for the delivery vehicles. A previous development proposal for a service station was to facilitate access to the subject land via a Right of Way. This development has not proceeded but in the event that it does access to the subject land will occur via a Right of Way. This will facilitate movement over the Right of Way to the northern boundary of the adjacent land. Vehicles would then continue along

the northern boundary turning at the western corner adjacent the outdoor plant centre. They would then proceed along the western boundary to the loading dock.

In addition, the access off the Eyre Highway requires alterations to the Daws Road alignment. This is subject to an Infrastructure Agreement to ensure that the works are undertaken in a timely and co-ordinated manner to council's specifications. This access will be used for vehicles leaving the loading dock as well as a potential exit/entry point for vehicles accessing the customer access point of Daw Street.

A number of issues were originally raised by Council's traffic engineer regarding on site manoeuvrability. Amended plans were submitted and now all concerns have been resolved. The proposal is considered to provide safe, legible access between parking areas and the development.

There will be adequate levels of landscaping in the car park as required by Performance Outcomes 7.4, 7.5 and 7.6.

The Planning and Design Code requires sufficient off-street parking to be provided on site.

Table 1 provides the rate for a retail fuel outlet being 3 spaces pre 100m² of gross leasable floor area. The development proposes 13 car parking spaces and 2 truck parking spaces therefore consistent with the level of parking required..

Both Council and DIT are satisfied that the traffic generation for the Eyre and Stuart Highways and Daw Street are acceptable.

In summary, safe and convenient access will be provided. Off-site alteration to the road network will be undertaken and is covered by an Infrastructure Agreement and conditions of consent.

External illumination

Details of lighting were not provided as part of the application however this was confirmed as part of further information provided. PO 6.1 in relation to light spill seeks that external lighting is positioned and designed to not cause unreasonable light spill impact on sensitive receivers.

The applicant has advised that lighting will operate on a 24-hour basis during night time hours to deter crime in the area. They have advised that lighting will meet Australian Standards. Due to the proximity of other buildings in the locality and the potential for disturbance, a condition is recommended that a light spill plan be provided prior to the issue of Development Approval that demonstrates it meets AS 1158.

Noise Emissions

Interface between land uses Desired Outcome 1 states the following:

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

PO 2.1

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:

- a) the nature of the development*
- b) measures to mitigate off-site impacts*
- c) the extent to which the development is desired in the zone*
- d) 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.*

Trading hours are proposed to 24 hours, 7 days a week. Potential noise impacts have been mitigated through attenuation measures.

The applicant's Environmental Noise Assessment notes that if garbage removal is restricted to 9 am and 7 pm on a Sunday or public holiday and 7 am and 7 pm on any other day, there will be no noise restrictions under the Environment Protection (Noise) Policy 2007. A condition of consent restricting delivery hours is recommended.

The Planning and Design Code seeks to mitigate unreasonable noise emissions as follows:

PO 4.2

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:

- a) locating openings of buildings and associated services away from the interface with the adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers*
- b) when sited outdoors, locating such areas as far as practicable from adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers*
- c) housing plant and equipment within an enclosed structure or acoustic enclosure*
- d) providing a suitable acoustic barrier between the plant and / or equipment and the adjacent sensitive receiver boundary or zone.*

The applicant engaged an acoustic consultant to ascertain the impact of the development upon noise sensitive uses. The noise impacts considered the following:

- Noise from mechanical plant
- Noise from vehicle movements
- Noise from waste collection
- Noise from deliveries.

The applicant's acoustic report by Resonate details that the closest noise sensitive receivers are the Standpipe to the west, Bentleys Cabin Park to the north and the dwellings to the east. This assessment has demonstrated that the noise emissions from the worst-case operation of the

development (including vehicle movements associated with the proposed bulky goods store) will comply with the relevant environmental noise criteria at all noise sensitive receivers in the vicinity of the site during both the day and night time with the recommended noise mitigation shown in Appendix A. This includes undeveloped land to the northwest where future noise sensitive development is envisaged.

Resonates concluded that the proposed development can operate within Planning & Design Code and the Environment Protection (Noise) Policy 2007.

