

Minutes of the Council Assessment Panel of the City of Holdfast Bay held in the Kingston Room, Civic Centre, Jetty Road, Brighton, on Wednesday, 22 August 2018 at 7:00 pm.

MEMBERS PRESENT

Presiding Member – J Newman
G Goss
D Bailey
A Vine
R Clancy

STAFF IN ATTENDANCE

Manager Development Services – A Marroncelli
Team Leader Development Assessment – C Watson
Development Officers – M Gates

1. OPENING

J Newman welcomed the people in the gallery.

2. APOLOGIES

Apologies Received – Nil
Absent – Nil

3. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

4. CONFIRMATION OF MINUTES

Motion

220818/0034

That the minutes of the Council Assessment Panel held on 25 July 2018 be taken as read and confirmed.

Moved by D Bailey, Seconded by R Clancy

Carried

5. COUNCIL ASSESSMENT MATTERS

A Vine declared a conflict of interest with Item 5.1 and left the Meeting at 7:02 pm

5.1 Peregrine Corporation, 66-70 Brighton Road, Glenelg East (Report No 281/18)

DA NO.	:	110/00063/18
APPLICANT	:	PEREGRINE CORPORATION
LOCATION	:	66-72 BRIGHTON ROAD, GLENELG EAST
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	COMMERCIAL ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	REPLACEMENT AND EXPANSION OF EXISTING INTEGRATED SERVICE STATION COMPRISING RETAIL, DRIVE THRU FACILITY, FUEL CANOPY, UNDERGROUND FUEL TANKS, AUTOMATED CAR WASH AND ASSOCIATED SIGNAGE
EXISTING USE	:	INTEGRATED SERVICE STATION COMPRISING RETAIL, FUEL CANOPY AND UNDERGROUND PETROL TANKS
REFERRALS	:	DPTI, EPA
CATEGORY	:	THREE
REPRESENTATIONS	:	TWO
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT WITH CONDITIONS

Speakers: M Bouchee and T Beazley

Motion

220818/0034

1. The proposed development is NOT seriously at variance with the policies in the Development Plan.
2. Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel resolves to grant Development Plan Consent to Development Application 110/00063/18, subject to the following conditions:
 1. That the design and siting of all buildings and structures and site works shall be as shown on the plans listed below and approved by Council unless varied by any subsequent conditions imposed herein:
 - Site Plan dated 10/07/18
 - Landscape plan dated 26/03/18
 - South and east elevations dated 22/07/18
 - North and west elevations dated 10/07/18
 - Concrete joints plan and details dated 18/04/18
 - Stormwater plan dated 18/04/18
 - Concrete grading dated 18/04/18

2. That the premises shall be maintained, kept tidy, free of graffiti and in good repair and condition to the reasonable satisfaction of Council at all times.
3. That the premises shall not be used, directly or indirectly, for the purpose now approved until all work has been completed in accordance with the plan approved and the conditions of consent have been complied with, except those conditions that continue to apply.
4. That the finished level of the crossover at the property boundary shall be a minimum of 75mm above the top of kerb in accordance with AS2890.1, and the maximum gradient of the driveway shall not be greater than 5% across the footpath, with the invert profile conforming to AS2876.

Furthermore, the footpaths on either side shall be graded to the driveway preventing tripping hazards at this junction, without any steep grades along the footpath.

The provision for vehicle crossovers and inverts, and reinstatements of existing crossovers not required by the development, be constructed at the owner's expense.

5. That all noise abatement treatments be undertaken in accordance with the recommendations in the Sonus report S5575C2 dated March 2018.
6. That a report be submitted to Council from an acoustic engineer prior to occupation confirming all noise abatement treatments as required by Condition 5 or equivalent have been undertaken.
7. That any illumination of the subject land shall be sited and designed in accordance with relevant Australian Standards so that no unreasonable annoyance to neighbouring occupiers is created.
8. That landscaping shall comprise where practicable, trees and shrubs that are indigenous to the local area and are semi mature or of fast growing tubestock. All such landscaping shall be established within 3 months of substantial completion of the development and any such vegetation shall be replaced if and when it dies or becomes seriously diseased.
9. That construction shall take place between 7am and 7pm Monday to Saturday and not on Sundays or public holidays. All such work shall be undertaken in such a manner so as not to, in the reasonable opinion of Council, cause any nuisance or annoyance to any of the occupiers of buildings within the locality. Any work outside of these hours requires the written approval of Council.

10. That dust emissions from the site shall be controlled by a dust suppressant or by watering (subject to any relevant water restrictions) regularly to the reasonable satisfaction of Council.
11. That details showing elevations, colours and materials relating to the refuse enclosure are provided to council for further assessment prior to the issue of Development Approval.
12. That both sides of the acoustic fence located along the eastern boundary are treated with an anti-graffiti coating and that any damage or graffiti is repaired and removed in a timely manner to the reasonable satisfaction of council.
13. That details showing the colours and texture of both sides of the acoustic fence located along the eastern boundary are provided to council for further assessment prior to the issue of Development Approval.
14. That the acoustic fence located along the eastern boundary is constructed to a minimum height of 3.5 metres from natural ground level between the southern boundary and the northern wall of the order station as shown on Drawing 13/JN1143/SK03r prepared by ADS Architects dated 10.07.18.

