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MINUTES OF THE MEETING of the Council Assessment Panel of Mount Barker District Council held in the Council Chambers of the Local Government Centre, 6 Dutton Road Mount Barker on Thursday 5 September 2019, commencing at 9.30 am.

PRESENT **(Members)** Mike Canny (Presiding Member), Tom Gregory, Judith Urquhart, Carol Bailey.  
**(Staff)** A/Team Leader – Planning, City Development (D Henderson), Senior Planner, City Development (M Dickson) and the Minute Secretary (S Mann).

**1. APOLOGIES**

Nil.

**2. CONFLICT OF INTEREST DECLARATION**

Nil declared.

**3. CONFIRMATION OF MINUTES**

Moved Judith Urquhart that the minutes for the meeting held on 21 August 2019 be taken as read and confirmed.

Seconded Carol Bailey.

CARRIED  
CAP20190905.01

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#### 4. REPORTS DEFERRED

##### 4.1 SUMMARY DETAILS

<b>Application No.</b>	580/34/19
<b>Applicant</b>	Beyond Ink
<b>Subject Land</b>	LOT: 83 FP: 157218 CT: 5680/436, LOT: 84 FP: 157219 CT: 5802/52, 145C-147 Mount Barker Road HAHNDORF
<b>Ward</b>	North Ward
<b>Proposal</b>	Demolition of the existing dwelling and ancillary structures and construction of an Early Learning Centre (child care and pre-school) including associated covered verandahs, open pergolas, earthworks, car parking, retaining walls, landscaping and fencing
<b>Zone</b>	Township Zone
<b>Policy Area</b>	Residential Policy Area 21
<b>Historic Conservation Area</b>	Hahndorf, North Approaches Area 14
<b>Form of Assessment</b>	Merit
<b>Public Notification</b>	Category 3
<b>Representations</b>	Two (2)
<b>Persons to be heard</b>	Two (2)
<b>Agency Consultation</b>	<ul style="list-style-type: none"><li>• Commissioner of Highways - Department of Planning, Transport and Infrastructure (DPTI)</li></ul>
<b>Responsible Officer</b>	Michael Dickson
<b>Main Issues</b>	<ul style="list-style-type: none"><li>• Suitability of Land Use within the Zone and Policy Area</li><li>• Built form and Appearance</li><li>• Car Parking, Transport and Access</li><li>• Noise impacts</li><li>• Historic Conservation Area</li><li>• Trees and Landscaping</li></ul>
<b>Recommendation</b>	RESOLVE to grant Development Plan Consent subject to conditions and reserved matters

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The Panel discussed the application and reached the following decision;

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Judith Urquhart moved that the Council Assessment Panel:

RESOLVE that the proposed development is not seriously at variance with the policies in the Mount Barker (DC) Development Plan.

RESOLVE to GRANT Development Plan Consent to the application by Beyond Ink for the demolition of the existing dwelling and ancillary structures, and construction of an Early Learning Centre (child care and pre-school) including associated covered verandahs, open pergolas, earthworks, car parking, retaining walls, landscaping and fencing at 145C-147 Mount Barker Road, Hahndorf (Development Application 580/34/19) subject to the following conditions and reserved matters:

