



# NOTICE

of

## COUNCIL ASSESSMENT PANEL MEETING

*Pursuant to the provisions of Section 82 of the Planning, Development and Infrastructure Act 2016*

TO BE HELD IN

**COUNCIL CHAMBERS  
PLAYFORD CIVIC CENTRE  
10 PLAYFORD BOULEVARD, ELIZABETH**

MEMBERS MAY PARTICIPATE BY ELECTRONIC MEANS

ON

**THURSDAY, 21 DECEMBER 2023 AT 6:00PM**

THIS MEETING WILL ALSO BE VIEWABLE AT  
<https://www.youtube.com/user/CityOfPlayford>

**ADAM SQUIRES  
ASSESSMENT MANAGER**

Issue Date: Thursday, 14 December 2023

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### MEMBERSHIP

#### **MR GEOFF PARSONS – PRESIDING MEMBER**

Mr Aaron Curtis  
Mr Paul Mickan

Ms Cherie Gill (Deputy)  
Ms Misty Norris

Mr Nathan Grantham  
Ms Jane Onuzans (*Deputy*)



**City of Playford  
Council Assessment Panel Meeting**

**AGENDA**

**THURSDAY, 21 DECEMBER 2023 AT 6:00PM**

**ACKNOWLEDGEMENT OF COUNTRY**

We would like to acknowledge that this land we meet on today is the traditional land of the Kaurna people, and that we respect their spiritual relationship with their country. The City of Playford would also like to pay respects to Elders past, present and emerging.

**1 ATTENDANCE RECORD**

1.1 Present

1.2 Apologies

Cr Misty Norris  
Paul Mickan

1.3 Not Present

**2 CONFIRMATION OF MINUTES**

**RECOMMENDATION**

The Minutes of the Council Assessment Panel Meeting held 16 November 2023 be confirmed as a true and accurate record of proceedings.

**3 APPLICATIONS WITHDRAWN**

**4 DECLARATIONS OF INTEREST**

**5 APPLICATIONS FOR CONSIDERATION – PERSONS WISHING TO BE HEARD**

Nil

**6 APPLICATIONS FOR CONSIDERATION – NO PERSONS TO BE HEARD**

6.1 Variation of Development Application 23012195 – remove childcare, increase office space and minor increase in overall height by 1.19 metres (Attachments).....6

**Representors:** N/A  
**Applicant:** City Collective c/- Pelligra

- 6.2 Variation to condition of DA 21022282 to extend hours of operation – to enable the control room and fuel pumping activities to operate 24 hours per day 7 days a week (Attachments) .....65

**Representors:** Nil

**Applicant:** Mark Kwiatkowski c/o Eyre Convenience Pty Ltd

**7 APPLICATIONS FOR CONSIDERATION - CATEGORY 1**

Nil

**8 OUTSTANDING MATTERS – APPEALS AND DEFERRED ITEMS**

Nil

**9 OTHER BUSINESS**

**9.1 STAFF REPORTS**

Nil

**10 CONFIDENTIAL MATTERS**

Nil

**11 POLICY DISCUSSION FORUM**

Nil

**12 CLOSURE**



# **APPLICATIONS FOR CONSIDERATION**

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**APPLICATIONS FOR  
CONSIDERATION – NO PERSONS  
TO BE HEARD**

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## 6.1 VARIATION OF DEVELOPMENT APPLICATION 23012195 – REMOVE CHILDCARE, INCREASE OFFICE SPACE AND MINOR INCREASE IN OVERALL HEIGHT BY 1.19 METRES

### Snapshot

<b>Author:</b>	David Storey
<b>Proposal:</b>	Variation of Development Application 23012195 – remove childcare, increase office space and minor increase in overall height by 1.19 metres
<b>Development Number:</b>	23034253
<b>Date of Lodgement:</b>	November 2023
<b>Owner:</b>	City of Playford
<b>Applicant:</b>	City Collective c/- Pelligra
<b>Location:</b>	(Lot 8) 2 Philip Hwy Elizabeth SA 5112
<b>Zone:</b>	Urban Activity Centre
<b>Classification:</b>	Code Assessed - Performance Assessed
<b>Public Notification Category:</b>	Not Required
<b>Representation Received:</b>	N/A
<b>Planning and Design Code Version:</b>	Version 2023.17 (dated 23 November 2023)
<b>Request for Additional Information Made?</b>	N/A
<b>Recommendation:</b>	To Grant Planning Consent
<b>Attachments:</b>	<div><div>1 <a href="#">↓</a>.</div><div>2 <a href="#">↓</a>.</div><div>3 <a href="#">↓</a>.</div><div>4 <a href="#">↓</a>.</div><div>5 <a href="#">↓</a>.</div></div> <div>Applicants cover letter Application documents CAP Minutes 15 June 2023 CAP Report 15 June 2023 Traffic and Parking Report</div>

### 1. Background

This application seeks to vary a development application (No. 23012195) that involves a proposal for a mixed-use development at (Lot 8) 2 Philip Highway Elizabeth.

The Council Assessment Panel (CAP) at its meeting of 15 June 2023 resolved to grant planning consent for an eight (8) level mixed use development comprising office, childcare centre and shop subject to a number of conditions (DA 23022195).

In preparation for the CAP meeting, Council staff undertook an assessment of the proposed development and resolved to recommend that planning consent be granted.

Council staff has now considered the variation request and resolved that the variation is not minor and is to be assessed as a variation to the original application.

## 2. The Proposal

The applicant (Pelligra) is seeking the removal of the 'childcare facility' component of the development and replacing with 'office' and undertaking alterations to the office layouts including changes to the gross leasable floor areas (GLFA) and roof plant area.

The building will continue to remain as a mixed-use building, with the café and co-working space unchanged at ground level.

The associated site works, alterations to a roadway and tree damaging activity outlined in DA 23012195 are not affected by this variation application.

The proposed changes are listed below:

- Ground Floor - Addition of external door to end of trip room
- Levels 2-5 - Reduction in radius of floor plate curve and increase in GLFA
- Level 6 Repeat of proposed levels 2-5 (removing childcare) and increase in GLFA
- Level 7 Increase in GLFA (office) and reduction of floor area of outdoor terrace and
- Roof Access stairs extended to roof adjacent plant and lift overrun.

Building height has been increased to an overall height of 31.19 metres (from 30.0), as a result of the addition of the rooftop/plant access stair.

External elevations have been amended to reflect the addition of the office component to level and the increase in GLFA as a result of the reduction in the radius of the curve in the north-eastern corner of the building floor plates.

An updated traffic impact assessment accompanies this application, given the differences in requirements following the removal of the childcare component and substitution with office.

With a total of 6278 square metres of office GLFA, the traffic report notes a theoretical requirement of 252 spaces, which is based on the Planning and Design Code guide of 4.0 spaces per 100 sqm of GLFA. Incorporating the café land use, the development generates a theoretical requirement of 265 spaces overall; an increase of 36 spaces compared to the approved development.

Consistent with the approved development, a car park licence agreement between Pelligra and Council exists which allows a 'per bay, as required' use of the available 362 spaces in the adjacent Windsor multi-level car park.

The waste management remains consistent with the approved development, with the waste storage area, transfer pathways, and collection methodology unchanged.

## 3. The Subject Land

The subject site is located directly adjacent the six-storey Windsor Car Park, and forms part of the allotment of 2 Philip Highway, Elizabeth.

The site has a frontage to Main North Road, Phillip Highway and Playford Boulevard and comprises one (1) allotment, which is legally described as Allotment 51 in Certificate of Title 6227 Folio 218.

