ITEM 6. DEVELOPMENT APPLICATIONS - PERSONAL REPRESENTATION

ITEM 6.1 040/0003/18 - TAG C/- ACCESS PLANNING

<table>
<thead>
<tr>
<th>Development Application No.</th>
<th>040/0003/18</th>
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<tbody>
<tr>
<td>Applicant's Name</td>
<td>TAG, C/- Access Planning</td>
</tr>
<tr>
<td>Subject Land</td>
<td>128 Grand Junction Rd, Rosewater, S.A., 5013</td>
</tr>
<tr>
<td>Description of Development</td>
<td>Demolition of existing buildings and construction of a new integrated motor vehicle fuelling station and motor repair station complex including fuel bowsers and canopy, kiosk building, service workshop building, signage, underground fuel tanks, driveway and parking areas, landscaping, acoustic boundary fencing and retaining walloing</td>
</tr>
<tr>
<td>Application Type</td>
<td>Merit, Category 3</td>
</tr>
<tr>
<td>Relevant Development Plan</td>
<td>Consolidated 26 September 2017</td>
</tr>
<tr>
<td>Zone</td>
<td>Commercial</td>
</tr>
<tr>
<td>Policy area</td>
<td>Nil</td>
</tr>
<tr>
<td>Precinct</td>
<td>Nil</td>
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<td>Conservation</td>
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<td>Properties notified</td>
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<tr>
<td>Representations received</td>
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<tr>
<td>Representors to be heard</td>
<td>2</td>
</tr>
<tr>
<td>Recommendation</td>
<td>Planning consent</td>
</tr>
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</table>

REPRESENTATION TO COUNCIL ASSESSMENT PANEL

<table>
<thead>
<tr>
<th>Representors wishing to be heard by the Panel</th>
<th>John Hindson Shahin Holdings Pty Ltd &amp; Samer Shahin</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representors not wishing to be heard by the Panel</td>
<td>Nil</td>
</tr>
<tr>
<td>Applicant and/or representative to be heard by the Panel</td>
<td>David Hutchison, Access Planning</td>
</tr>
</tbody>
</table>

BACKGROUND

The site has previously accommodated a petrol service station, most recently ‘Caltex’. The applicant has advised that this development dates from the mid.1960s and most recently traded from 6.00am to 10.00pm daily (but was not constrained by conditions on any planning consent).

A separate development application for ‘Removal of Underground Storage Tank’ was received by Council on 23 March 2016. Council issued Development Approval for this development on 5 May 2016.

Council’s records indicate that ‘TAG Rosewater’ became landowner in April 2018.
SITE AND SURROUNDING LOCALITY

The subject land consists of:

- Certificate of Title Volume 5941, Folio, 178, encompassing contiguous and rectilinear Allotments 6, 7, and 8, in Deposited Plan 1966
- A frontage width to Grand Junction Road of 50.28 metres, a depth of 45.11m and a total site area of 2268sqm.
- Existing somewhat dilapidated buildings previously accommodating a petrol service station kiosk building, rear warehouse/motor repair building, and associated bowsers, tanks and driveway and parking areas.
- Two crossovers to Grand Junction Road, with vehicle movements confined to left in and left out by a raised central median on Grand Junction Road.

The land is flat.

There are no significant trees or easements.

The surrounding locality consists of:

**North**
- Commercial Zoned land abutting Grand Junction Road and the Residential Zone, Queenstown, Alberton, Rosewater Policy Area land beyond.
- An ‘On the Run’ petrol filling station, shop and car wash facility with associated car parking land landscaping situated in the Commercial Zoned land to the north.
- Grand Junction Road, two-laned in each direction with a solid central median in the middle.

**East**
- Commercial Zoned land abutting Grand Junction Road immediately to the east. This land accommodates a bowling green used by the Rosewater Bowling Club.
- A freight train line beyond the Bowling Club approximately 120m to the east.
- A Neighbourhood Centre Zone (in the Rosewater Policy Area) is situated approximately 130m to the east, beyond the rail line.

**South**
- Residential Zoned land.
- To the rear of Allotments 7 & 8, a bowling green and buildings used by the Rosewater Bowling Club.
- To the rear of Allotment 8 is community titled land recently developed for 3 single storey group dwellings on relatively small allotments together with a common driveway providing access to Kelmscott Street.

**West**
- Commercial Zoned land extending along Grand Junction Rd.
- A mix of industry and commercial land uses together with some residences beyond.
DESCRIPTION OF THE PROPOSAL

The proposal consists of:

- Demolition of existing buildings.
- Construction of a new integrated motor vehicle fuelling station and motor repair station complex.
- Four rows of fuel bowsers.
- 6.2m high petrol canopy building finished in blue alucobond.
- Service station kiosk building (250sqm) consisting of retail display, sales, seating area, office, counter, kitchen, cool room and toilets. The building would be setback 3.7m from Grand Junction Road and abuts the west side boundary for a length of 25m. It has a width of 10m and a wall height of 4m. It consists of a flat roof, painted rendered precast concrete, lightweight aluminium teak panel slats, shopfront windows to the west elevation, and illuminated and non-illuminated ‘pie face’ and ‘quick stop’ signage.
Service workshop building (139sqm) comprising workshop area, reception, storage, and toilet, situated abutting the south and west property boundaries. Dimensions are 12.6m x 11m. Height ranges from 4.95m to 3.2m at the rear. It consists of a flat roof and rendered concrete panel walling with dark paint and yellow paint at the top.

Two x 70kL underground fuel tanks.

Twelve (12) vehicle parking spaces including 7 x 90 degree angled spaces fronting the kiosk building entrance and 5 parallel parking spaces along the east boundary. A disabled park is provided adjacent the kiosk entrance. Wheelstops are also provided.

Landscaping at the front of the site and along the side and rear boundaries.

Acoustic boundary fencing including 2m high colorbond along side and rear boundaries and 11m x 2.5m high colorbond along a portion of the south boundary.

A pylon and price ‘ID’ sign 6m in height x 2.3m in width predominantly finished in blue ‘Uniting’ brand colouring.