DPTI Conditions

15. The Diagonal Road access shall be appropriately flared to the south to ensure vehicle can undertake the left turn in movement to enter/store within the drive through lane.
16. All vehicles shall enter and exit the site in a forward direction.
17. The redundant crossovers to Brighton Road and Diagonal Road shall be reinstated to Council standard kerb and gutter at the applicants cost prior to the business becoming operational.
18. Appropriate signage and line marking shall be installed to reinforce the desired traffic flow at the Brighton Road and Diagonal Road access points.
19. All car parking shall be designed and constructed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.
20. The largest vehicle permitted on site shall be restricted to a 16.4 metre articulated vehicle.
21. All heavy vehicle manoeuvring and parking areas shall be designed in accordance with AS 2890.2-2002.
22. Signage shall not contain any element of LED or LCD display, except for the fuel prices on the pylon sign. The fuel prices shall be white characters on a black background.

- 23. Signage shall not flash, scroll, move or change, with the exception of the LED fuel price signs, which may change on an as-needs basis.
- 24. Signage shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by Brighton and Diagonal Road shall 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:

Ambient Conditions	Sign Illuminance Vertical Component (Lux)	Sign Luminance (Cd/m ²) Max
Sunny day	40000	6300
Cloudy day	4000	1100
Twilight	400	300
Dusk	40	200
Night	<4	150

- 25. Signage shall, 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.
- 26. The applicant shall ensure that all stormwater generated by the proposal is appropriately collected and disposed of without entering or jeopardising the safety of the adjacent arterial road network.

EPA Conditions

- 27. 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.
- 28. All runoff (including spillages) from hardstand areas must be diverted to a Class 1 full retention (no bypass) oil-water separator (with alarm) and a minimum 10,000 litre capacity.
- 29. Any sludge or oily residue collected within the Class 1 full retention separator (or equivalent) must be removed by an EPA licensed waste transporter to a licenced waste depot.
- 30. All underground fuel storage tanks must be double-skinned fibreglass and fitted with an automatic tank gauging (ATG) system to monitor tank levels and detect leaks.

31. Prior to use, all fuel lines between the underground storage tanks and fuel dispensers must be fitted with a pressure leak detection system.
32. A suitably qualified and experienced site contamination consultant must be engaged to implement the submitted Construction Environmental Management Plan OTR 66-72 Brighton Road, Glenelg East, 80017-38 (Fyfe 2018) and to:
 - a. manage and dispose of contaminated soil in accordance with EPA and other relevant guidelines, and
 - b. validate the underground storage tank excavations (using a suitably qualified and experienced site contamination consultant) in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) and other EPA guidelines prior to backfilling or replacement of the underground storage tanks (including the preparation of a validation report).
33. 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.

NOTES:

DPTI

- The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the Diagonal Road and Brighton Road frontages of this site for future upgrading of the adjacent intersection. Although there are no current proposals that would require the acquisition of any land from this site, the consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all building works on or within 6.0 metres of the possible requirement.
- Accordingly, the applicant should complete the attached consent form and return it to DPTI along with a copy of the Decision Notification Form and three copies of the approved site plans.

EPA

- 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.
- 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>

- **If site contamination is identified which poses actual or potential harm to the health or safety of human beings or the environment that is not trivial, taking into account the land use, the applicant may need to remediate the contamination in accordance with EPA guidelines which can be found here:
https://www.epa.sa.gov.au/files/4771277_sc_groundwater_assessment.pdf**
- **If at any stage site contamination is identified which poses actual or potential harm to water that is not trivial, a notification of site contamination which affects or threatens groundwater, pursuant to Section 83A of the Environment Protection Act 1993 must be submitted to the EPA.**

Moved D Bailey, Seconded R Clancy

Carried

A Vine returned to the Meeting at 7:42 pm**5.2 Alan Sheppard Construction Pty Ltd, 185 Esplanade, South Brighton
(Report No 282/18)**

DA NO.	:	<u>110/00561/18</u>
APPLICANT	:	<u>ALAN SHEPPARD CONSTRUCTION PTY LTD</u>
LOCATION	:	<u>185 ESPLANADE, SOUTH BRIGHTON</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE CENTRAL WEST POLICY AREA 3</u>
NATURE OF DEVELOPMENT	:	<u>MERIT</u>
PROPOSAL	:	<u>VARIATION TO DA 110/00863/17 (CONSTRUCTION OF A THREE STOREY RESIDENTIAL FLAT BUILDING CONTAINING THREE RESIDENCE PLUS COMMON UNDERCROFT PARKING, RESIDENTIAL LIFT, BALCONIES, AND ASSOCIATED RETAINING WALLS) - VARY CONDITION 13 TO CONSTRUCT EXTENSION ABOVE EASTERN PARAPET TO ALLOW FOR LIFT SERVICE AREA</u>
EXISTING USE	:	<u>RESIDENTIAL</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT</u>

Motion**220818/0035**

1. **The proposed development is NOT seriously at variance with the policies in the Development Plan.**
2. **Following a detailed assessment of the proposal against the Holdfast Bay (City) Development Plan, the Council Assessment Panel resolves to Refuse to Grant Development Plan Consent to Development Application 110/00561/18 on the basis that it does not adhere to Residential Zone Objective 3, Principle 6, Central West Policy Area 3 Objective 4, Principles 2 and 10. Specifically, the development:**
 - **Does not contribute to the desired character of the zone.**
 - **Incorporates features that exacerbates the bulk of the building when viewed from adjoining land.**
 - **Incorporates architectural features that detract from the built form of the building and compromise its visual interest.**

Moved R Clancy, Seconded G Goss

Carried**6. REPORTS BY OFFICERS****6.1 Nil.****7. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil**

8. CLOSURE

The meeting closed at 8:03 pm.

CONFIRMED Wednesday, 26 September 2018

PRESIDING MEMBER