The irregularly shaped allotment covers an area of approximately 9,870 square metres and has a frontage to Main North Road of approximately 102 metres, to Philip Highway of approximately 135 metres and to Playford Boulevard of approximately 15 metres. Vehicular access to the site is currently by way of the existing internal roadway, which is accessed directly from Playford Boulevard.

A future land division by Council will create a number of new allotments from Allotment 51, of which the subject site will form its own allotment. This is noted as Allotment 8 on the Plan of Division shown in the Attachments.

**Subject Land Map**



#### **4. The Locality**

Located in Elizabeth and forming part of the greater 'Central Playford' central business district, the subject site is situated in a mixed use setting and is located at the eastern edge of the town centre of Elizabeth.

The locality is characterised predominantly by a mix of shops, restaurants, bulky goods stores, community facility, library, and shopping centre.

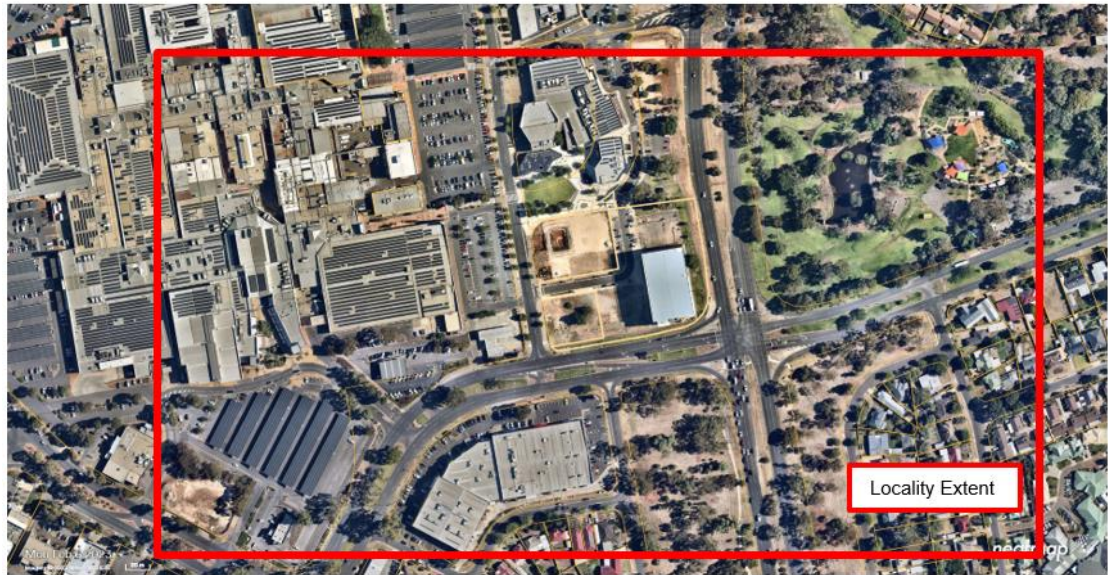
The broader locality comprises residential properties and reserve spaces to the south and east respectively.

Notable places and features in the locality include:

- Playford Civic Centre to the west
- Windsor car park to the south
- Elizabeth City Centre shopping complex to the west
- Fremont Park and playground to the east
- Residential properties to the south and east.

It should be noted that the locality has not changed since the original development application (DA 21032195) was assessed.

## 4.1 Locality Plan



## 4.2 Zoning

The proposed development is located within the Urban Activity Zone that supports a broad spectrum of regional level business, shopping, entertainment and recreational facilities that can cater for large crowds, smaller social gatherings and events over extended hours.

## 5. Procedural Matters

### 5.1 Classification

Section 128 of the *Planning Development and Infrastructure Act 2016* (PDI Act) establishes that a person may seek the variation of a development authorisation previously given under the PDI Act (including by seeking the variation of a condition imposed with respect to the development authorisation).

A variation application may only be made if the relevant authorisation is still operative and cannot seek to extend the period for which the authorisation remains operative.

As the development was granted planning consent on 15 June 2023 the authorisation is operative until 15 June 2025 (2 years). Until this time the applicant is entitled to seek approval of a variation request.

The variation proposal comprising 'office' and 'shop' has been assessed via the Performance Assessment pathway in accordance with Section 106 of the PDI Act.

### 5.2 Public Notification

All classes of performance assessed development require public notification unless pursuant to Section 107(6) of the PDI Act, the class of development is excluded from notification by Table 5 of the Procedural Matters Section of the relevant Zone of the *Planning and Design Code* (the Code).

Table 5 lists 'office' and 'shop' as classes of development in Column A and meets the exceptions prescribed in Column B and therefore does not require notification.

### 5.3 Statutory Referrals

Statutory referrals are identified within Part 9 of the Code and Schedule 9 of the *Planning, Development and Infrastructure (General) Regulations 2017*. Upon review of both the Code and Regulations it is confirmed that no statutory referrals were required or undertaken.

## 6. Key Issues

The following matters are considered pertinent in reaching a recommendation for the proposal:

- Whether the proposal is an appropriate form of development in the Urban Activity Zone.
- Whether the altered proposal as outlined in the variation is consistent with the general policies of the Planning and Design Code that relate to Office and Shop.

## 7. Planning Assessment

### 7.1 Land Use and Intensity

The Urban Activity Zone supports a broad range of land use activities including shops, offices, entertainment, health, education and recreation related uses and other businesses that provide a comprehensive range of goods and services to the region.

The variation application seeks to remove the childcare component of the previously approved development and expand the office component of the development and retain the shop (café).

The variation for an office and shop that are located within the realm of the Elizabeth City Centre and the Playford Civic Centre (the City Centre) and in proximate to existing bus routes and pedestrian networks that when combined support the operations of a retail centre. This aligns with the desire outcome of the Zone (DO1).

The facilities proposed within the building will typically operate during normal business hours however there is opportunities for all the listed development, particularly the café to promote after-hours use and support the social activity within the City Centre. This supports PO 1.2.

Office and Shop are types of development that are listed in DPF 1.1 which are envisaged within the Zone.

### 7.2 Built Form and Character

The variation seeks to marginally increase the height of the rooftop plant access. It is considered that this increase to be minimal and does not result in any noticeable change to the built form.

The proposed development will adjoin and integrate with the existing built form of the Windsor car park which is a dominant visual feature at the intersection of Phillip Highway and Main North Road.



The proposed building, despite standing taller than the car park building, exhibits a compatible scale to the locality and provides land uses which complement the regional business activities of the Zone.

Accordingly, it is considered that the Built Form and Character section of the Zone is satisfied.

### **7.3 Building height and setbacks**

The proposed building stands at 8 storeys and 28.5 metres to the top of the roof and 31.19 metres to the top of the lift overrun/rooftop plant access.

The variation increases the overall building height by 1.19 metres from 30 metres to 31.19 metres by increasing the height of the rooftop plant access.

The building height of the proposed development is generally consistent with the adjoining Windsor Car Park facility and the surrounding multi storey buildings located within the Playford Civic Centre.

Accordingly, it is considered that the Building Height and Setbacks section of the Zone is satisfied.

### **7.4 Vehicle Parking**

The application does not propose any car parking on the site, with the entirety of car parking being accommodated within the adjacent Windsor car park and the provision of vehicle parking areas that support the City Centre.

As the variation seeks the removal of the childcare facility with additional office space a revised assessment of the vehicle parking arrangements of the site is required – which is outlined in **Section 7.3.5 Transport, Access and Parking** below.

## **8. Overlay**

The variation does not alter the development requiring assessment against the policies prescribed in the Overlays.