A 29sqm plant and common bin enclosure abutting the west boundary.

Use of the existing crossovers, including widening them slightly to facilitate ingress and egress and provide for a 19 metre long semi-trailer vehicle to access the land.

A 1.5m width pedestrian access way along the front of the integrated service station building facing eastwards.

‘Stage 1’ & ‘Stage 2’ vapour recovery units to capture and recycle vented air.

A 33,000L underground concrete rainwater tank and an underground 8000L Class 1 Puraceptor.

24 hour x 7 day per week operation for the motor vehicle fuelling station & kiosk component of the development.

Operating hours were not initially specifically nominated for the service workshop element. The applicant has subsequently advised it would be unlikely to operate until much after 6.00pm and has advised he would be accepting of a condition limiting operation until 8.00pm.

NATURE OF THE DEVELOPMENT

The proposal, being for an integrated form of development encompassing a number of different elements including petrol filling, shop, and service workshop, has been determined by Council Staff to be a form of development requiring a consent/merit assessment and Category 3 public notification. This is on the basis that the form of development proposed is not listed as a complying or non-complying form of development in Schedule 4 of the Development Regulations or the Procedural Matters Section of the Development Plan for the Commercial Zone.

In relation to the kiosk, the applicant’s planning consultant has confirmed that it will operate as an integrated development with one sales counter for all sales, operated by the one entity and with the petrol and shop elements effectively indistinguishable from each other.
In relation to the service workshop, ‘Motor repair station’ is not listed as a non-complying form of development in the Zone and hence, to the extent that it may not be quite as ‘integrated’ as the petrol filling and shop elements, may still be considered on merit. The applicant has put forward that the activities of the service workshop will also be integrated to the extent that it will share plant (e.g. air conditioning and delivery facilities).

Although ‘motor repair station’ and ‘shop or group of shops with a gross leasable area of 250sqm or less’ are listed as a Category 2 form of developments in the Commercial Zone, the overall development has defaulted to Category 3 due to its overall extent of integration and number of component parts within the one application.

The overall use may potentially hold existing use rights and the proposed development may be considered a reasonable alteration and update of the existing use. Based on the concept of a change in the use of land as defined in Section 6 of the *Development Act 1993*:

> “the revival of a use after a period of discontinuance will be regarded as the continuation of an existing use unless:
> 1. The period intervening between the discontinuance and revival of the use exceeds two years; or
> 2. During the whole or a part of the period intervening between its discontinuance and revival, the use was superseded by some other use; or
> 3. The State Commission Assessment Panel or a council has made a declaration and the declaration remains unrevoked.”

Given underground fuel tanks were approved by Council for removal in 2016 and it is understood the former Caltex petrol service station ceased around 2015 or 2016, it is possible the two year period referred to above has now been exceeded such that the previous uses may be said to have discontinued by now. Regardless, the application is able to be processed on merit whether or not the existing use has now lapsed. The nature of the previous use can also be taken into account as a part of the consent/merit assessment of the application.

Two (2) representations were received during the period of notification.

**SUMMARY OF REPRESENTATIONS AND APPLICANTS RESPONSE**

**Issue**

The adjoining property owner who runs a workshop to the west considers a 2m high acoustic fence as proposed between the 2 higher adjoining buildings proposed on the western boundary to be insufficient to break up such a short span of wall. He advises a flat tilt up panel concrete slab in its place would achieve better acoustic dampening and an improved appearance based on a continuous flow in built form.

**Response**

The representor is understood to operate a machinery repair workshop, a non-habitable and non-sensitive land use. The Sonus Acoustic Report demonstrates that the proposal will achieve compliance with all relevant requirements of the Environment Protection (Noise) Policy 2007 at all adjacent residences. Further amendments to the fencing to address perceived noise impacts is not considered necessary and will not be adopted by the applicant.

**Issue**

The adjoining property owner to the west requests the shared boundary wall be painted with a high quality neutral colour in weather shield paint.
Response

The representor is understood to operate a machinery repair workshop, a non-habitable and non-sensitive land use. Further amendments are not considered necessary.

Issue

The adjoining property owner to the west advises the pylon sign of 8m x 3.25m is far larger than regulation and does not allow clear vision of oncoming traffic for vehicles exiting his property to Grand Junction Road. The previous Caltex pylon sign had no obstruction for the bottom 2.4m, allowing clear vision through.

Response

Once a vehicle has entered the crossover to exit the representor's property the driver would have an unobstructed view past the pylon sign eastwards down Grand Junction Road to provide for safe egress. In addition, the Commissioner of Highways referral response has not recommended that the signage be amended. The applicant does not intend to amend the design of the proposed signage unless otherwise advised by the Council.

Issue

OTR, owners of land on the other side of Grand Junction Road where a substantial integrated service station complex is situated, consider that the proposal will likely have an adverse impact on the orderly and economical development of the locality. The previous use of the subject site as a petrol filling station and motor repair station was not economically viable. There is no evidence the current proposal will be economically viable. It may therefore become poorly maintained or potentially vacated, with associated adverse impacts.

Response

The circumstances around the discontinuance of the petrol filling station previously located on the land are not known. Regardless, this has no bearing on the potential success or failure of the proposed resumption of this use. The proposed redevelopment will improve the present appearance of the site and have a positive economic effect on the locality. The additional competition may also drive lower product prices with positive economic impacts for local consumers. Economic feasibility is not, in any case, a valid planning consideration and is irrelevant to the assessment.

Issue

OTR considers that the proposal is not of sufficient size or configuration to provide for safe or efficient movement of vehicles. No dedicated loading bay is provided. Delivery vehicles will take up space at fuel filling points or at designated parking spaces, exacerbating parking shortfall. Roller door entry to the service workshop would be blocked when a fuel tanker is delivering fuel.

Response

The Commissioner of Highways’ referral response did not find that the issues raised by the representor would present issues in relation to vehicle manoeuvring or potential traffic flow disruption to Grand Junction Road.