- (1) The development herein approved to be carried out in accordance with the plans and details accompanying this application, except where amended by the following conditions, including:
    - Letter from Beyond Ink 'Proposed Early Learning Centre at 147 Mount Barker Road, Hahndorf' dated 18 February 2019
    - Plans and details by Beyond Ink:
      - Cover (Sheet no. PL00, Revision A, 02 July 2019)
      - Site Plan (Sheet no. PL01, Revision J, 04 September 2019)
      - Ground Floor Plan (Sheet no. PL02, Revision A, 15 April 2019)
      - Elevations (Sheet no. PL03, Revision F, 04 September 2019)
      - Front Yard Cross Section (Sheet no. PL04, Revision A, 07 August 2019)
      - Eastern Boundary Fence Detail (Sheet no. PL05, Revision C, 04 September 2019)
    - Plans and details by Lelio Bibbo Consulting Engineers:
      - Site and Drainage Plan (Sheet no. C1, Revision E, 02 August 2019)
      - Site and Drainage Plan (Sheet no. C2, Revision D, 02 August 2019)
    - Environmental Noise Assessment (Reference S5908C4, April 2019) and subsequent letter (Reference S5908C6, 26 August 2019) by Sonus
  - (2) The English Oak Tree (significant tree), as detailed as the 'Existing Tree' on the Site Plan by Beyond Ink (Sheet no. PL01, Revision J, 04 September 2019), shall be retained and no 'Tree Damaging Activity' shall be caused to the tree including the killing, destruction, removal, ringbarking, topping, lopping, severing of branches, limbs, stems or trunk, or any other substantial damage unless otherwise approved in writing by Council.
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- (3) The following measures must be undertaken in order to preserve and maintain the health of the English Oak Tree (significant tree), as detailed as the 'Existing Tree' on the Site Plan by Beyond Ink (Sheet no. PL01, Revision J, 04 September 2019), during demolition and construction works:
- a. A Tree Protection Zone (TPZ) shall be established to provide enclosure and protection to the root plate and main canopy of the tree for the entire duration of the demolition and construction works (including any associated earthworks). This must consist of:
    - solid, chain mesh or similar fabrication fencing;
    - incorporate clearly legible signs displaying the words 'Tree Protection Zone';
    - be a minimum height of 1800mm; and
    - be fixed in place to prevent any unauthorised movement and or storage of vehicles, machinery and materials within the zone.