## **9. General Development Policies**

### **9.1 Transport, Access and Parking**

#### ***Vehicle Access***

The variation application does not propose any change to car parking or waste collection on the site and does not propose any new vehicular access (driveway/access points) or crossovers.

#### ***Car Parking***

Table 1 – General Off-Street Car Parking Requirements of the Transport, Access and Parking section of the General Development Policies module provides guidance to car parking rates associated with various classes of development. The site is however located within a Designated Area for the purposes of Table 2 – General Off-Street Car

Parking Requirements in Designated Areas which is the applicable standard for this variation.

The variation application increases the amount of office floor area and removes the previous childcare component and thus changes the minimum number of vehicle spaces.

Table 2 highlights however a blanket non-residential (excluding tourist accommodation) minimum and maximum vehicle parking space demand as follows:

- Minimum Vehicle Space – 3 spaces per 100m<sup>2</sup> of gross leasable floor area
- Maximum Vehicle Space - 5 spaces per 100m<sup>2</sup> of gross leasable floor area.

The original application provided for total gross leasable floor area of approximately 6,135m<sup>2</sup> the resultant minimum theoretical parking requirement for that application being 184 vehicle spaces. The variation application provides for a total gross leasable floor area of approximately 6278sqm. This would generate a minimum theoretical parking requirement of 188 spaces, 4 more than the original approval.

The proposed development will utilise car parking spaces within the Council-owned Windsor Car Park. An agreement between Pelligra and the City of Playford exists, whereby a clause within the contract for sale of the land will bind Council to provide car parking spaces to the benefit of Pelligra for this development. The letter for support which outlines this arrangement formed an attachment to the original approval.

The Windsor Car Park contains a total of 362 spaces, with 51 of these spaces assigned to the City of Playford and the proposed hotel development adjacent, which results in a remaining 311 spaces. The availability of spaces is considered sufficient to accommodate the minimum hypothetical requirement as outlined by the Planning and Design Code.

## **10. Concept Plans / TNVs**

The proposed variation does not alter the development that affects any Concept Plans.

## **11. Conclusion**

The proposed variation is an appropriate development within the Urban Activity Zone, the Overlays which apply to the site, and of the various sections of the General Development Policies of the Planning and Design Code.

In summary:

- The variation results in land uses that are consistent with those expected within the Zone;
- The variation does not alter the architectural design and built form
- The variation to remove the childcare component of the development and replace with increased office space is appropriate
- The variation to increase the overall height of the building from 30 metres to 31.19 metres is appropriate and



- The required increased of vehicle parking accords with the vehicle parking policy of the Code and can be accommodated within the adjoining Windsor Car Park.

For the reasons listed in the summary above and the assessment against policy contained in this Planning Statement, it is considered that the proposal displays sufficient merit and that Planning Consent be granted.

## 12. Recommendation

### **STAFF RECOMMENDATION**

It is therefore recommended that the Council Assessment Panel resolves to:

- A. DETERMINE that the variation is not seriously at variance with the provisions of the Planning and Design Code
- B. GRANTS Planning Consent to vary the application by City Collective c/- Pelligra as detailed in Development Application ID. 23034253 subject to the following conditions:

The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in this Application.

# City Collective

collaborative design /  
better outcomes

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## Adelaide

Suite 115 Epworth Building  
33 Pirie Street  
Adelaide SA 5000

## Melbourne

Ground Level  
23 Kerr Street  
Fitzroy VIC 3065

**citycollective.com.au**

hello@citycollective.com.au  
+61 08 8182 1270

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**3 November 2023**

Adam Squires  
Manager Planning Services  
City of Playford  
12 Bishopstone Road  
Davoren Park SA 5113

Via Plan SA Portal

**RE: VARIATION TO DEVELOPMENT APPLICATION 23012195  
2 PHILIP HIGHWAY, ELIZABETH**

Dear Adam,

Following our recent discussion, this letter supports Pelligra's request for the variation of development application DA 23012195 which was assessed against the provisions of the Planning and Design Code and granted Planning Consent by the City of Playford Council Assessment Panel on 15 June 2023.

Through further market testing, and as a result of commercial viability, Pelligra are seeking replacement of the 'child care facility' component of the development with 'office'. The building will continue to remain as a mixed-use building, with the café and co-working space unchanged at ground level.

The proposed changes are listed below:

<i>Ground floor</i>	Addition of external door to end of trip room
<i>Levels 2-5</i>	Reduction in radius of floor plate curve; increase in GLFA
<i>Level 6</i>	Repeat of proposed levels 2-5 (removing childcare); increase in GLFA
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<i>Roof</i>	Access stairs extended to roof adjacent plant and lift overrun

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Consistent with the approved development, a car park licence agreement between Pelligra and Council exists which allows a 'per bay, as required' use of the available 362 spaces in the adjacent Windsor multi-level car park.

**Urban Design  
Architecture  
Planning**

# City Collective

collaborative design /  
better outcomes

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The waste management remains consistent with the approved development, with the waste storage area, transfer pathways, and collection methodology unchanged.

We understand that the application will be determined by the Council Assessment Panel, and we note our availability to attend this meeting to answer any questions the Panel members may have about the proposed changes in this variation application.

Should you have any questions regarding the contents of this letter, please do not hesitate to call David Cooke on 0417 826 015 or by email – [dcooke@citycollective.com.au](mailto:dcooke@citycollective.com.au).