The width of the site is clearly appropriate for the intended use.
Issue

The 13 parking spaces proposed is a shortfall to the 17 spaces required by PDC 44 and Table PAdE/5 of the Development Plan. This is not a minor shortfall particularly given the site has no side street frontages. If customers cannot find a car park they may take advantage of parking spaces on the OTR site and seek to cross Grand Junction Road, with adverse flow on effects for operation of the OTR site, adjacent residential streets, and the flow of traffic on Grand Junction Road.

Response

The likelihood of an individual parking at one petrol station site and crossing a major arterial road to attend another one would be low.

The applicant's traffic consultant, Phil Weaver, considers there would be an over provision of parking spaces on site in the event the proposal was to achieve perfect compliance with the parking ratio specified in the Development Plan of 5 parking spaces / 100sqm. He considers the number of parks proposed to be adequate as the components of the development will be complementary with differing peak periods of parking demand and as a substantial proportion of customers using the proposed development will not require a dedicated on-site car parking space given that they will also be purchasing motor fuel.

Phil Weaver has advised he is aware lower retail parking generation rates have been used in a Traffic Compliance Statement prepared by GHD dated 1 March 2017 in support of a proposed 'On the Run' development on Kensington Road, Kensington Park, namely a rate of 2.5 spaces/100sqm GFA for sites less than 300sqm without a quick service restaurant. Applying this rate to both the control building, 7 spaces would be required for the retail component now proposed. In addition 4 spaces would be required for the workshop. Hence there would be a total requirement for 11 on site parking spaces.

The semi-trailer fuel tankers will decant fuel at the southern end of the site, thereby minimising impacts on circulating traffic and maintaining access to the majority of almost all fuel dispensers on site even during these periods. An appropriately designed loading area is also included at the southern end of the control building.

Issue

The proposed signage is excessive and will result in visual clutter, disorder and untidiness. Cumulatively the signage will overwhelm and dominate the site and may increase risk of driver distraction.

Response

The proposed signage is largely consistent with the form and nature of signage usually associated with petrol filling stations and integrated service stations and is relatively conservative in comparison to some. It is also largely comparable with what has previously existed on the land. With consideration of the nature of the site presently, the proposed signage and development generally will be an aesthetic improvement to the land. The Commissioner of Highways did not raise concerns regarding signage including from a traffic safety perspective in their referral response.
Issue

The proposal lacks any pedestrian entry and glazing to the north elevation. This represents a lost opportunity for a building which responds to and enhances its Grand Junction Road frontage and does not provide a welcoming or convenient entry for pedestrians. No opportunity is provided for passive surveillance from the site directly onto Grand Junction Road. The proposed development does not achieve the high design standard for new buildings which is required by Objective 3 of the Commercial Zone.

Response

The proposed design is contemporary yet sympathetic to the scale of development in the locality and in the context of its setting. A common architectural theme has been adopted across the site and has been interposed with landscaping. Articulation is incorporated on both vertical and horizontal planes on all building facades. This avoids creating extensive areas of uninterrupted walling exposed to public view.

While windows are not proposed facing north towards Grand Junction Road, opportunities for passive surveillance will be maintained through windows along the eastern elevation and the open nature of the frontage boundary. The active nature of the proposed activity will also provide a degree of surveillance through customers regularly purchasing motor fuel.

A 2m wide footpath is located on site perpendicular to Grand Junction Road and will provide direct, safe and efficient pedestrian access to the service station kiosk from the road frontage.

CONSULTATION WITH OTHER AGENCIES/DEPARTMENTS

Commissioner of Highways

A referral of the application to the Commissioner of Highways was undertaken under Schedule 8, Part 3 of the Development Regulations 2008 as the proposal obtains access from Grand Junction Road, an arterial road under the care, control and management of the Commissioner of Highways.

The Commissioner has advised in response that DPTI does not object in principle to the proposal. The key points it has advised on are follows:

Fuel Pump Arrangement

The plans referred to DPTI indicate four double-sided fuel pumps are proposed in a starter gate arrangement. DPTI is generally supportive of this arrangement as it tends to promote faster turnover of vehicles and minimises queues at the pumps. It is also noted that the pump location, with the possible exception of the bowser closest to Grand Junction Road, should provide sufficient on-site queuing area (i.e. two cars behind a refuelling vehicle).

Semi-Trailer Turn Paths

The turn paths provided indicate that 19 metres semi-trailers will be able to enter and exit the site via Grand Junction Road in a forward direction, albeit that the manoeuvre is quite constrained and that the exit manoeuvre requires the semi-trailer to straddle lanes on Grand Junction Road. The fuel fill points appear to be located at a point that allows a 19 metres semi-trailer to decant to the fill points without blocking the access points, which assists to maintain traffic movements through the site while deliveries are occurring.
Advertising Signage

Illuminated signage is proposed on the site, including a pylon sign that appears to incorporate LED technology for the fuel price board. DPTI has released the “Advertising Signs - Assessment Guidelines for Road Safety” (August 2014) publication to assist with the review and assessment of advertising signs abutting the arterial road network. DPTI has assessed the proposed signage against the above guidelines and recommends that signage that is viewable from Grand Junction Road adhere to the following principles in the interests of road safety:

- Signage should not contain any element of LED or LCD display, except for the fuel prices on the pylon sign. The fuel prices should be white characters on a black background.

- Signage should not flash, scroll, move or change, with the exception of the LED fuel price signs, which may change on an as-needs basis.

- Signage should not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. Accordingly, all illuminated signs visible from Grand Junction Road should be limited to a low level of illumination (i.e. < 150Cd/m²), except in the case of electronic signage, which shall be limited to the following stepped luminance levels:

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<thead>
<tr>
<th>Ambient Conditions</th>
<th>Sign Illuminance Vertical Component (Lux)</th>
<th>Sign Luminance (Cd/m²) Max</th>
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<tbody>
<tr>
<td>Sunny Day</td>
<td>40000</td>
<td>6300</td>
</tr>
<tr>
<td>Cloudy Day</td>
<td>4000</td>
<td>1100</td>
</tr>
<tr>
<td>Twilight</td>
<td>400</td>
<td>300</td>
</tr>
<tr>
<td>Dusk</td>
<td>40</td>
<td>200</td>
</tr>
<tr>
<td>Night</td>
<td>&lt;4</td>
<td>150</td>
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</table>

- Signage should, in the case of electronic signage, incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.