It is noted that some incursion of the TPZ will be required at various diameters at different stages of construction (i.e. larger TPZ during any demolition, and in supervised cases, a reduced TPZ to install certain approved features e.g. tree sensitive pavements). The applicant shall provide a plan indicating the proposed location of the TPZ fencing for Council's Urban Forest Officer to endorse prior to the commencement of demolition and construction works (including associated earthworks and installation of services). Council's Urban Forest Officer must be contacted to approve any altered TPZ dimensions during the various stages of construction as necessary.
  - b. A layer of organic mulch (woodchips) to a depth of 200mm shall be placed within the TPZ prior to demolition/construction works to assist with moisture retention and to reduce the impact of surrounding compaction during site works.
  - c. All trenching within the TPZ shall be completed in a tree sensitive manner that involves an exploratory investigation via hydro excavation / hand digging to locate the tree roots located along the alignment of the trench prior to excavation. Council's Urban Forest Officer is to inspect the roots after the investigation is complete prior to the removal/cutting of roots.
  - d. All roots with a diameter of 25mm or greater must be preserved and directional boring techniques shall be utilised unless otherwise approved by Council's Urban Forest Officer.
  - e. Council's Urban Forest Officer shall be contacted prior to any works required within the TPZ.
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- (4) All requirements in regard to the construction of driveways and car parks are to be met, including:
- a. The driveway and car parking areas shall be designed, drained, paved or surfaced, and line-marked to provide structural integrity and traction in both wet and dry conditions in accordance with accepted engineering standards prior to the occupation of the development and shall be maintained in good condition at all times.
  - b. A spoon drain shall be provided between the edge Mount Barker Road and each driveway to convey stormwater.
  - c. The area of driveway and crossover within the TPZ of the English Oak Tree must be constructed in accordance with the 'Paving detail – Tree Protection Zone' drawing and notes, as detailed on the Site and Drainage Plans by Lelio Bibbo Consulting Engineers, which includes the following:
    - i. The area must first be gently ripped/tyned.
    - ii. Subgrade is to remain un-compacted at existing levels with organic materials removed from the surface.
    - iii. 75mm diameter ag-drain laid at 1-1.5m spacings across the area of the tree sensitive pavement. The ends of the ag-pipe are to be buried within the top 100mm of soil (or preferably mulch).
    - iv. Minimum 200mm layer of 40mm single sized aggregate (this layer can be rolled to achieve some compaction through the subgrade). A concrete edge beam may be required to prevent the aggregate shifting horizontally.
    - v. Geofabric placed on top of the 40mm single sized aggregate.
    - vi. A reinforced concrete slab placed on top of the geofabric to a commercial standard.
    - vii. Council Urban Forest Officer is required to supervise each stage of the tree sensitive driveway construction.
  - d. All car parks and any traffic control devices shall be designed and constructed in accordance with AS 2890 –Off-Street Car parking, AS 1742 Manual of Uniform Traffic Control Devices and the Notice to Council (Part 1 and 2) under the Road Traffic Act 1961 from the Minister for Transport and Urban Planning (December 1999).
  - e. Directional signage (small freestanding signs and or pavement marking) shall be provided to clearly identify the ingress and egress driveways to the satisfaction of Council.
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- (5) All requirements in regards to storm water are to be met, including:
- a. Management of stormwater shall occur generally in accordance with the Site and Drainage Plans (Sheet no. C1, Revision E, 02 August 2019 & Sheet no. C2, Revision D, 02 August 2019) by Lelio Bibbo Consulting Engineers.
  - b. The flow rate of stormwater leaving the site shall be designed so that it does not exceed a flow rate of 20L/s for all events up to the 100-year ARI event.
  - c. A system to improve stormwater quality shall be provided and constructed in a location and of a design to the reasonable satisfaction of Council to ensure that pollutants are trapped prior to exiting the site or entering the natural watercourse. The treatment system shall have a high capture efficiency for oils and petroleum/hydrocarbons.
  - d. All stormwater captured by roofing materials and hard sealed paving areas shall be discharged in a controlled manner so it does not impact upon adjoining properties or, in the opinion of Council, has the potential to cause nuisance or destabilise adjoining land.
- (6) The canopy of the English Oak Tree (significant tree), as detailed as the 'Existing Tree' on the Site Plan by Beyond Ink (Sheet no. PL01, Revision J, 04 September 2019), shall be pruned and maintained in accordance with AS 4373 'Pruning of Amenity Trees' and an aerial assessment shall be conducted by a level 5 climbing arborist under initial supervision by Council's Urban Forest Officer prior to occupation of the Early Learning Centre.
- (7) The hours of operation of the Early Learning Centre shall be 6.30am to 6.30pm Monday to Friday (excluding public holidays).
- (8) Waste collection shall only occur between 7.00am and 10.00pm, consistent with the *Environment Protection (Noise) Policy 2007*.
- (9) The recommendations of the Environmental Noise Assessment (Reference S5908C4, April 2019) and subsequent letter (Reference S5908C6, 26 August 2019) by Sonus shall be implemented, including:
- a. The noise attenuation measures to the mechanical plant area must be installed prior to operation of the Early Learning Centre.
  - b. All boundary and internal fencing as detailed on Site Plan (Sheet no. PL01, Revision J, 04 September 2019) by Beyond Ink must be installed prior to operation of the Early Learning Centre.
  - c. The 'Outdoor Play' area as detailed on the Site Plan (Sheet no. PL01, Revision J, 04 September 2019) by Beyond Ink, must not be used prior to 7.00am on any day.
  - d. All solid timber fencing as detailed on Site Plan (Sheet no. PL01, Revision J, 04 September 2019) by Beyond Ink must be constructed so that it is sealed airtight at all joins.
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- (10) All landscaping is to be nurtured and maintained, with any diseased and dying vegetation replaced immediately.
- (11) Payment of \$500.00 shall be made to Council for the removal and replacement of the street tree within Council's verge, as detailed on the Site Plan (Sheet no. PL01, Revision J, 04 September 2019) by Beyond Ink, prior to the commencement of construction of the Early Learning Centre.
- (12) Where cut or fill in excess of 300mm is required as a result of the proposed development, retaining walls or other suitable soil retention devices shall be employed to ensure excavations and filled land is stable and will not result in any adverse impact on adjoining properties.
- (13) Effective measures are to be implemented during the construction of the development and on-going use of the land in accordance with this consent to:
- prevent silt run-off to the environment;
  - control dust arising from the construction and other activities, so as not to, in the opinion of Council, be a nuisance to residents or occupiers on adjacent or nearby land;
  - ensure that soil or mud is not transferred onto the adjacent roadways by vehicles leaving the site;
  - ensure that all litter and building waste is contained on the subject site in a suitable bin or enclosure; and
  - ensure that no sound is emitted from any device, plant or equipment or from any source or activity to become an unreasonable nuisance, in the opinion of Council, to the occupiers of adjacent land.
- This will 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.