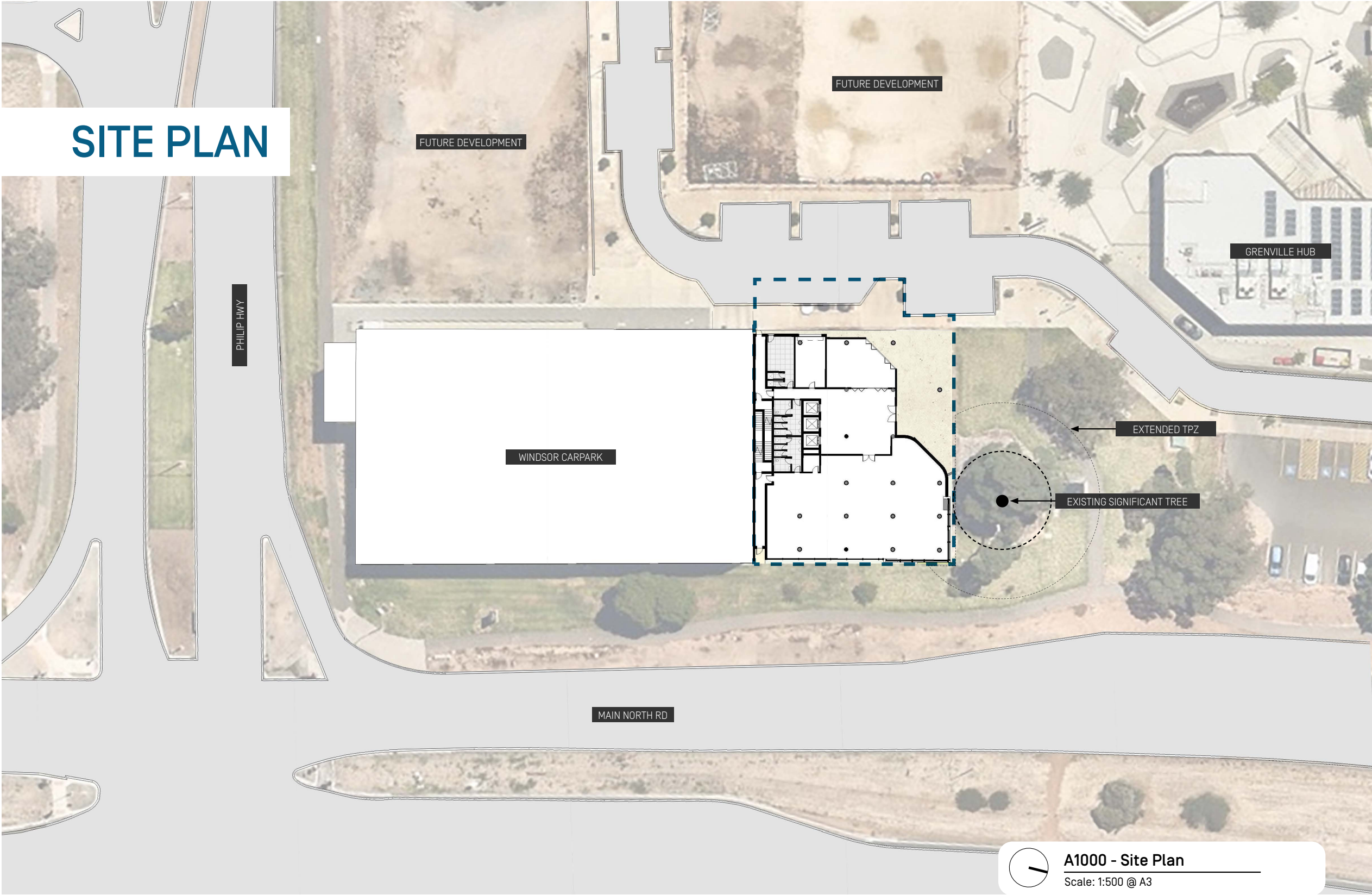
Yours sincerely,



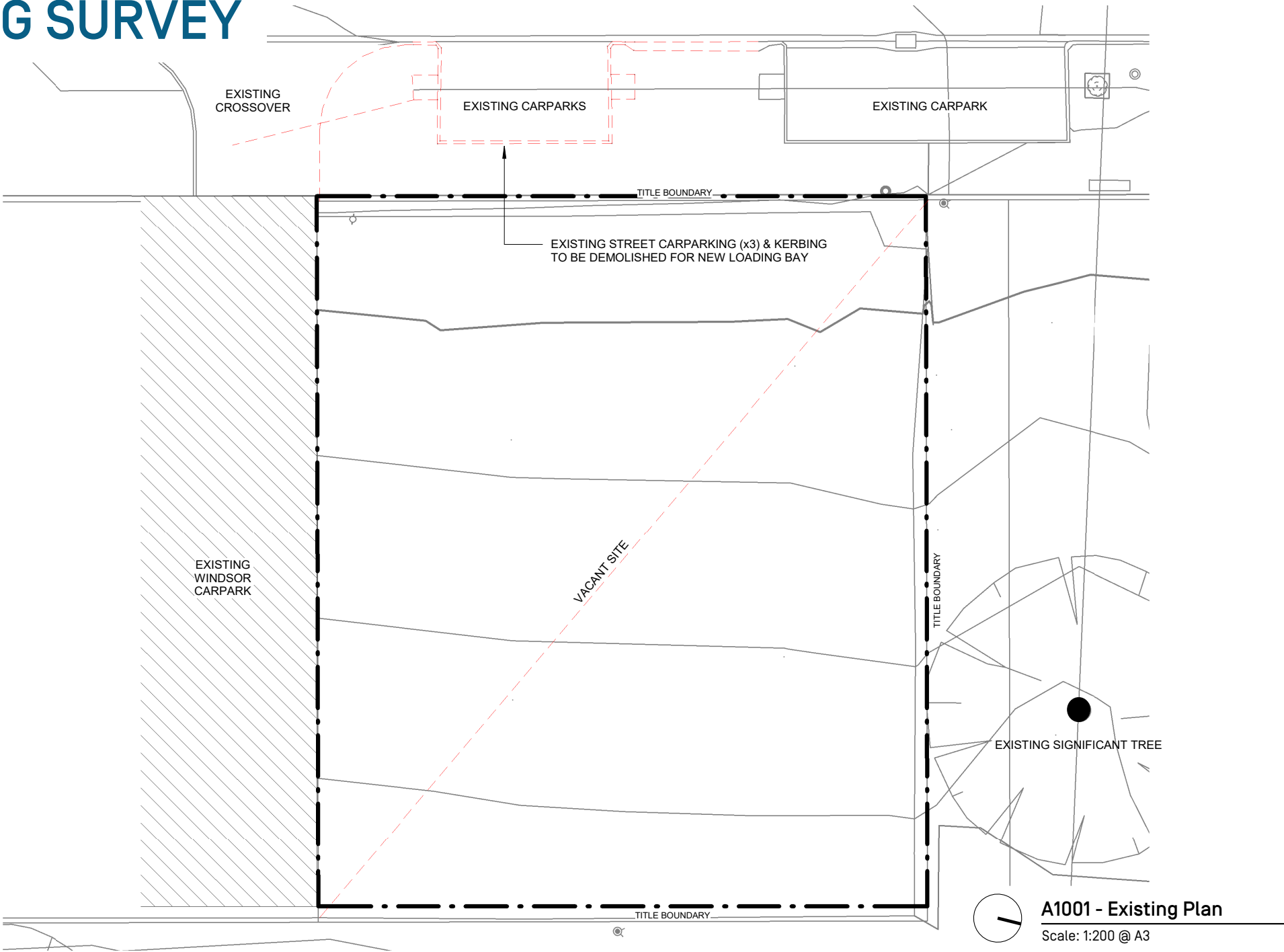
**Will Gormly** RPIA  
Principal Planner  
City Collective