The Commissioner has advised of four (4) conditions recommended for inclusion on any Development Plan Consent. In addition to these, Council Planning Staff have also recommended additional conditions on any planning consent reflecting the comments provided by the Commissioner of Highways. The applicant’s planning consultant has advised of the applicant’s acceptance of these conditions.

Environment Protection Authority

The application was referred to the Environment Protection Authority (EPA) referral pursuant to Schedule 21, 1(3)(a)(ii) as 110 cubic metres of underground fuel storage is proposed (being in excess of the 100 cubic metres referral ‘trigger’).
In response the EPA has advised Council that it only considered the ‘petroleum storage’ aspect of the proposal in its assessment and that it is satisfied the proposed ‘petroleum storage’ activity would not cause unacceptable environmental impacts for the following reasons:

- The proposed Stage 1 vapour recovery system would mitigate vapour emissions during the filling of underground storage tanks (USTs).
- The proposed Stage 2 vapour recovery system would mitigate vapour emissions during the filling of vehicles.
- Any potential site contamination would be managed via the implementation of a Construction Environmental Management Plan prepared by a site contamination consultant in accordance with the EPA publication Environmental Management of On-Site Remediation (November 2008).
- All fuel lines between the underground fuel tanks and fuel dispensers would be double contained with alarmed pressure leak detection systems that signal pressure loss.
- All underground fuel tanks would be double walled with leak detection systems.
- All runoff from hardstand areas would be diverted through a Class 1 full retention oil-water separator prior to discharge to Council's stormwater infrastructure.
- Any sludge or oily residue collected in the Class 1 full retention oil-water separator would be collected by a licensed waste transporter and taken to a licensed waste depot.

The EPA has recommended that eight (8) conditions be included on any Development Plan Consent issued by Council.

**Council’s City Assets Department**

*Traffic Section*

Council’s Traffic Engineering Staff initially raised queries regarding the number of on-site parking spaces but have subsequently advised that they do not consider the shortfall in on-site parking compared against the rate specified in the Development Plan to be significant enough to refuse the application taking into account the assessment put forward by the applicant’s traffic consultant.

They have advised of their support for the position of the revised pylon ID sign design with respect to its sightline impact on the adjacent property to the west. The pylon ID sign has been reduced in width (from 3m to 2.3m) and further setback a minimum distance of 2.5m from the west side property boundary to satisfy sightline guidelines.

They have advised that there are service pits presently in the vicinity of the crossovers proposed to be widened and that the relevant stakeholders should be consulted by the applicant to ensure the existing pits can be made trafficable or suitable for modification or relocation:
A condition on any planning consent has been recommended in this regard.

They have also advised that Grand Junction Road is a key bicycle link and that bicycle parking facilities should therefore be provided. The applicant has previously committed to providing bicycle parking and a condition has been recommended on any planning consent in this regard.

**Stormwater Section**

Council’s Stormwater Engineering Staff initially communicated the site’s requirements to the applicant’s consultants as follows:

- Council will require all surface stormwater to be discharged via a class 1 device prior to entering the stormwater system.

- Due to the limited capacity of the downstream stormwater system, OSD should be provided to limit 100 year ARI storm back to the 5 year ARI storm (using a 0.35 runoff coefficient).

- The design of the site will also need to satisfy any criteria imposed by the EPA.

The Section has subsequently advised of its satisfaction with the siteworks and stormwater plans provided, including in addressing the above points.

**ASSESSMENT OF THE PROPOSAL**

When determining if the proposed development is a reasonable form of development for a subject site, an assessment is required against the relevant provisions of the Development Plan. The appropriateness of the proposal is reliant on sufficiently satisfying such provisions and having no unreasonable impact on adjoining properties and on the amenity and character of the locality.

**Zoning and Land Use**

*Commercial Zone Objectives: 1, 4*

*Commercial Zone Principles of Development Control: 1, 2, 3*

*General Section Centres and Retail Development Objectives: 1, 2, 3, 5, 6, 8, 9*

*General Section Centres and Retail Development Principles of Development Control: 1, 12*

*General Section Orderly and Sustainable Development Objectives: 1, 2, 3, 4, 6*

*General Section Orderly and Sustainable Development Principles of Development Control: 1, 5, 7*
Although the proposal is not strictly a ‘petrol filling station’ as defined in Schedule 1 of the Development Regulations, it is nevertheless considered relevant to note that ‘petrol filling station’ is an envisaged use for the Commercial Zone, as per Zone PDC 1. ‘Motor repair station’ is also listed as an envisaged use for the Zone in PDC 1.

‘Shop or group of shops’ is a non-complying form of development in the Commercial Zone where the gross leasable area except where the gross leasable area is 250sqm or less. The extent of shop area proposed is 250sqm and therefore is able to avoid a non-complying classification on this basis. However even were the shop area to exceed 250sqm, the overall development may avoid non-complying status on the basis of the applicant’s argument that the proposal is an ‘integrated development.’

In relation to Zone PDC 3, the extent of shop area is not expected to be of particular benefit to the functioning of the nearby Neighbourhood Centre Zoned land to the east. Nor though is the proposed retail area expected to, by itself, significantly hinder the development or function of any centre zone. In this regard, it is noted that a previous, possibly smaller in scale, integrated petrol and shop kiosk operated on the land in association with Caltex’ previous operation of the site. It is also noted that the trend of integrated service stations incorporating shop components is one that has been occurring for a number of years throughout the country and that the State Government has in more recent times undertaken Development Plan Amendments around the State (including Port Adelaide Enfield) to provide more flexibility to the future development of centre zones.

The nature of the proposed development is considered suitably consistent with the relevant Development Plan provisions from a broad land use and zoning perspective, noting that Objective 1 provides for a range of commercial and business land uses.