**The following four (4) conditions are imposed at the request of the Department of Planning, Transport and Infrastructure (Reference: 2019/00332, Process ID: 576280):**

- (14) The access points shall be located and constructed in accordance with the Site Plan (Sheet no. PL01, Revision J, 04 September 2019) by Beyond Ink.
- (15) All vehicles must enter and exit the site in a forward direction.
- (16) All on-site vehicle-manoeuving areas shall remain clear of any impediments.
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- (17) Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of Mount Barker Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

**Reserved Matters**

- (18) The applicant shall provide a Landscaping Plan detailing the extent of proposed landscaping, vegetation (including species) and structures, and shall include:
- Contours and extent of earthworks, as well as battering and or retaining walls, within the 'Outdoor Play' area so that the impact to the English Oak tree (significant tree) can be fully assessed. All earthworks within the TPZ must be minimised and approved by Council's Urban Forest Officer;
  - Vegetation along the eastern and western side boundaries, forward of the Early Learning Centre building, and must be of a height so as to not restrict safe sightlines;
  - Vegetation along the edge of the driveways and car parking area to soften the appearance of the sealed/paved areas;
  - Vegetation in the area between the '1800 high solid timber fence' and the driveway on the eastern side of the land to soften the appearance of the solid fencing;
  - Vegetation along the front boundary of the land within Council's road reserve to soften the appearance of the front fencing;
  - Location, design and siting of play equipment shall be sympathetic to the Historic Conservation Area and approved by Council's Heritage Architect.
- (19) All stormwater discharged from the development shall be connected to the Council underground stormwater drainage system located adjacent the access to the Hahndorf Resort (145A Mount Barker Road, Hahndorf) via a minimum 375mm class 4 RCP. Council must approve the design and construction of the stormwater system and connection to the Council drain prior to construction by submitting an 'Application to undertake works on Council land (Driveway, Culvert pipes, Stormwater drains, Underground services)' permit application form. Application forms are available on Council's website.

Seconded Carol Bailey.

*CARRIED*  
*CAP20190905.02*

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## 5. REPORTS BY OFFICERS

### 5.1 NON-COMPLYING APPLICATIONS

Nil.

### 5.2 CATEGORY 3 APPLICATIONS

#### 5.2.1 SUMMARY DETAILS

<b>Application No.</b>	580/235/19
<b>Applicant</b>	Adelaide Nominees Pty Ltd
<b>Subject Land</b>	Piece 1004 of an allotment in D115191, CT 6189/333, Rainbird Drive MOUNT BARKER
<b>Ward</b>	Central
<b>Proposal</b>	Petrol Filling Station & Shop, including associated fuel canopy, carparking, signage, underground fuel tanks, landscaping and infrastructure
<b>Development Plan</b>	Mount Barker District Council – Consolidated 8 August 2017
<b>Development Plan Map References</b>	Map Mt/B 16 Concept Plan Map MtB/16
<b>Zone</b>	Residential Neighbourhood Zone
<b>Form of Assessment</b>	Merit
<b>Public Notification</b>	Category 3
<b>Representations</b>	4
<b>Persons to be heard</b>	0
<b>Agency Consultation</b>	<ul style="list-style-type: none"><li>• Environment Protection Authority</li><li>• Department of Planning, Transport and Infrastructure</li></ul>
<b>Responsible Officer</b>	Derek Henderson
<b>Main Issues</b>	Interface to residences Traffic management Environmental protection Infrastructure servicing
<b>Recommendation</b>	Development Plan Consent subject to conditions and reserved matters