The relevant Performance Outcomes of the Planning Design Code include PO 4.1 and 4.2 as well as the Environment Protection (Noise) Policy 2007 were considered as part of the assessment.

In order to mitigate noise to appropriate levels adjacent the Standpipe Motor Inn and Bentley's Cabin Park, a noise barrier was recommended along the northern and western boundaries of the site. The acoustic report specifies the construction requirement of the acoustic wall in the form of a 3.0 to 4.5 metre-high acoustic fence along the north-western boundary of the site. The report also recommends the installation of acoustic absorption material along the underside of the canopy on the south-western side of the control building.

The report details that waste collection should be restricted to 9am to 7pm on a Sunday or public holiday and 7am to 7pm on any other day. A condition to this effect is recommended.

Mechanical plant had not been selected when the acoustic consultant reviewed the proposal however they note that noise levels from mechanical plant on the site are expected to comply with appropriate mitigation measures adopted.

Signage

Two freestanding signs adjacent to the Stuart Highway boundary of the site are proposed as part of this development application, the details of each are as follows:

- A 12.0 metre-high, freestanding sign advertising the bulky goods outlet that is the subject of DA 21010773 (this sign is to be externally illuminated); and
- A 6.2 metre-high freestanding sign advertising the proposed retail fuel outlet (this sign is to be internally illuminated).

Both signs will be double sided.

A wall-mounted sign is also proposed on the north-eastern elevation of the control building.

Performance Outcome 6.1 states the following:

Freestanding advertisements are not visually dominant within the locality.

The signs do not meet Designated Performance Feature 6.1 as they exceed 8m².

Whilst the facade signs are large, in context of the building scale proposed they are acceptable for the following reasons:

- Fascia signage for the retail fuel outlet integrated into the design and below the parapet height.
- Freestanding signs limited to one for the retail fuel outlet and one for the adjacent Bunnings development and are clearly associated with the proposed uses.
- The proposed building materials are durable and will need minimal ongoing maintenance.
- Sited on an open site along a major highway to provide legibility without unnecessary impact to safety of road users integrated advertisements of a scale and size appropriate to the character of the locality
- The signs are generally consistent with the scale of the buildings to which they are associated

Stormwater and water supply

A comprehensive stormwater management plan has been provided by the applicant. As detailed earlier, Council has reviewed the report and required amendments. All concerns have now been resolved.

Various retention and detention tanks are proposed as follows:

- 5 kL Above Ground Rainwater Tank to service the petrol filling building.
- Underground detention storage, comprised of 16 Humes Single Trap units providing 90kL of detention storage.
- No external stormwater flows will be permitted to enter the site, grading at access points will direct external stormwater flows away from the service station.
- All stormwater on site will be directed to the proposed underground detention storage.
- Stormwater treatment requirements have been met in accordance requirements for petrol stations as stipulated by Council and EPA.
- Stormwater treatment using a Class 1 pollutant separator including storage to accommodate a spill volume of up to 10,000L. A Spel Puraceptor model P.050.L.C1.2C.A.300 has been nominated.
- Management of site stormwater to recognised Australian Engineering practices.

CONCLUSION

The application proposes a retail fuel outlet with associated car parking, stormwater works, landscaping and advertisements, including two freestanding pylon signs, acoustic fence up to 4.5 metres in height and alteration to public roads.

Both a retail fuel outlet and an advertisement are specifically envisaged land uses within the Zone.

The siting and design of the buildings and canopies on the site are considered to be appropriate.

The building is sufficiently set back to minimise any visual and overshadowing impacts on the adjacent Suburban Neighbourhood Zone. Noise impacts have also been managed largely through the use of acoustic fencing and treatment to canopies.

The proposal is provided with sufficient car parking and access and egress have been appropriately designed.

Landscaping is proposed. This has been reviewed by Council to ensure that the species are appropriate to the harsh environment. The landscaping is considered a positive element of the proposal and a final landscaping plan should be provided to address the climatic challenges of the site.

Overall, this development is well considered and satisfies the relevant planning provisions applicable to the assessment. As such, I hold the view that the proposed development adequately satisfies the Planning and Design Code and therefore Planning Consent is recommended, subject to various conditions set out below.