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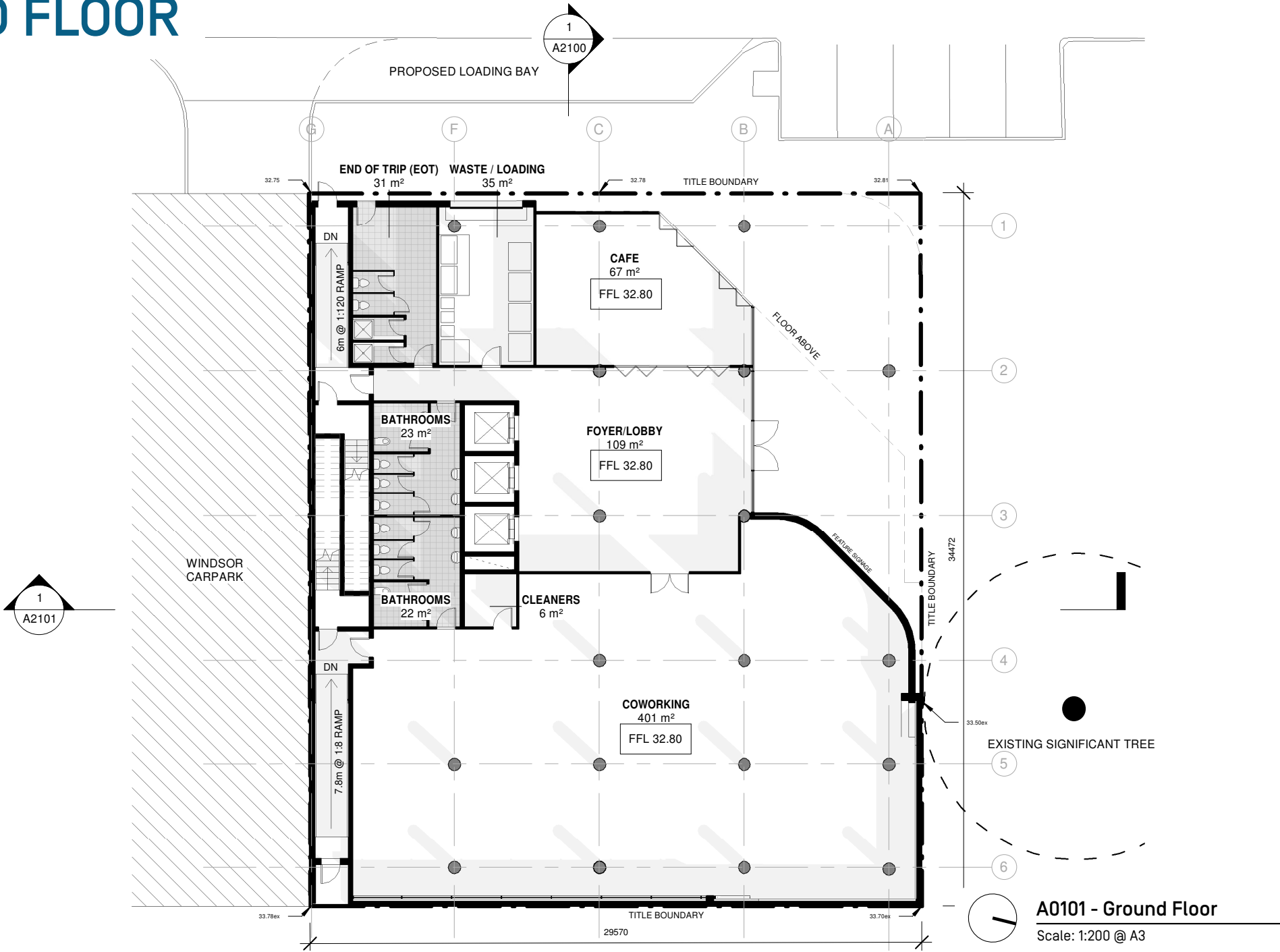
## SECTION 03: **PLANNING DRAWINGS**