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9:53hrs Kieron Barnes, Ekistics, Sam Morris, Accord Property & Melissa Mellen  
MFY Traffic Consultants spoke for the application.

The Panel discussed the application and reached the following decision;

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Judith Urquhart moved that the Council Assessment Panel:

RESOLVE that the proposed development is not seriously at variance with the policies in the Mount Barker District Council Development Plan – Consolidated 8 August 2017.

RESOLVE to GRANT Development Plan Consent to the application by Adelaide Nominees Pty Ltd for a Petrol Filling Station & Shop, including associated fuel canopy, carparking, signage, underground fuel tanks, landscaping and infrastructure at Piece 1004 of an allotment in D115191, CT 6189/333, Rainbird Drive MOUNT BARKER in Development Application 580/235/19 subject to the following conditions, reserved matters and advisory notes:

- (1) The development herein approved is to be carried out in accordance with the plans and details accompanying this application, except where amended by the following conditions, including:
    - Flaxley Road (Newenham) Mount Barker Planning Statement – Petrol Filling Station and Shop by ekistics Revision V2 dated 15/03/2019, including all plans and appendices.
    - Email from Ekistics to the Environment Protection Authority on 8 April 2019.
    - Response to representations by ekistics REF No. 00679-002 dated 11 July 2019.
    - Environmental Noise Assessment report by Sonus titled X-Convenience Newenham, Reference S6057C2 dated June 2019.
  - (2) Lighting shall:
    - i. Be provided to the pedestrian areas, manoeuvring areas and car parks in accordance with AS 1158.1 Public Lighting Code and AS 2890.1 Parking facilities – Off-street car parking.
    - ii. Designed so as to limit overspill of light on adjacent roads and residential areas which may create a nuisance to any neighbour or road user, whilst providing adequate illumination on-site and to perimeters of the site for security purposes, to the reasonable satisfaction of Council.
    - iii. Have non-illuminated elements to be of a material of low reflectivity to minimise impacts of sun/headlamp glare.
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- (3) Stormwater management is to occur in accordance with the approved documentation and commensurate with the Flaxley Road Residential Development Stormwater Management Plan Report, revision B dated May 2015 that forms part of the overall Newenham development. All external stormwater infrastructure works (which might be an interim solution, subject to Council approval) are required to be in place prior to any civil works commencing on the subject site.
- (4) Traffic management, parking and construction of vehicle manoeuvring and car parking areas is to be in accordance with the submitted plans (other than any amendments conditioned below) and achieve the following:
- i. The loading and unloading of all commercial vehicles associated with the development shall, at all times, be restricted to the confines of the subject site.
  - ii. The area set aside for the parking of vehicles shall be made available for such use and shall not be used for any other purpose.
  - iii. Car parks and any traffic control devices must be designed and constructed in accordance with AS 2890, in particular AS 2890.1 and AS 2890.2 –Off-Street Car parking along with AS 1742 Manual of Uniform Traffic Control Devices, Notice to Council (Part 1 and 2) under the Road Traffic Act 1961 from the Minister for Transport and Urban Planning (December 1999) and any other relevant Australian Standards and codes, to the reasonable satisfaction of the Council.
  - iv. The driveways and car parking areas shall be paved or surfaced, drained and marked to accepted engineering standards prior to the occupation of the development and shall be maintained in good condition at all times.
- (5) The subject land is not currently serviced by a sewer mains. The developer, at its cost, is to:
- i. Provide external wastewater infrastructure (sewer mains) to the site that is suitably sized for the Newenham development wastewater network, with a connection point to the subject site from the sewer mains. Design approval by Council and SA Health and associated financial and augmentation requirements of Council shall be met in regard to the connection to and construction of wastewater connections, drains and services. An onsite wastewater system, temporary holding tanks or pumped connection to the existing CWMS on the eastern side of Flaxley Road are not accepted options.
  - ii. Connection to Council's Sewer System to be constructed within the Newenham development must be provided in accordance with Council's current standards, Australian Standards and relevant codes to the reasonable satisfaction of the Council and be operational prior to the occupation/operation of the development.
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- (6) Where cut or fill in excess of 300mm is required as a result of the proposed development, retaining walls or other suitable soil retention devices shall be employed. Any resultant retaining is to be of a textured design.