RECOMMENDATION

It is recommended that the Upper Spencer Gulf Regional Assessment Panel Council Assessment Panel resolve 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 21023971, by Augusta Collective Pty Ltd, for a retail fuel outlet with associated car parking, stormwater works, landscaping and advertisements, including two freestanding pylon signs, acoustic fence up to 4.5 metres in height and alteration to public roads (Stuart Highway and Daw Street, Port Augusta), is granted Planning Consent subject to the following reserved matter, conditions and advisory notes:

RESERVED MATTER

Reserved Matter

The applicant shall obtain the required section 221 authorisation from the Council pursuant to the *Local Government Act 1999* for the proposed road upgrades prior to obtaining development approval.

CONDITIONS

Conditions imposed by the Planning Authority

Condition 1

The development granted planning consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.

Condition 2

The final landscaping plan shall be provided to the reasonable satisfaction of Council prior to Development Approval. The plan shall include a 'plant schedule' table and note on quantity of plantings, pot size, expected mature growth size and key code to indicate planting location. The plan shall also include an irrigation plan to respond to the extreme climate conditions at the site.

Condition 3

A fence shall be constructed along the extent of the northern boundary to a height of 3.0m, other than for the section to be 4.5m as depicted on plan PA-01 Rev I prepared by Piteo Architects included in the Resonate Environmental Noise Assessment A200564RP1 Revision G. The fence shall be constructed in accordance with the following:

- The fence shall be constructed from a material such as 0.48 BMT sheet (“Colorbond” or similar) or fibre cement.
- The fence shall be sealed airtight at all junctions including at the ground and other fences.

The fencing shall be installed prior to the occupation of the development herein approved and maintained in good condition to the reasonable satisfaction of Council.

Condition 4

Waste collection and deliveries shall be restricted to the hours of:

- 7am to 7pm, Monday to Friday and
- 9am to 7pm Sunday and public holidays

to the reasonable satisfaction of Council.

Condition 5

Details of the location and noise output of mechanical plant shall be provided to council prior to the issue of Development Approval. Noise output from the site prior to 7.00am shall be no greater than 44 dB(A) at the adjacent Cabin Park and 48dB(A) at the Standpipe Motor Inn to the reasonable satisfaction of Council.

Condition 6

A light spill plan be provided prior to the issue of Development Approval that demonstrates lighting from the site meets AS 1158.

Condition 7

All on-site car parking spaces are to be designed, line marked and constructed in accordance with AS/NZ 2890.1-2004 “Parking Facilities part 1: Off-street car parking” and to the reasonable satisfaction of Council.

Condition 8

All on-site car parking spaces for People with Disabilities are to be designed, line marked and constructed in accordance with AS/NZ 2890.1-2004 “Parking Facilities part 6: Off-street car parking for People with disabilities” and to the reasonable satisfaction of Council.

Conditions imposed by Commissioner of Highways under Section 122 of the Act

Condition 1

All access to the subject development shall be in general accordance with Piteo Architects' Drawing No. PA-01 Rev I dated 22 February 2022 and MFY Plan Daw Street, Port Augusta, Stuart Highway Access, Project No. 19-0251, Drawing No. mfy_19-0251_12_SK02, Revision A dated 21 December 2021. The new Stuart Highway access shall be provided with an auxiliary left turn lane and a solid median shall be installed on Stuart Highway to ensure that the access operates on a left turn in and left turn out basis only.

Condition 2

All road works shall be designed and constructed in accordance with Austroads Guidelines and Australian Standards and to DIT's satisfaction. All associated costs (including project management and any necessary road lighting and drainage upgrades shall be borne by the applicant. The applicant should contact Mr Bonaventure Tan, Senior Asset Engineer, DIT on 8648 5243, mobile 0417 767 452, or bonaventure.tan@sa.gov.au to discuss the department's requirements for any proposed works. All road works shall be completed prior to commencement of operation of the development.

Condition 3

All vehicles shall enter and exit the site in a forward direction.