**Design, Amenity, Character, Visual Impact, Interface**

*Commercial Zone Objectives:* 2, 3, 4

*Commercial Zone Principles of Development Control:* 1, 4, 5, 6, 8, 9, 10, 13

*General Section Advertisements Objectives:* 1, 2, 3, 4, 5

*General Section Advertisements Principles of Development Control:* 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 20

*General Section Centres and Retail Development Principles of Development Control:* 2, 3, 4, 7

*General Section Crime Prevention Objectives:* 1

*General Section Crime Prevention Principles of Development Control:* 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16

*General Section Design and Appearance Objectives:* 1, 2, 3

*General Section Design and Appearance Principles of Development Control:* 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 20, 21, 22

*General Section Energy Efficiency Objectives:* 1, 2

*General Section Energy Efficiency Principles of Development Control:* 1, 2, 3

*General Section Interface between Land Uses Objectives:* 1, 2, 3

*General Section Interface between Land Uses Principles of Development Control:* 1, 2, 3, 6, 7, 8, 10, 11, 12

*General Section Landscaping, Fences and Walls Objectives:* 1, 2

*General Section Landscaping, Fences and Walls Principles of Development Control:* 1, 2, 3, 4, 6, 7, 8, 9, 10

A key assessment issue with the proposal relates to the potential adverse impact of the proposed service workshop building on the amenity of the occupants of the new residence recently developed on the adjacent Residential Zoned land immediately to the south.
The application, as initially lodged with Council, included a service workshop building abutting the southern property boundary with a 5.45m high wall. Considering the relatively small private open space area of the new dwelling immediately to the south, Council Planning Staff raised concerns with the applicant in relation to potential adverse shadowing and visual bulk impacts upon this new dwelling.

In response the applicant’s planning consultant highlighted the proximity of the existing rear building which, although not immediately situated abutting the rear boundary, still had quite a visual and shadowing presence when viewed from this adjoining rear dwelling. The existing ‘rear building to be demolished’ is further setback off the rear property boundary but also has a longer length in a west-east direction than that of the building that is proposed to replace it. Following further review of shadowing diagrams and consideration of amenity impact, the applicant has amended the design of this service workshop building twice. Firstly, to reduce it in height from 5.45m to 3.7m. And secondly, to further reduce it in height to 3.2m. The applicant’s planning consultant has advised that the height of the building wall when viewed from the property to the south would in fact be in the order of 2.9m in height when taking into account the differences in ground level. The latest elevation drawing submitted includes dimensions to the south elevation showing height of acoustic fencing and the proposed buildings in relation to natural ground level. The overall maximum height of the service workshop building has also been reduced since initial lodgement from 6.05m to 4.65m. While the siting of this workshop building is still not optimal in terms of maximising the residential amenity of the residents of the dwelling to the south, it is also acknowledged that the interface goes both ways and that the residents of a dwelling constructed in this location at the Zone boundary and adjacent a previous service station operation with substantive sized workshop buildings already in place may not be able to reasonably expect a perfect level of residential amenity. The reduction in height in comparison with that initially proposed is expected to enable a built form that will still enable a sufficient level of residential amenity for the occupants of the dwelling to the south including in the locality specific circumstances that exist. It is also noted that the length of the ‘warehouse to be demolished’ extended further from west to east than that of the service workshop building now proposed.

Since lodgement, the applicant has also ‘flipped’ the internal layout of the workshop building such that the lower intensity components of the workshop building, namely the office and reception area, are now proposed immediately abutting the south boundary rather than the workshop component itself.

In relation to operating hours, the applicant has advised that they would not object to a condition limiting workshop hours to 8pm (bearing in mind there were not conditions limiting the previous operation of this site).

In relation to shadowing impacts, the applicant’s planning consultant has previously put forward that the adjoining site to the south has a ground level being approximately 300mm higher than the service station site and that overshadowing impacts already arise from the existing building on the land. He has also emphasised that in winter in Adelaide there is substantive cloud cover in place meaning that discernable shadow is rare. Based on the applicant’s latest revision to the plans with respect to this service workshop building and a review of the accompanying shadow diagrams, a comparison between the existing and proposed winter shadowing diagrams appears to indicate negligible net change in maximum extent of winter shadowing between existing winter shadowing and proposed winter shadowing. It would obviously be preferable if the proposed development could reduce the existing shadowing impact upon the rear dwelling, however at least it appears it can now be said that the proposed development will not worsen it.
Residential Development PDC 11 advises that development should not increase the overshadowed area by more than 20% in cases where overshadowing already exceeds the winter shadowing guidelines. Based on the latest design revision, it now appears that it can be said that the proposal will not increase the overshadowed area by more than 20%. Taking into account that the rear dwelling was approved by Council with a substantive extent of winter overshadowing already over its main rear private open space area and north facing windows, and accepting that the service workshop has now substantially reduced in height since initial lodgement, the proposal is considered to now sufficiently address the applicable planning guidelines in this respect.

In relation to signage, the pylon ID sign was initially lodged at a height of 8m and a width of 3m. The applicant has subsequently submitted amended plans reducing the height to 6m and the width to 2.3m. The amended design is more in keeping with the 6m maximum height specified in Commercial Zone PDC 13 (and is well under the 12m non-complying trigger height). It is also in line with the height of the petrol canopy building.

The applicant has also expressed no objections to complying with the requirements specified in the Commissioner of Highways referral response, including with respect to signage. Conditions have been recommended on any planning consent in this regard.

The proposed built form and signage is overall considered satisfactory taking into account the relevant planning guidelines, the nature of the proposed development, and the site and locality.

In relation to Commercial Zone PDC 6, the proposed buildings do not exceed two storeys in height.

The landscaping area proposed is expected to assist to soften visual impact and enhance the development when viewed from Grand Junction Road, including so as to sufficiently satisfy Commercial Zone PDC 8, even if the overall landscaped area is under the 10% quantitative guideline specified in General Section Landscaping PDC 2.