EXISTING SURVEY

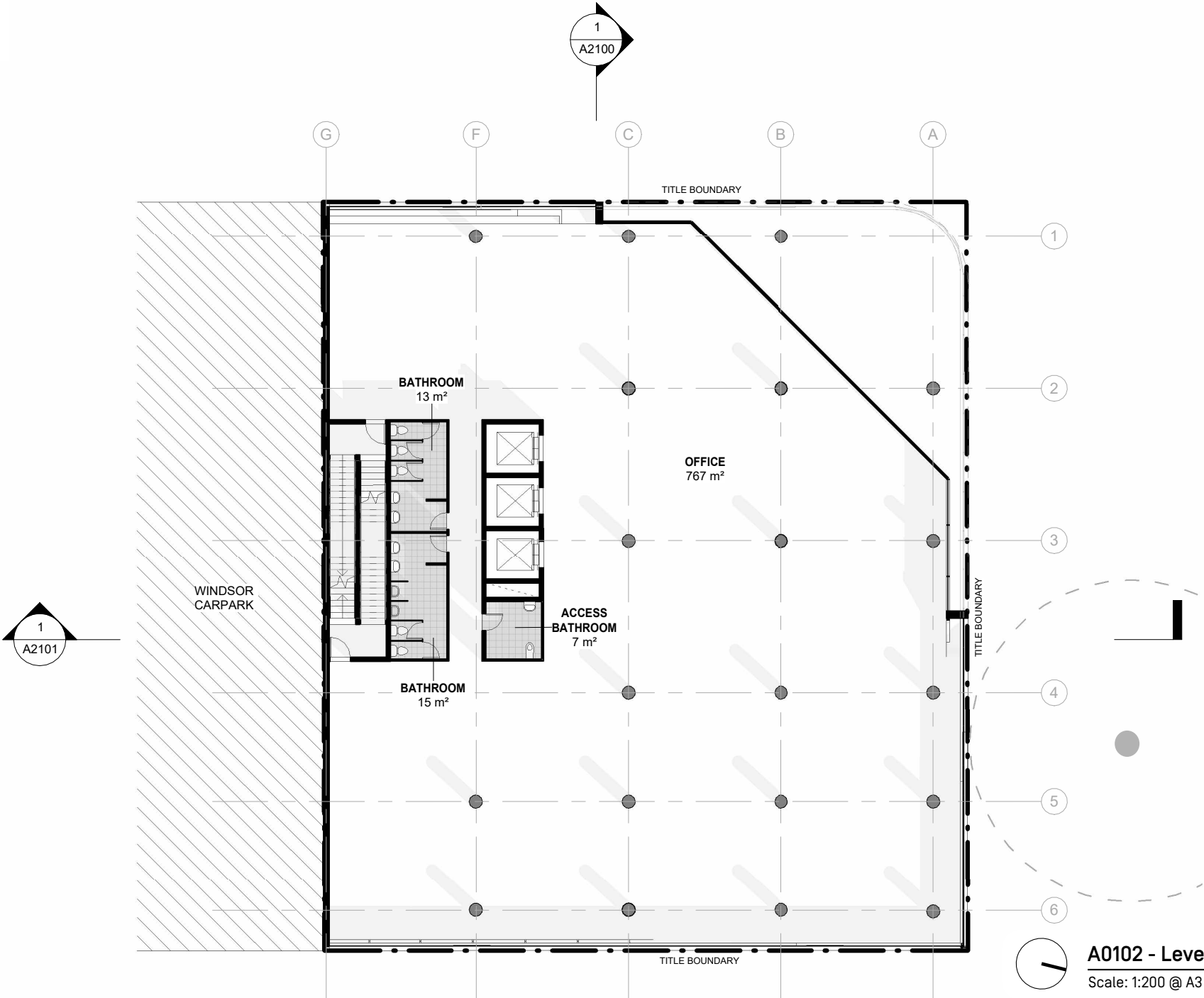


GROUND FLOOR



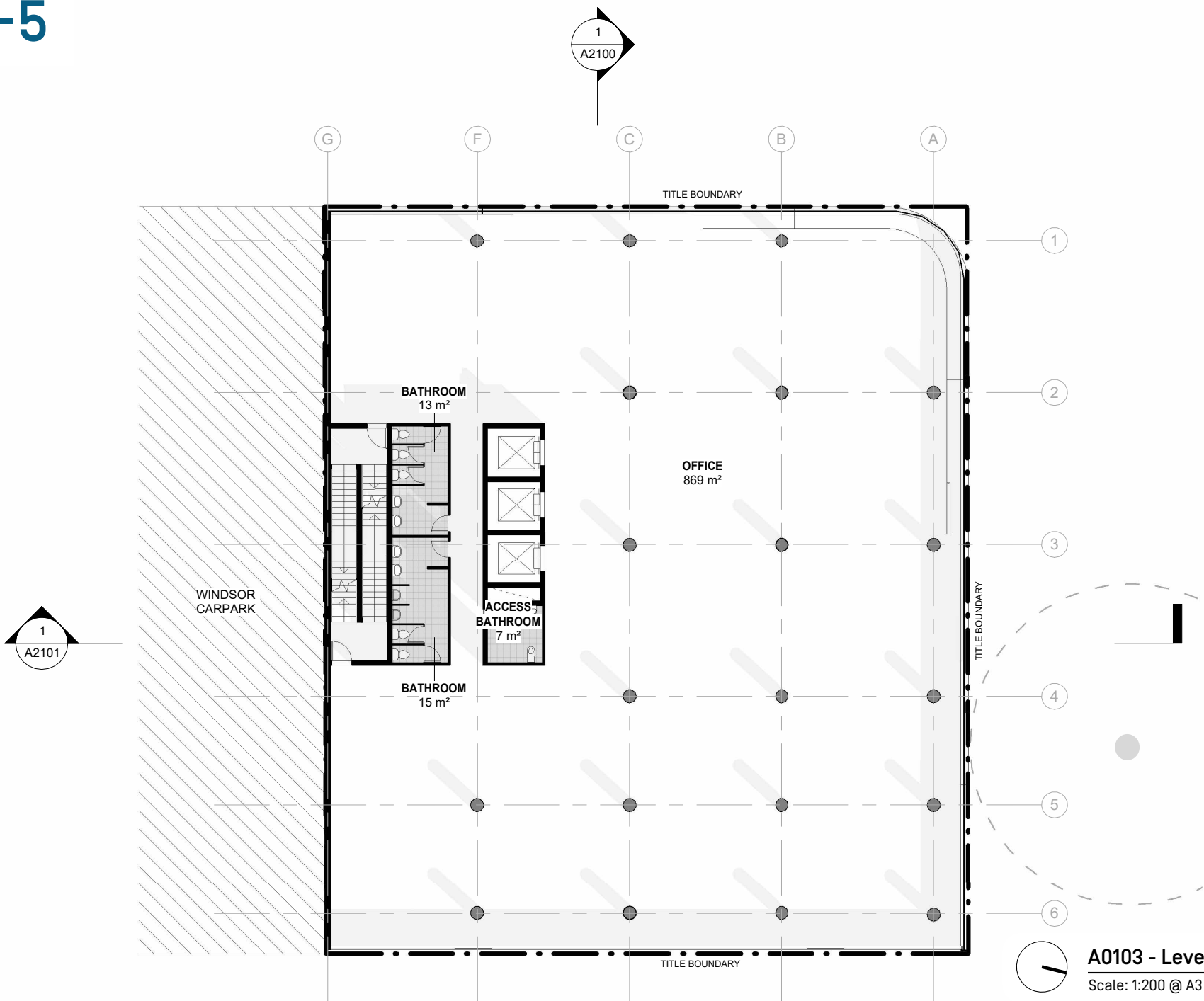


LEVEL 1

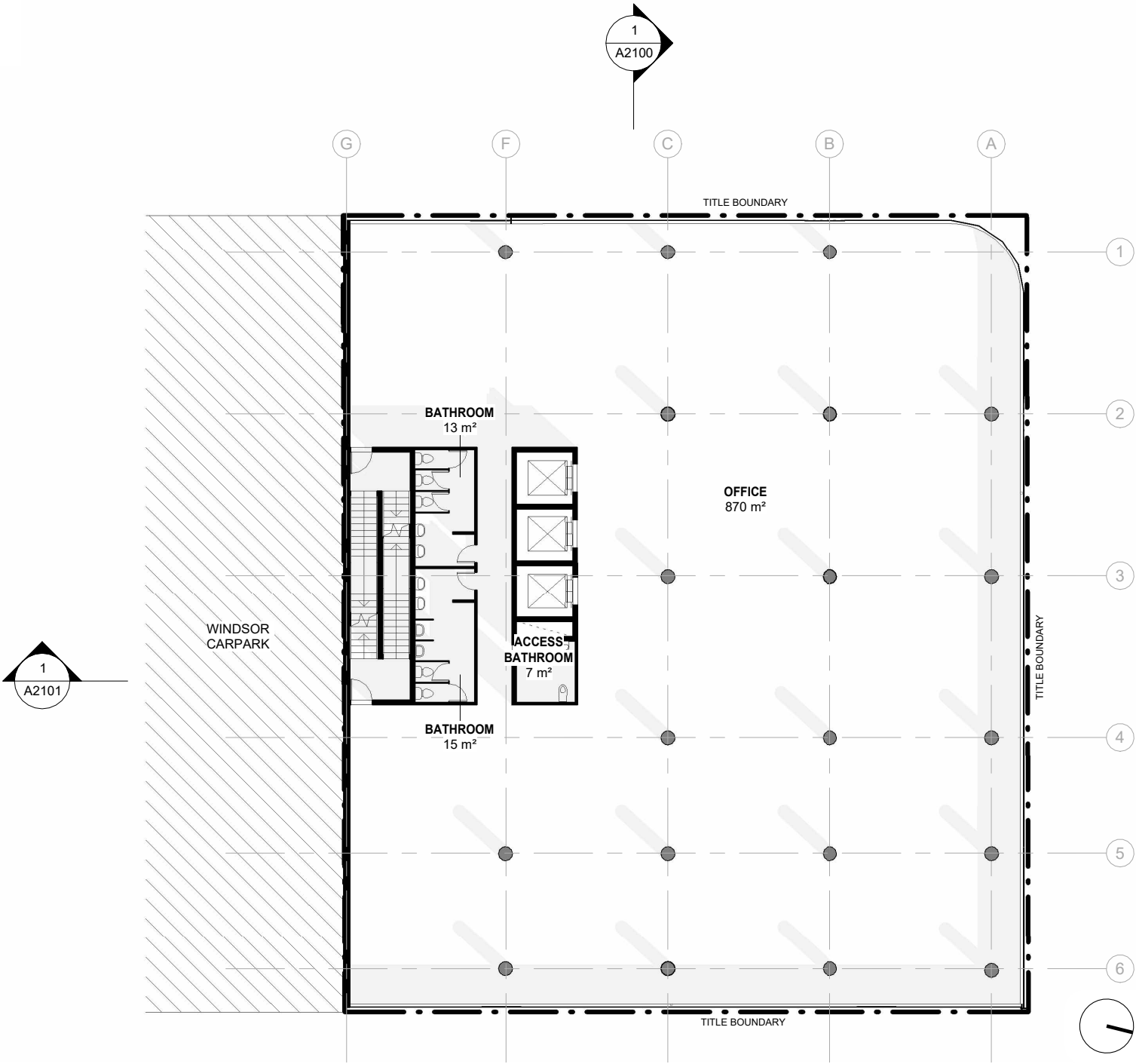




LEVEL 2-5



LEVEL 6



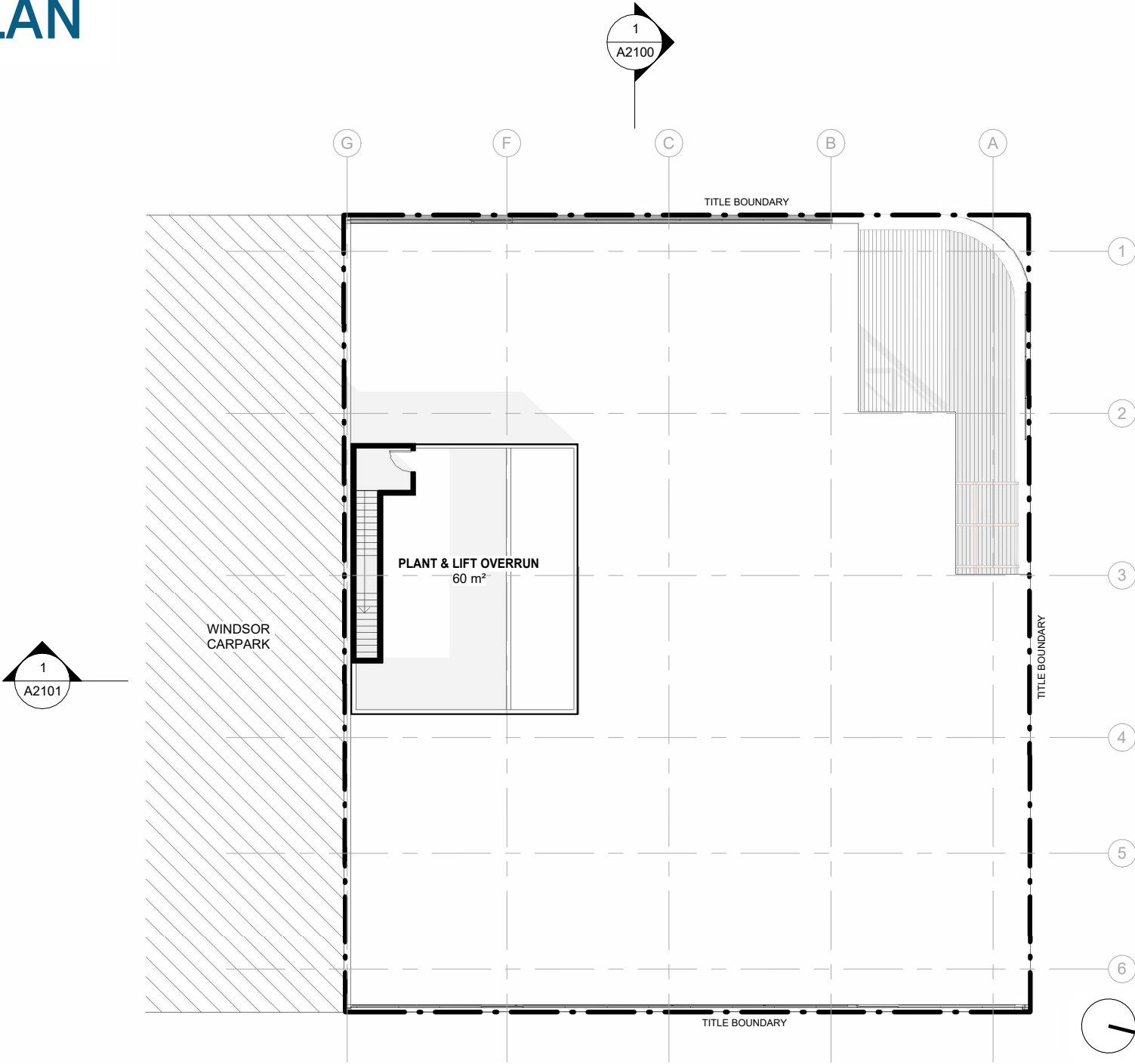
A0104 - Level 6  
Scale: 1:200 @ A3

LEVEL 7



A0105 - Level 7  
Scale: 1:200 @ A3

ROOF PLAN