Condition 4

All off-street parking and vehicle 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 and Figure 3.4 in AS 2890.2:2018, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.

Condition 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.

Condition 6

Stormwater run-off shall be collected on-site and discharged without impacting the adjacent roads. There shall be no net increase of discharge/run off from the development site into the existing stormwater infrastructure.

Conditions imposed by the Environment Protection Agency under Section 122 of the Act

Condition 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.

Condition 2.

Prior to operation, all fuel dispensers (apart from diesel and LPG) must be fitted with a Stage 2 vapour recovery system that direct vapours back into the tank during vehicle refuelling.

Condition 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 operations of underground petroleum storage systems.

Condition 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.

Condition 5.

Stormwater runoff from all hardstand areas of the petrol station (including the refuelling and fuel delivery areas) must be managed in accordance with 'Andrash Commercial Port Augusta Truckstop Pty Ltd Stormwater Management Plan' prepared by WGA and dated 12 August 2021 and The Stormwater Management Plan (with document number WGA190817-SK, revision F) prepared by WGA and dated 13 March 2022 and must be directed via grates and grade changes to the 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).
- c. operates effectively in the event of a power failure.

ADVISORY NOTES

Advisory Note 1

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

Advisory Note 2

Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

Advisory Note 3

Authorisation under section 221 of the *Local Government Act* 1999 is required for all works on Council land including alterations to the road and establishment and continued maintenance of landscaping.

Advisory Note 4

You are advised that removal of any native vegetation is covered under the *Native Vegetation Act* 1991. Separate approval is required.

Advisory Notes imposed by Commissioner of Highways under Section 122 of the Act

Advisory Note 1

A Deed of Agreement will be required with the Commissioner of Highways of the required road/Infrastructure works. All road works and related infrastructure upgrades should be coordinated with City of Port Augusta to ensure the provision of public infrastructure is integrated and undertaken in a timely manner.

Advisory Note 2

Daw Street is not gazetted for use by vehicles larger than General Access Vehicles. The applicant will need to apply to the National Heavy Vehicle Regulator via www.nhvr.gov.au for permits to utilise these roads for access by Restricted Access Vehicles.

Advisory Notes imposed by Environment Protection Agency under Section 122 of the Act

Advisory Note 1

The applicant/owner/operator are 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.

Advisory Note 2

The applicant/owner/operator are 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.

Advisory Note 3

An environmental authorisation (licence) is required for this development. Before commencing operation, the applicant/operator should contact the Environment Protection Authority on (08) 8204 2058 or email EPALicensing@sa.gov.au for information about the licensing application process and requirements.

Advisory Note 4

A licence application may be refused where conditions of Development Approval directed by the Environment Protection Authority have not been complied with.

Advisory Note 5

More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au .

9.3 PDI Act application – Development number 22014527 Augusta Collective Pty Ltd _
Bunnings Variation

DEVELOPMENT NO.:	22014527
APPLICANT:	Augusta Collective Pty Ltd
ADDRESS:	1 DAW ST PORT AUGUSTA WEST SA 5700
NATURE OF DEVELOPMENT:	Variation to Application 21010773 to increase the finished level of the site – Bunnings Variation
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Employment Overlays: <ul style="list-style-type: none"> • Building Near Airfields • Hazards (Bushfire - Regional) • Hazards (Flooding - Evidence Required) • Native Vegetation • Urban Transport Routes
LODGEMENT DATE:	9 May 2022
RELEVANT AUTHORITY:	Regional Assessment Panel
PLANNING & DESIGN CODE VERSION:	28 April 2022 2022.7
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	David Bills Consultant Planner for the Council
REFERRALS STATUTORY:	Commissioner of Highways
REFERRALS NON-STATUTORY:	Infrastructure Parks and Gardens
Days left on clock	23 days as of date of meeting

ATTACHMENTS (under separate cover)

ATTACHMENT 1:	Proposal Plans and Application Package
ATTACHMENT 2:	Previous Agenda Item
ATTACHMENT 3:	RAP Minutes 23 September 2021
APPENDIX 1:	Relevant P&D Code Policies

DESCRIPTION OF PROPOSAL:

The development proposes a variation to Development Application 21010773 for a Bulky Goods Outlet (shop) for Bunnings with ancillary acoustic fencing and directional signage at 1 Daw Street, Port Augusta West, which was granted Planning Consent on 24 September 2021.