The applicant has proposed minor design changes since application lodgement and since public notification of the application occurred. One post-notification change incorporated red paint for the west building elevations. The applicant has subsequently submitted further updated plans proposing a neutral colour to the west building elevations (so as to avoid Council re-notifying the proposal due to the change being considered ‘substantial’).

In relation to acoustic impacts, the most up to date Environmental Noise Assessment Report prepared by Sonus for the applicant advises of the following goal noise levels to be achieved at the nearest residences:

- An average (Leg) noise level of 52 dB(A) during the day time (7am to 10pm);
- An average (Leg) noise level of 45 dB(A) during the night time (10pm to 7am); and
- A maximum (Lmax) noise level of 60 dB(A) during the night time.
The Report finds that with the inclusion of the acoustic treatments specified and based on the assumed level of activity at the site, the predicted average (Leq) noise levels at the nearby noise sensitive receivers would be no more than 46 dB(A) during the day and 38 dB(A) during the night time. With a penalty applied during the day due to additional noise from the workshop, the adjusted noise level is 51 dB(A) (still compliant with the day time goal noise level of 52 dB(A)). The maximum noise level (Lmax) at residences from activity such as doors closing and vehicles accelerating is predicted to be no more than 57 dB(A) at night time for all receivers (being under the maximum goal noise level of 60 dB(A)). This indicates that compliance with the goal noise levels will be able to be achieved when measured from the nearest residence.

It is noted that Page 7 of the Environmental Noise Assessment Report advises that as the mechanical plant is not yet designed or selected, the assessment considered typical equipment operating at other similar facilities to provide an indicative assessment. On this basis, a condition is recommended on any Development Plan Consent as follows:

_Prior to commencement of use, testing by a qualified acoustic engineer must be conducted of the mechanical plant equipment once available to ensure alignment with, and no exceedance of, the predictions contained in the Sonus Environment Noise Assessment Report as endorsed as per Condition 1. If select equipment is found to generate noise levels in excess of the predictions made, such equipment is to be replaced with alternate equipment that can be subsequently tested and found to comply with the noise predictions made. The applicant is to report to Council on the outcomes of this testing and verify consistency with the Sonus Report and compliance with the EP Noise Policy 2007 prior to commencement of use._

The applicant’s planning consultant has confirmed that the service workshop will not involve spray painting, panel beating or surface coating activities. A condition reflective of this is accordingly recommended on any planning consent. The plans reference 'Junction Performance Paint and Panel' however the applicant’s planning consultant has confirmed this was intended to reference a name of an adjoining landowner only.

The applicant’s planning consultant has also confirmed that he would not be objectionable to a condition requiring any air compressor associated with the workshop to be situated within the workshop building (to ensure the development aligns with the assumptions made in the Sonus Environmental Noise Assessment).

To address the EPA’s air quality requirements, the applicant has proposed ‘Stage 1’ & ‘Stage 2’ vapour recovery units to capture and recycle vented air and thereby ensure adjacent sensitive receptors will not be unduly impacted.

It is considered that the proposal is able to sufficiently satisfy relevant interface related planning guidelines:

- Taking into account the latest Sonus Environmental Noise Assessment that demonstrates compliance can be achieved with the EP Noise Policy;
- On the basis of the design improvements made since initial lodgement;
- Taking into account the existing nature of the locality and conditions; and
- Subject to recommended conditions that seek to reinforce compliance with aspects of the Environmental Noise Assessment Report and EP Noise Policy obligations.
Access, Car Parking and Manoeuvring Areas

Commercial Zone Objectives: 4

Commercial Zone Principles of Development Control: 5, 11, 12

General Section Centres and Retail Development Principles of Development Control: 12, 17

General Section Design and Appearance Principles of Development Control: 23

General Section Transportation and Access Objectives: 2, 4, 6

General Section Transportation and Access Principles of Development Control: 1, 2, 9, 10, 11, 12, 13, 17, 19, 20, 21, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53

General Section Design and Appearance PDC 23 provides specific guidance for petrol station development, advising they should:

(a) Have frontage to a public road of not less than 30 metres;
(b) Not be developed within 60 meters of an intersection or junction affecting a controlled access road;
(c) Provide driveway crossovers:
   - At no more than two crossovers per road frontage
   - That are sited at least 9 metres away from other vehicular access points on the site
   - With a maximum width along the kerb of 9 metres
   - That have an angle between the centreline of the crossing and the road alignment of at least 60 degrees
(d) Provide a kerb or barrier, or both, along the allotment boundary to prevent vehicles leaving or entering the site except by the vehicular crossings
(e) Provide a hard paved surface to driveways, service and car parking areas

The proposal is considered to adequately address General Section Design and Appearance PDC 23.

In relation to provision of on-site car parking, the Development Plan advises that the parking requirement for the retail component of a petrol filling station is 5 spaces per 100sqm of retail space. Six (6) spaces would be required to satisfy this ratio based on a retail area of approximately 110sqm within the overall kiosk area of 240sqm.

The Development Plan does not specify an on-site parking provision ratio for motor repair station development. It does though advise that 4 spaces should be provided per service bay. On the basis that the workshop would appear to provide sufficient room for 2 service bays, the workshop may be said to generate a theoretical requirement for 8 on-site parking spaces. Thus requiring 14 on-site parking spaces for the development overall. The proposed 12 on-site parking spaces represents a shortfall of 2 parking space based on this calculation.

The applicant’s traffic and planning consultants have however put forward rationale in support of this theoretical shortfall, including that peaks associated with the different uses on site are likely to occur at different times and including that some shop purchases are likely to occur by persons already parked at the bowsers. Council’s Traffic Engineering Staff have advised they do not consider that the parking shortfall identified should be considered fatal to the overall application on the basis of the points put forward by the applicant’s traffic consultant.

Council’s Traffic Engineering Staff and the Commissioner of Highways are satisfied with the proposal’s ability to cater for sufficiently safe and convenient traffic movement subject to recommended conditions of development approval.
Council’s Stormwater Engineering Staff and the Environment Protection Authority are satisfied with the siteworks and stormwater management plans provided by the applicant’s civil engineering consultant.