- (7) Effective measures shall be implemented during the construction of the development and on-going use of the land in accordance with this consent to:
- i. Prevent silt run-off from the land to adjoining properties, roads and drains;
  - ii. Control dust arising from the construction and other activities, so as not to, in the opinion of Council, be a nuisance to residents or occupiers on adjacent or nearby land;
  - iii. Ensure that soil or mud is not transferred onto the adjacent roadways by vehicles leaving the site;
  - iv. Ensure that all litter and building waste is contained on the subject site in a suitable bin or enclosure;
  - v. Ensure that no sound is emitted from any device, plant or equipment or from any source or activity to become an unreasonable nuisance, in the opinion of Council, to the occupiers of adjacent land; and
- (8) Following completion of the works and prior to occupation, the contractor shall remove all accumulated material from the permanent drainage infrastructure. The contractor shall arrange for a video survey of all Council stormwater pipes and make a copy of the video plus associated written report available to Council. A further video survey shall be undertaken by the contractor if considered necessary by Council to demonstrate that identified defects in the pipe system have been satisfactorily repaired. As constructed drawings of all infrastructure to be vested in Council is to be provided.
- (9) An appropriate Stormwater, Erosion and Drainage Management Plan (SEDMP) in accordance with the EPA Stormwater Pollution Prevention Code of Practice must be prepared by an experienced and qualified consultant, to the satisfaction of the Council and must include a range of strategies to collect, treat, store and dispose of stormwater during construction while minimizing the release of pollutants into the environment. The measures recommended in the SEDMP must be in place, to Council satisfaction, prior to any earthworks commencing on site and maintained in good condition and remain in place until the site is sealed, stabilised or suitably re-vegetated in a manner to prevent erosion.
- (10) The final landscape construction plan (overlaid on the final civil plan) is to be submitted to Council for approval.
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- (11) The landscaping shall be completed prior to the occupation of the development, and be maintained in good condition with losses replaced within one (1) month.
- (12) Prior to the commencement of any earthworks on the site, tree protection zones must be established around all regulated and/or significant trees adjacent to the development site to the reasonable satisfaction of the Council. Tree protection zones must be fenced and sign-posted, and no persons, vehicles or machinery must enter the tree protection zones nor storage of equipment or material occur without the consent of the Council or a professional arborist with a minimum qualification of a Certificate V in Arboriculture. The fencing must:
- i. Comprise of solid chain mesh or similar fabrication fencing of a minimum height of 1.8 metres
  - ii. Incorporate clearly legible signs displaying the words 'Tree Protection Zone'
- (13) Noise impact on adjoining land users is to achieve the requirements of the *Environment Protection (Noise) Policy 2007*, including:
- i. Fuel deliveries shall be restricted to between 7am to 10pm.
  - ii. Waste collection shall be restricted to between 9am and 7pm on Sundays or Public Holidays, and between 7am to 7pm on any other day.
  - iii. Undertaking works recommended in the Environmental Noise Assessment of Sonus, Reference S6057C2 June 2019, other than the construction of boundary fencing.
- (14) "As-Constructed" drawings and an asset register shall be submitted to Council for all infrastructure to be vested in Council, including stormwater drainage, wastewater drainage, footpaths and kerbing external to the site. The plans are to be provided in accordance with relevant Council standards.
- (15) The detailed civil design for works within Flaxley Road to provide vehicular access to the land is to be submitted to, and approved by DPTI (in consultation with Council), including any required "Developer Agreement" being entered into with DPTI to undertake these works. The designs are to be in accordance with the submitted concepts and conditions of DPTI and include:
- i. The ultimate channelised design of the intersection works, as required for the Newenham development (channelised right and left turning lanes on Flaxley Road and a high entry left turn lane on Rainbird Drive), including the proposed channelised right-turn treatment into the subject site off Flaxley Road and any street lighting and pedestrian refuge/s for pedestrian access across Flaxley Road.
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- ii. In the absence of the ultimate channelised right-turn treatment into the site off Flaxley Road, suitable traffic management devices are to be approved by DPTI that would prevent illegal right turn movements into the site.