The applicant has described the proposed variation as follows:

“Following the granting of Planning Consent, the applicant has progressed detailed design, and as part of this process has identified the need to further raise the finished bench level of the site, which in turn has meant an increase in the overall building height.

The approved finished floor level of the site was set at 11.62 AHD, as per the Stormwater Management Plan prepared by MLEI. Having regard to existing ground level at its lowest point, the associated total height of the development was 9.63 metres.

The proposed finished floor level of the site is now 12.50 metres. The associated total height of the development is therefore 10.51 metres. This represents an overall increase in building height of 880mm (0.88 metres).

In all other elements, the proposed development remains the same as previously approved.”

SUBJECT LAND & LOCALITY:

Subject Land

The subject land is comprised of one allotment with a site area of 1.841 hectares, Certificate of Title 5974/381. The site has a frontage to Stuart Highway (63.42 metres in length) and frontages to Daw Street, (122.62 metres in length) a council managed road.

There is an easement that runs along the length of the northern length of the site and is 3 metres in width. The Certificate of Title does not specify the body to which the easement belongs however the applicant’s planning consultant indicated that this is likely to be for wastewater infrastructure.

The land is relatively flat although there is a slight fall from Daw Street into the site. The site is undeveloped (with no current land use) and consists of sparse vegetation and gravel.

Locality

The locality contains a variety of land uses as follows:

- To the north is the newly developed Bentleys Cabin Park.
- To the west, sharing a boundary with the subject land is the Standpipe Golf Motor Inn
- Further to the west is the Port Augusta Golf Club
- To the east are dwellings.

The Eyre Highway is to the south of the subject land. The Stuart Highway connects to the Eyre Highway to the south-east of the subject land and traverses to the north. There are no heritage listed properties in the locality.

Image 1 – Subject land and locality



Legend

Subject Land - - - - -

Locality —————

Image 2 – Subject land looking north- east



Image 3 – Subject land looking west



Image 4 – Subject land looking north towards the Bentley Cabin Park



Image 5 - Looking north towards the Standpipe Golf Motor Inn



Image 6 - Looking north- west towards the Standpipe Golf Motor Inn



Zoning

The subject land is located within part of the Employment Zone shown in lilac below. This extends to the west and east of the subject land.

The Recreation Zone is to the west of the subject land and the Standpipe Golf Motor Inn as identified in green. The Suburban Neighbourhood Zone to the north-east and south is shown in pink.



PROCEDURAL MATTERS

Relevant Authority

The Upper Spencer Gulf Regional Assessment Panel is the relevant authority for this planning application under the *Planning, Development and Infrastructure Act 2016*. This is because the application was subject to a Performance Assessment process under the Planning and Design Code with notification.

PUBLIC NOTIFICATION

Table 8 of the Planning and Design Code defines building height as the maximum vertical distance between the lower of the natural or finished ground level at any point of any part of a building and the finished roof height at its highest point. When taking into account the natural ground level at its lowest point, the building height was 9.63m (variation to 10.51m). This means the development exceeds the maximum building height of 9 metres as required by DTS/DPF 3.5 of the Zone.

Table 5 of the Employment Zone details notification requirements. The proposal required notification given the building height is greater than Designated Performance Feature 3.5.

The application was therefore notified in accordance with the requirements the Planning and Design Code and the Planning, Development and Infrastructure Act 2016, with notification to adjoining owners (as defined) and with a Notice on the land.

No representations were received during the notification period.

REFERRALS

Commissioner of Highways:

The Commissioner of Highways has responded that there is no objection to the proposal with comments.

Eight conditions are required to be placed on the consent should approval be granted. They have been included as part of the recommendation. In addition, four advisory notes have been recommended.

Internal Referrals

Two internal referrals were undertaken to the Council's Infrastructure and Parks and Open Space Departments.

No change to the approved landscaping or stormwater (except for finished levels) are proposed.