The applicant’s planning consultant has provided confirmation that the proposal will be able to conform to the relevant Dangerous Substances Act hazard related standards and meet all OHWS and legal requirements regarding the storage of fuel and flammable and combustible goods. The applicant has also emphasised that the previous service station has co-existed with its residential neighbours for many years.

The applicant has agreed to prepare a Construction Environment Management Plan to address EPA requirements as a condition of planning consent. Other conditions are also recommended on any planning consent as recommended by the EPA.

CONCLUSION

The development would assist to revitalise a presently vacant site that consists of relatively tired buildings.

DPTI Traffic Division, the EPA and Council’s City Assets Department have not objected to the proposal in their referral responses.

The applicant’s Acoustic Consultants have reported that the proposal will be able to operate in conformity with the Environment Protection Noise Policy Standards subject to implementation of all recommended acoustic attenuation and treatment measures and management practices.

While the proposal is not expected to result in a perfect level of amenity for the adjacent residential landowners, nor is it expected to unreasonably adversely impact upon their amenity when having regard to:

- the net change in extent of shadowing;
- the acoustic attenuation measures proposed;
- the existing nature and character of the interface locality at present.

Overall, it is considered that the proposal warrants Development Plan Consent based on an on balance merit planning assessment.

The relevant application details have been provided to all Members. (Refer Attachments)
CITY PLAN

Economy – A City of opportunity.

Community – A City that supports community wellbeing.

Environment – A City which cares for its natural environment and heritage.

Place Making – A City where people love to be.

Leadership – A City confident in its leaders.

RECOMMENDATION

That the Port Adelaide Enfield Council Assessment Panel resolves that:

1. Pursuant to Section 35(2) of the Development Act 1993, the proposal is NOT considered to be seriously at variance with the relevant provisions of the Port Adelaide Enfield (City) Development Plan.

2. Pursuant to Section 33 of the Development Act 1993, Development Application No. 040/0003/18 by TAG, C/- Access Planning for Demolition of existing buildings and construction of a new integrated motor vehicle fuelling station and motor repair station complex including fuel bowsers and canopy, kiosk building, service workshop building, signage, underground fuel tanks, driveway an at 128 Grand Junction Rd, Rosewater, S.A., 5013 be GRANTED Development Plan Consent subject to the following conditions:

2.1 Except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development is to be established in strict accordance with the endorsed stamped details and plans submitted in Development Application 040/0003/18 and all works shall be completed to the reasonable satisfaction of Council prior to the occupation and/or use of the development.

2.2 Following occupation and commencement of use, the development is thereafter to be maintained at all times to the reasonable satisfaction of Council in accordance with the endorsed stamped details and plans.

2.3 The proposed landscaping shall be established on the site in accordance with the approved plan prior to the occupation of the site. Such landscaping shall be maintained and nurtured at all times with any diseased or dying plants replaced. The landscaping shall be watered through the installation of an underground drip/irrigation system that utilizes where possible stormwater discharge and any such system shall be maintained in good operating condition at all times to the reasonable satisfaction of Council.

2.4 All stormwater from the proposed development and associated paved areas shall be captured, stored, re-used or disposed of in a manner and with materials to the reasonable satisfaction of Council, such that it provides for orderly, sustainable and legal stormwater management and does not result in the entry of water into or affect the stability of a building and/or adjoining land. Any such stormwater management system shall be connected prior to the completion of the development.
2.5 All car parking spaces, driveways and associated manoeuvring areas shall be sealed in bitumen, concrete or brick pavers prior to first occupation of the site.

2.6 Driveway, manoeuvring areas, car parking spaces, and landscape areas shall not be used for the storage or display of any materials or goods.

2.7 Access to buildings and designated disabled car parking spaces shall be designed and provided in accordance with the provisions contained in "Guidelines for the provision of parking for people with disabilities in South Australia" (March 1993) and AS1428, Parts 1, 2 and 4.

2.8 All car parks shall be line marked or paved in a distinctive fashion to delineate each car parking space and shall be maintained in a clear and visible condition at all times.

2.9 Prior to full development approval the applicant is to obtain written confirmation from relevant service providers that existing pits can be made trafficable, or are suitable for modification, or relocation, and provide this documentation to Council.

2.10 Any portions of redundant crossovers shall be reinstated with Council standard kerb and gutter at the applicant's cost to the satisfaction of Council prior to operation of the development.

2.11 All car parking areas shall be designed and constructed in accordance with AS/NZS 2890.1:2004 and 2890.6:2009.

2.12 Wheel stopping devices constructed of concrete, metal or wood shall be placed at the end of each parking bay so as to prevent overhang and damage to the building or impede pedestrian movement by motor vehicles.

2.13 The Grand Junction Road accesses shall be located and constructed in accordance with the stamped endorsed plans accompanying this application. Additionally, the eastern access shall cater for left turn in movements only and the western access shall cater for left turn out movements only. The accesses shall be appropriately angled to the road and signed/line marked to reinforce the desired traffic flow through each access.

2.14 The largest vehicle permitted to access this development shall be restricted to a 19 metre Semi-Trailer.

2.15 All pipes, vents and/or other equipment servicing the building shall be adapted to blend with the building such that they are unobtrusive and/or shall otherwise be hidden from view, to the reasonable satisfaction of Council.

2.16 Lighting facilities including security lighting shall be provided to illuminate walkways, car parking areas and driveways.

2.17 Floodlighting shall be directed and shaded in such a manner so as not to cause light overspill nuisance to neighbours or distraction to drivers on adjacent public roads.

2.18 Any music generated by the proposal is to be inaudible at all property boundaries at all times.
2.19 Waste disposal vehicles, tanker refuelling and general delivery vehicles that service the premises, shall be restricted to 9.00am to 7.00pm on Sundays and public holidays and 7.00am to 7.00pm any other day.

2.20 Signage shall not contain any element of LED or LCD display, except for the fuel prices on the site identification signs, which shall be limited to static white text on a black background only.