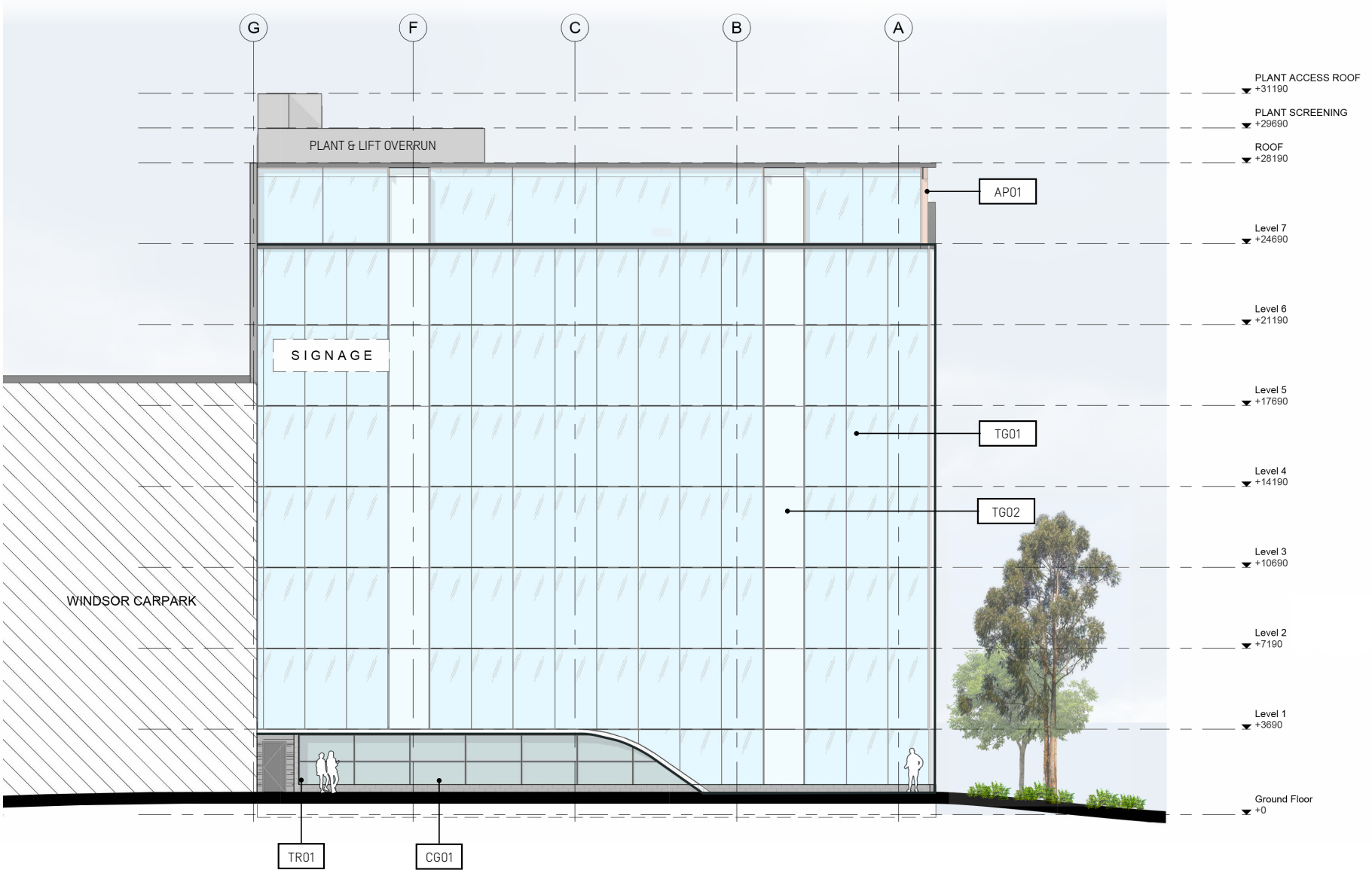
**A0106 - Roof Plan**  
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A0201 - North Elevation  
Scale: 1:200 @ A3



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TG02	GLAZING 'LIGHT BLUE'
CG01	CLEAR GLASS GLAZING
AP01	COPPER FINISH ALUMINIUM FRAMING
TR01	TEXTURE RENDER FINISH