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in the Attachments.

Overlays

Overlay	Desired Outcome	Performance Outcomes	Assessment
Building Near Airfields	1 Maintain operational and safety requirements of airfields	PO 1.1 PO 1.2 PO 1.3	No impact on airfield safety.
Hazards (Bushfire Regional)	1 Development responds to relevant level of bushfire risk and is sited to minimise impact of bushfire threat.	PO 1.1 PO 1.2 PO 1.3 PO 5.1 PO 5.2 PO 5.3	There is no unacceptable risk to buildings. Road access has been designed with all weather surfaces.
Native Vegetation	1 Minimises loss of native vegetation.	PO 1.1 PO 1.2 PO 1.4	The applicant has signed a declaration stating that no native vegetation is to be removed. Trees to be removed along the western boundary of the site were planted and are not native vegetation.
Urban Transport Routes	1 Safe and efficient transport routes for all road users and safe and efficient access to and urban transport routes.	PO 1.1 PO 2.1 PO 3.1 PO 4.1 PO 5.1 PO 6.1 PO 7.1 PO 8.1 PO 9.1 PO 10.1	The Commissioner of Highways and Council have provided support of the proposal.

Land Use

There is no change to the approved land use. The proposal remains acceptable from a land use perspective.

Building Height and setbacks

The built form, siting and appearance of the building remains unchanged from the approved development.

The approved finished floor level of the site was set at 11.62 AHD, as per the Stormwater Management Plan prepared by MLEI. Having regard to existing ground level at its lowest point, the approved total height of the development was 9.63 metres.

The proposed finished floor level of the site is now 12.50 metres. The associated total height of the development is therefore 10.51 metres. This represents an overall increase in building height of 880mm (0.88 metres).

The Employment Zone envisages building height is consistent with the form expressed in any relevant Maximum Building Height (Levels) Technical and Numeric Variation (TNV) layer and is otherwise generally low-rise to complement the established streetscape and local character. A height policy of up to two building levels of 9m in height is returned for the site – this a guiding policy.

The proposed development represents an increase in height of 9% compared with the approved development.

Within this context, there is no established streetscape and the local character is mixed.

The building is sited well back from street boundaries and will not result in overshadowing or overlooking to adjoining land. The setback of the built form from boundaries with the Suburban Neighbourhood Zone means that visual impacts are mitigated and there are no overshadowing impacts meeting PO 3.6 and 3.7.

The small height increase within the context of this site is expected to be imperceptible compared with the approved development.

The proposed development remains consistent with the overall appearance of the approved development. Various design features ensure the building appearance is overall acceptable. Such features are listed below:

- The building has varied roof heights therefore breaking up the overall mass
- The roof over the main retail area and timber trade sale area are pitched. The roof over the Bagged Goods Canopy and office is flat.
- Portion of the base of the building is in white Colorbond as is the roof. This assists in reducing the mass of the built form.
- The roof is broken up with skylights.

- The materials are non-reflective.
- Whilst there are large expanses of unarticulated walls, they are broken up by the proposed advertising on the walls.
- There will be significant landscaping of the site as detailed below.

The Desired Outcome of the Design General Policies also seek that the development be contextual, durable, inclusive and sustainable. In this regard:

- The site is adjacent two arterial roads where there is no readily defined built form character. As such, a neat and orderly commercial development such as a Bunnings, will not be out of place in this context.
- The proposed building materials are durable and will need minimal ongoing maintenance.
- The development has not demonstrated any specific sustainable techniques of note however there are opportunities for solar voltaic cells to be established on the roof. The use of stormwater retention/detention tanks also provides for water re-use.

The proposed variation to the height of the building is considered to be appropriate.

Design & Appearance

There is no change to the approved design and appearance. The proposal remains acceptable in terms of its design and appearance.

Landscaping

There is no change to the approved landscaping and conditions. The proposal remains acceptable in terms of its landscaping.

Traffic Impact, Access and Parking

There is no change to the approved access, traffic and parking. The proposal remains acceptable in terms of these elements.

DIT has provided updated conditions to be attached to any consent granted for the proposed variation.