**The following conditions have been imposed on the advice of the Commissioner of Highways (DPTI):**

- (16) The development shall have a single entry point and single exit point to/from Flaxley Road, located generally in accordance with the MFY Traffic and Parking report dated March 2019. The accesses shall be appropriately angled to the road and signed/line marked to reinforce the desired traffic flow through each access.
- (17) The channelised right turn treatment at the site entry and associated section of solid median shall be generally in accordance with the concept design in Figure 2 of the MFY Traffic and Parking report dated March 2019, and shall only be installed either in conjunction with or following the installation of a channelised right turn treatment at the Flaxley Road/Rainbird Drive junction. Should the development be operational prior to the installation of the channelised right turn treatments at the Flaxley Road/Rainbird Drive junction and the site access, the existing double barrier lines along the Flaxley Road frontage of the site shall be retained, ensuring that right turns to/from the site remain illegal until turning treatments are installed to maximise safety.
- (18) All required road works associated with the development shall be designed and constructed in accordance with Austroads Guides/Australian Standards and to DPTI's satisfaction. All associated costs (including project management and any necessary road lighting and drainage upgrades) shall be borne by the applicant. The applicant shall contact Ms Teresa Xavier, Network Planning Engineer, Traffic Services Section, OPT on telephone 8226 8389 or via email at [Teresa.Xavier@sa.gov.au](mailto:Teresa.Xavier@sa.gov.au) , to discuss the proposed road works prior to undertaking any detailed design. Furthermore, the applicant shall enter into a "Developer Agreement" to undertake the above works.
- (19) All vehicles shall enter and exit the site in a forward direction.
- (20) Heavy vehicles shall only enter and exit the development via left turn movement to/from Flaxley Road.
- (21) Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

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**The following conditions have been imposed on the direction of the Environment Protection Authority:**

- (22) 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.
  - (23) Prior to operation, all fuel dispensers (apart from diesel and LPG) must be fitted with a Stage 2 vapour recovery system that directs vapours back into the tank during vehicle refuelling.
  - (24) All underground fuel storage tanks must be double-walled fibreglass and fitted with an automatic tank gauging (ATG) system to monitor tank levels and detect leaks.
  - (25) Prior to use, all fill lines between the underground storage tanks and fuel dispensers must be double-contained and fitted with a leak detection system.
  - (26) All runoff from the hard paved areas (including the refuelling and fuel delivery areas) must be directed via grates and grade changes to a forecourt full retention oil/water separator (no bypass function) that:
    - a. has as a minimum spill capture capacity of 10,000 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; and
    - d. has an alarm connected by telemetry to appropriate maintenance personnel.
  - (27) Any sludge or residue collected within the forecourt full retention oil-water separator is considered waste and must be removed by an EPA licensed waste transporter.
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### **Reserved Matters**