2.21 No element of the signage shall flash, scroll, move or change. LED price signs may change on an infrequent basis.

2.22 The operational system for the pylon sign shall incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.

2.23 The pylon sign shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. The following luminance levels shall be adhered to:

<table>
<thead>
<tr>
<th>Ambient Conditions</th>
<th>Sign Illuminance Vertical Component (Lux)</th>
<th>Sign Luminance (Cd/m²) Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sunny Day</td>
<td>40 000</td>
<td>6 300</td>
</tr>
<tr>
<td>Cloudy Day</td>
<td>4 000</td>
<td>1 100</td>
</tr>
<tr>
<td>Twilight</td>
<td>400</td>
<td>300</td>
</tr>
<tr>
<td>Dusk</td>
<td>40</td>
<td>200</td>
</tr>
<tr>
<td>Night</td>
<td>&lt;4</td>
<td>150</td>
</tr>
</tbody>
</table>

All other illuminated signs viewable from Grand Junction Road shall be limited to a maximum luminance of 200Cd/m².

2.24 The non-illuminated portion of the sign shall be finished in a material of low reflectivity to minimise the likelihood of sun/headlamp glare.

2.25 Prior to operation, all fuel storage tanks (apart from diesel) must be fitted with a Stage 1 vapour recovery system (which includes underground storage tank vent pipes being fitted with a pressure vacuum relief valve) that directs the displaced vapours back into the tank during filling.

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

2.27 All runoff from hardstand areas must be diverted through a Class 1 full retention oil/water separator (no bypass) prior to discharge to Council’s stormwater infrastructure.

2.28 Any sludge or oily residue collected within the Class 1 full retention oil/water separator must be removed by an EPA licensed waste transported to a licenced waste depot.

2.29 All underground fuel storage tanks must be double-walled with leak detection systems.
2.30 All fuel lines between the tanks and dispensers must be double-walled and fitted with a leak detection system.

2.31 A Construction Environmental Management Plan (CEMP) must be prepared by a site contamination consultant in accordance with the EPA publication 'Environmental Management of On-Site Remediation' (November 2008): http://www.epa.sa.gov.au/files/4771274_guide_remediation.pdf. The CEMP must be implemented during construction and be submitted to the reasonable satisfaction of the City of Port Adelaide Enfield (in consultation with the EPA) prior to construction commencing and must include the following:

- groundwater, including how (if encountered) it would be managed during construction and when the underground storage tanks are installed
- surface water, including erosion and sediment control
- soils, including fill importation, stockpile management and prevention of soil contamination
- occupational health and safety, management measures to mitigate the potential risk to on-site workers and the environment associated with site contamination
- air quality controls, including dust prevention
- the engagement of a suitably qualified and experienced site contamination consultant to:
  1. manage and dispose of contaminated material in accordance with EPA guidelines;
  2. validate underground storage systems excavations in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 (ASC NEPM) and other EPA guidelines prior to backfilling or replacement of Underground Storage Systems (which includes the preparation of a validation report).

2.32 A copy of the validation report for the excavations of the underground storage tanks must be provided to the EPA and planning authority prior to occupation of the redeveloped site.

2.33 Operation of the service workshop shall be limited to 7.30am – 8.00pm Monday to Friday and 8.00am – 6.00pm on Saturdays.

2.34 The air compressor associated with the workshop shall be located within the service workshop building at all times.

2.35 No spray painting or panel beating is to occur in association with the service workshop.

2.36 Prior to full development approval updated plans are to be provided detailing provision of 2 dedicated bike parking spaces to the reasonable satisfaction of Council.
2.37 Acoustic boundary fencing is to be implemented and thereafter maintained in accordance with the Sonus Environmental Noise Assessment S5513C5 dated August 2018.

2.38 The site and site features are to be maintained with no irregularities such that all inspection points, grated trenches, doors and the like are correctly fixed and maintained to remove the potential for impact noise being generated when used or driven over to the reasonable satisfaction of Council.

2.39 Prior to commencement of use, testing by a qualified acoustic engineer must be conducted of the mechanical plant equipment once available to ensure alignment with, and no exceedance of, the predictions contained in the Sonus Environment Noise Assessment Report as endorsed as per Condition 1. If select equipment is found to generate noise levels in excess of the predictions made, such equipment is to be replaced with alternate equipment that can be subsequently tested and found to comply with the noise predictions made. The applicant is to report to Council on the outcomes of this testing and verify consistency with the Sonus Report and compliance with the EP Noise Policy 2007 prior to commencement of use.

2.40 Prior to full development approval the Oxigen Landscape Plan labelled 17.087 and dated 2 February and the Herriot Civil Plans labelled 1801-043 C1 & C2, Rev A, dated February 2018, are to be updated to be consistent with the Fd Architects Plans dated 08.08.2018 and 19.07.2018.

2.41 Prior to full development approval the ‘Proposed West Elevation’ for the kiosk control building as contained in Fd Architects Plan dated 10.08.2018 and labelled Drawing No TP05C is to be updated to incorporate a neutral color weathershield paint finish to the reasonable satisfaction of Council rather than a red paint finish, as per David Hutchison of Access Planning’s email to Council dated 24 October 2018.

Advisory Notes

- This application involves development located on the boundary or within close proximity to the boundary of the allotment. To ensure that the proposed development is constructed within the allotment, it is recommended that a site survey be undertaken to confirm the location of the relevant boundaries.

- The granting of this consent does not remove the need for the applicant to obtain all other consents that may be required by other statutes or regulations.

- The applicant is advised that any works (stormwater connections, driveways, etc) undertaken on Council owned land will require the approval of Council's City Assets Department, prior to any works being undertaken. Further information may be obtained from the City Assets Department on telephone (08) 8405 6600.

- The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm. To demonstrate the general environmental duty has been met, the design of the leak detection systems associated with the fuel storage tanks and fuel lines should meet the requirements of Australian Standard 4897-2008. The design, installation and operation of underground petroleum storage systems.
EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following web site: http://www.epa.sa.gov.au

Reasons for Development Plan Consent Conditions

- To ensure the development proceeds in an orderly manner.
- To ensure the safe movement of vehicles associated with the proposed land use.
- To preserve and enhance the amenity of the locality