External illumination

There is no change to the approved illumination. The proposal remains acceptable in terms of its external illumination.

Noise Emissions

A letter from Resonate dated 22 March 2022 accompanies the application confirming that the raised site/floor level has no material impact on their previous Environmental Noise Assessment.

The proposal remains acceptable in terms of its noise emissions.

Signage

No change to the approved signage is proposed and the proposal remains acceptable in terms of its signage.

Stormwater and water supply

A revised Stormwater Management Plan prepared by MLEI accompanies the application that reflects the amended site levels.

No change to the detention, retention and overall strategy are proposed.

The proposal is considered to remain satisfactory in terms of stormwater and water supply.

CONCLUSION

The development proposes a variation to Development Application 21010773 for a Variation to Application 21010773 to increase the finished level of the site – Bunnings Variation, at 1 Daw Street, Port Augusta West, which was granted Planning Consent on 24 September 2021.

The approved finished floor level of the site was set at 11.62 AHD, as per the Stormwater Management Plan prepared by MLEI. Having regard to existing ground level at its lowest point, the associated total height of the development was 9.63 metres.

The proposed finished floor level of the site is now 12.50 metres. The associated total height of the development is therefore 10.51 metres.

This represents an overall increase in building height of 880mm (0.88 metres).

In all other elements, the proposed development remains the same as previously approved.

The siting and design of the buildings on the site are considered to be appropriate.

The proposed development remains consistent with the overall appearance of the approved development. Various design features ensure the building appearance is overall acceptable.

The additional 880mm height increase within the context of the site and the positioning of the building is expected to be imperceptible compared with the approved building. The additional height is not expected to result in any change to the overall appearance nor give rise to any additional off-site impacts in terms of overlooking or overshadowing.

The building is sufficiently set back to minimise visual and overshadowing impacts on the adjacent Suburban Neighbourhood Zone. Noise impacts have also been managed largely through the use of acoustic fencing which will continue to apply with the additional building height.

Overall, this development is well considered and satisfies the relevant planning provisions applicable to the assessment. As such, I hold the view that the proposed development adequately satisfies the Planning and Design Code and therefore Planning Consent is recommended, subject to various conditions set out below.

RECOMMENDATION

It is recommended that the Upper Spencer Gulf Regional Assessment Panel Council Assessment Panel resolve 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 22014527, by Augusta Collective Pty Ltd, for Variation to Application 21010773 to increase the finished level of the site (Bunnings Variation), is granted Planning Consent subject to the following conditions and advisory notes:

CONDITIONS

Conditions imposed by the Planning Authority

Condition 1

The development granted planning consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.

Condition 2

The proposed landscaping must be established on site and on council land in accordance with the approved Landscaping Plans prior to the occupation of the development and must always be maintained in good condition to the reasonable satisfaction of Council. Any dead or diseased plants or trees shall be replaced forthwith to the reasonable satisfaction of Council.

Condition 3

Goodenia ovata species shall be replaced with species Sticky Goodenia (*Goodenia varia*) to the reasonable satisfaction of Council.

Condition 4

A fence shall be constructed along the extent of the northern boundary to a height of 2.4m and along the western boundary to a height of 2.4m, other than for the section to be 4.5m as depicted on plan ES0_02 Rev C. The fence shall be constructed in accordance with the following:

- The 4.5m high fence shall be constructed from a material such as 6mm thick fibre cement sheeting.
- The 2.4m high extent shall be constructed from a material such as 0.42 BMT sheet ("Colorbond" or similar).
- The fence shall be sealed airtight at all junctions including at the ground and other fences.

The fencing shall be installed prior to the occupation of the development herein approved and maintained in good condition to the reasonable satisfaction of Council.

Condition 5

Waste collection and deliveries shall be restricted to the hours of:

- 7am to 7pm, Monday to Friday and
- 9am to 7pm Sunday and public holidays

to the reasonable satisfaction of Council.

Condition 6

Details of the location and noise output of mechanical plant shall be provided to council prior to the issue of Development Approval. Noise output from the site prior to 7.00am shall be no greater than 44 dB(A) at the adjacent Cabin Park and 48dB(A) at the Standpipe Motor Inn to the reasonable satisfaction of Council.