- (28) A detailed stormwater management plan is required to be submitted to, and approved by Council for the suitable management of stormwater leaving the subject site and diversion of stormwater from entering the site in up to the 100 year rain event (including protecting the subject land from inundation). The design is to be in accordance with the approved documentation and commensurate with the implementation of the infrastructure works detailed in the overarching Flaxley Road Residential Development Stormwater Management Plan Report, revision B dated May 2015 that forms part of the overall Newenham development. This may include an interim solution to appropriately manage runoff from the site until such time as a piped stormwater solution. The detailed design is to include:
- i. Any stormwater pipes that are required within the road reserve areas for the conveyance of stormwater in Flaxley Road and Rainbird Drive are to be concrete pipes.
  - ii. If required, sealed stormwater drainage systems shall be designed to accommodate a 10 year average recurrence interval storm as a minimum and ensure that the 100 year flows will not inundate any property.
  - iii. Roadside swales and infrastructure shall be suitably sized and accommodated in the design where required (e.g. at driveway entrance locations), with DPTI approval obtained for works in Flaxley Road.

### **Notes:**

- (1) Fencing along the western boundary is not mandated as there is no interface to existing or future residential development in this location. If road access becomes available to the western boundary, then an alternative driveway access is to be provided to the site (subject to detailed assessment through a subsequent amendment development application).
  - (2) Opportunities for landscaping along the south western boundary are to be investigated by the Developer in conjunction with land use proposals being developed on the adjoining site.
  - (3) To be consistent with the Development Plan Consent, subsequent Building Rules documentation is to include all applicable design aspects (other than fencing on the boundaries) that demonstrate satisfaction of all design requirements of the Sonus report.
  - (4) No trailer mounted variable message displays for advertising purposes shall be permitted unless development authorisation is gained for this to occur.
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- (5) Council has declared the area an underground mains area. Any electricity mains must be placed underground in accordance with recognised engineering practice and the requirements of SA Power Networks.
  - (6) Any person proposing to undertake building work within the district of Mount Barker is reminded of their obligation to take all reasonable measures to protect Council infrastructure. Any incidental damage to the infrastructure - pipes, footpath, verge, street trees etc., must be reinstated to a standard acceptable to Council at the applicants' expense.
  - (7) The applicant is reminded to notify Council in writing when all the Council's conditions and requirements have been complied with. Written Notification should identify each condition and address how the condition has been satisfied, including any relevant documentation.
  - (8) The applicant/owner is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that its 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*.
  - (9) 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> .
  - (10) To legally install traffic control devices, a Traffic Control Plan and a Traffic Impact Statement and certification is required to be prepared by a recognised Traffic Engineering Practitioner for approval by Council and/or DPTI.
  - (11) As the development hereby approved includes plumbing work, an On-site Wastewater Works Application must be approved by Council prior to the commencement of building work for the approved development.
  - (12) Trade Waste permits will be required in accordance with the provisions of the Local Government Act 1999, Public Health Act 2011 and associated (Waste Control) Regulations and the District Council of Mount Barker's Trade Waste Policy.
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- (13) All internal infrastructure (pavements, kerbing, footpaths, landscaping, stormwater, sewer, lighting, electricity supply etc.) is owned by the proprietor. Construction, maintenance and repair of that infrastructure are solely the responsibility of the proprietor and are not a responsibility of the Council.

Seconded Tom Gregory

*CARRIED*  
*CAP20190905.03*

**5.3 CATEGORY 2 APPLICATIONS**

Nil.

**5.4 CATEGORY 1 APPLICATIONS**

Nil.

**6. INFORMATION REPORTS**

Nil.

**7. CONFIDENTIAL REPORTS**

Nil.

**8. POLICY MATTERS ARISING FROM THIS AGENDA**

Nil.

**9. OTHER BUSINESS**

Derek Henderson updated Panel members in relation to current appeals.

**10. CLOSURE**

Meeting declared closed at 10:24hrs

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CHAIRMAN

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DATE

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