Condition 7

A light spill plan be provided prior to the issue of Development Approval that demonstrates lighting from the site meets AS 1158.

Condition 8

All on-site car parking spaces are to be designed, line marked and constructed in accordance with AS/NZ 2890.1-2004 "Parking Facilities part 1: Off-street car parking" and to the reasonable satisfaction of Council.

Condition 9

All on-site car parking spaces for People with Disabilities are to be designed, line marked and constructed in accordance with AS/NZ 2890.1-2004 "Parking Facilities part 6: Off-street car parking for People with disabilities" and to the reasonable satisfaction of Council.

Conditions imposed by Commissioner of Highways under Section 122 of the Act

Condition 1

All access to the subject development shall be gained as shown and described in the following:

- a. MFY Consolidated Access Plan – Entire Site, Project No. 21-0144, Drawing No. mfy_21-0144_01_04_SK01, Revision B dated 28 July 2021.
- b. Bunnings Proposed Site Plan Drawing No. SP0_01, Revision F dated 3 August 2021.

Condition 2

The new Stuart Highway access (at the right of way adjacent the northern neighbouring property) shall be provided with an auxiliary left turn lane and a solid median shall be installed on Stuart Highway to ensure that the access operates on a left turn in and left turn out basis only. The relocated Eyre Highway/Daw Street connection shall cater for left in and left out movements only.

Condition 3

All road works shall be designed and constructed in accordance with Austroads Guidelines, Australian Standards and DIT's Master Specification. All associated costs including but not limited to project management and any necessary road lighting and drainage upgrades shall be borne by the applicant. The applicant should contact Mr Bonaventure Tan, Senior Asset Engineer, DIT on ph 8648 5243, mobile 0417 767 452, or email: bonaventure.tan@sa.gov.au to discuss the department's requirements for the proposed works. All road works shall be completed prior to commencement of operation of the development.

Condition 4

The existing Eyre Highway/Daws Street connection shall be decommissioned to the satisfaction of DIT and Council. All costs shall be borne by the applicant.

Condition 5

All vehicles shall enter and exit the site in a forward direction.

Condition 6

The internal manoeuvring areas for commercial vehicles shall be designed in accordance with AS2890.2:2018.

Condition 7

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.

Condition 8

Stormwater run-off shall be collected on-site and discharged without impacting the adjacent roads. There shall be no net increase of discharge/run off from the development site into the existing stormwater infrastructure.

ADVISORY NOTES

Advisory Note 1

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

Advisory Note 2

Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

Advisory Note 3

Authorisation under section 221 of the *Local Government Act 1999* is required for all works on Council land including alterations to the road and establishment and continued maintenance of landscaping.

Advisory Note 4

You are advised that removal of any native vegetation is covered under the *Native Vegetation Act 1991*. Separate approval is required.

Advisory Notes imposed by Commissioner of Highways under Section 122 of the Act

Advisory Note 1

A Deed of Agreement will be required with the Commissioner of Highways of the required road/Infrastructure works. All road works and related infrastructure upgrades should be coordinated with City of Port Augusta to ensure the provision of public infrastructure is integrated and undertaken in a timely manner.

Advisory Note 2

Eyre Highway was proclaimed as controlled access road on 30 September 1976 pursuant to Part 2A of the Highways Act 1926. Departmental records show that there is a proclaimed means of access to Daws Street from Eyre Highway. As the proposed road works alter this access departmental records will be amended to reflect the relocated Daws Street connection.

Advisory Note 3

It is recommended that measures such as either kerbing, fencing or parking controls, be considered to prevent potential overflow parking on the southern area of Daws Road and between Eyre and Stuart Highways.

Advisory Note 4

Daw Street is not gazetted for use by vehicles larger than General Access Vehicles. The applicant will need to apply to the National Heavy Vehicle Regulator via www.nhvr.gov.au for permits to utilise these roads for access by Restricted Access Vehicles.

10. Other business

- Term of Members
- Level 2 accreditations
- Ordinary Returns

11. Close