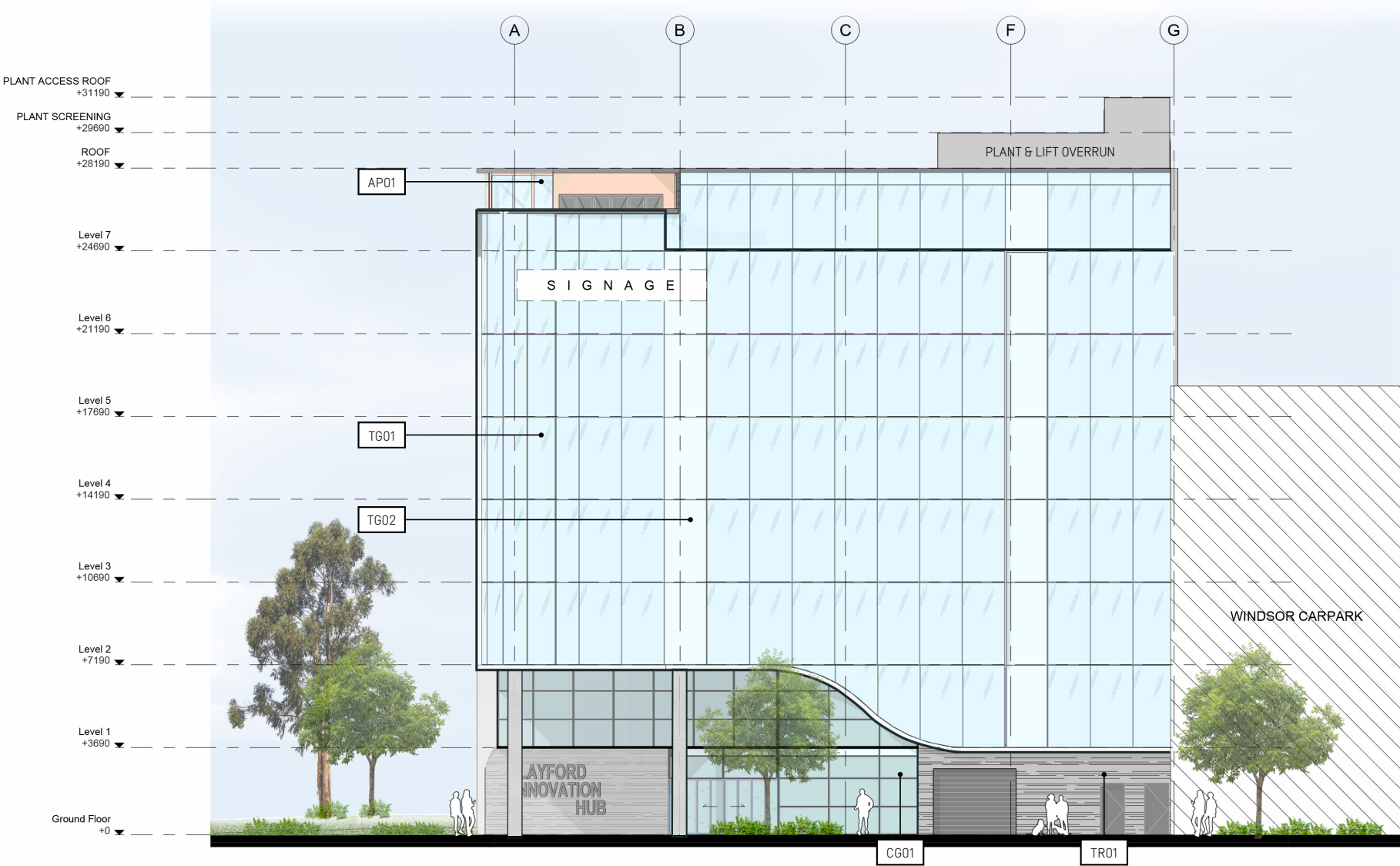


A0202 - East Elevation  
Scale: 1:200 @ A3



Code	Material
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AP01	COPPER FINISH ALUMINIUM FRAMING
TR01	TEXTURE RENDER FINISH

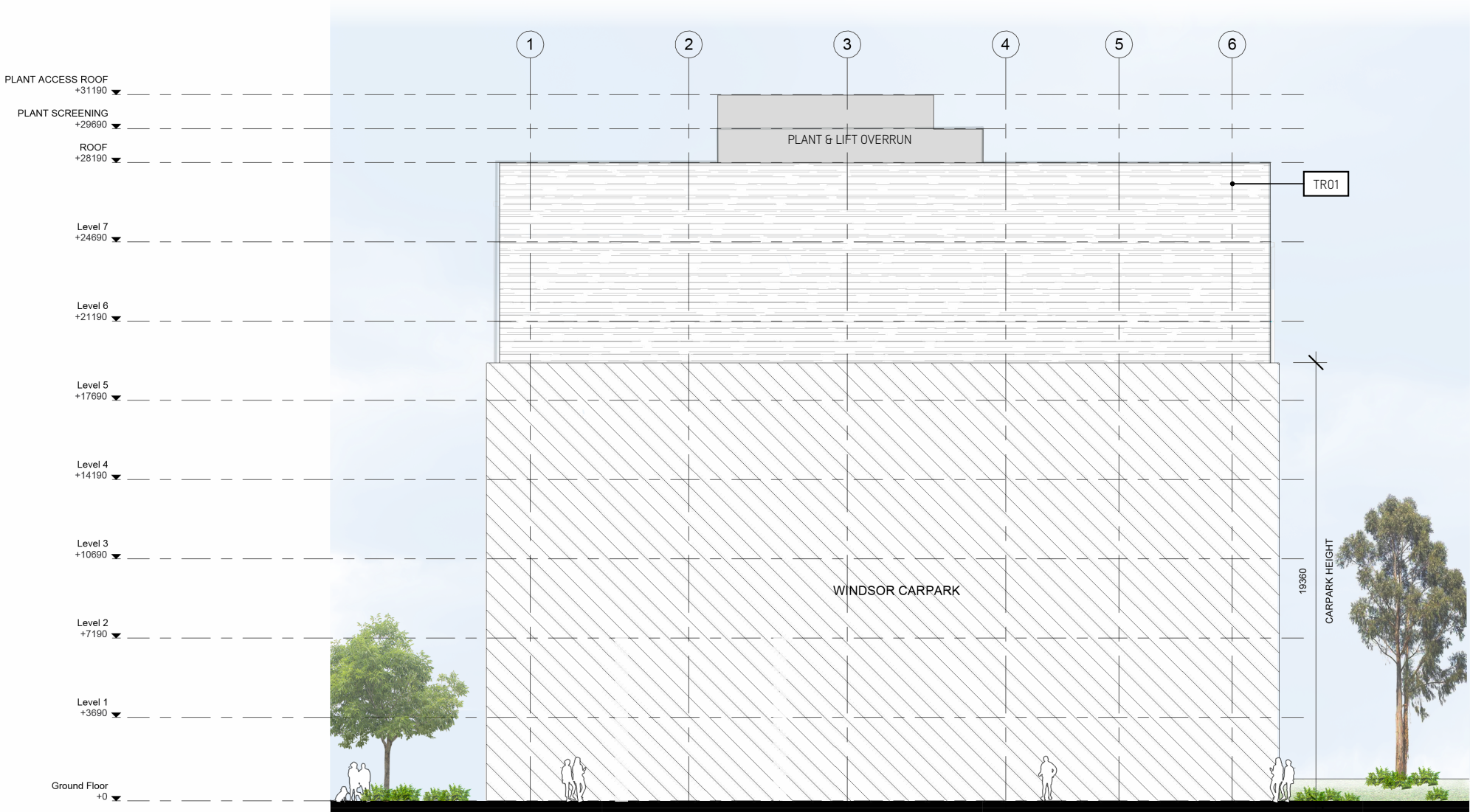




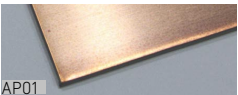
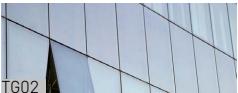
A0203 - West Elevation  
Scale: 1:200 @ A3



Code	Material
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CG01	CLEAR GLASS GLAZING
AP01	COPPER FINISH ALUMINIUM FRAMING
TR01	TEXTURE RENDER FINISH

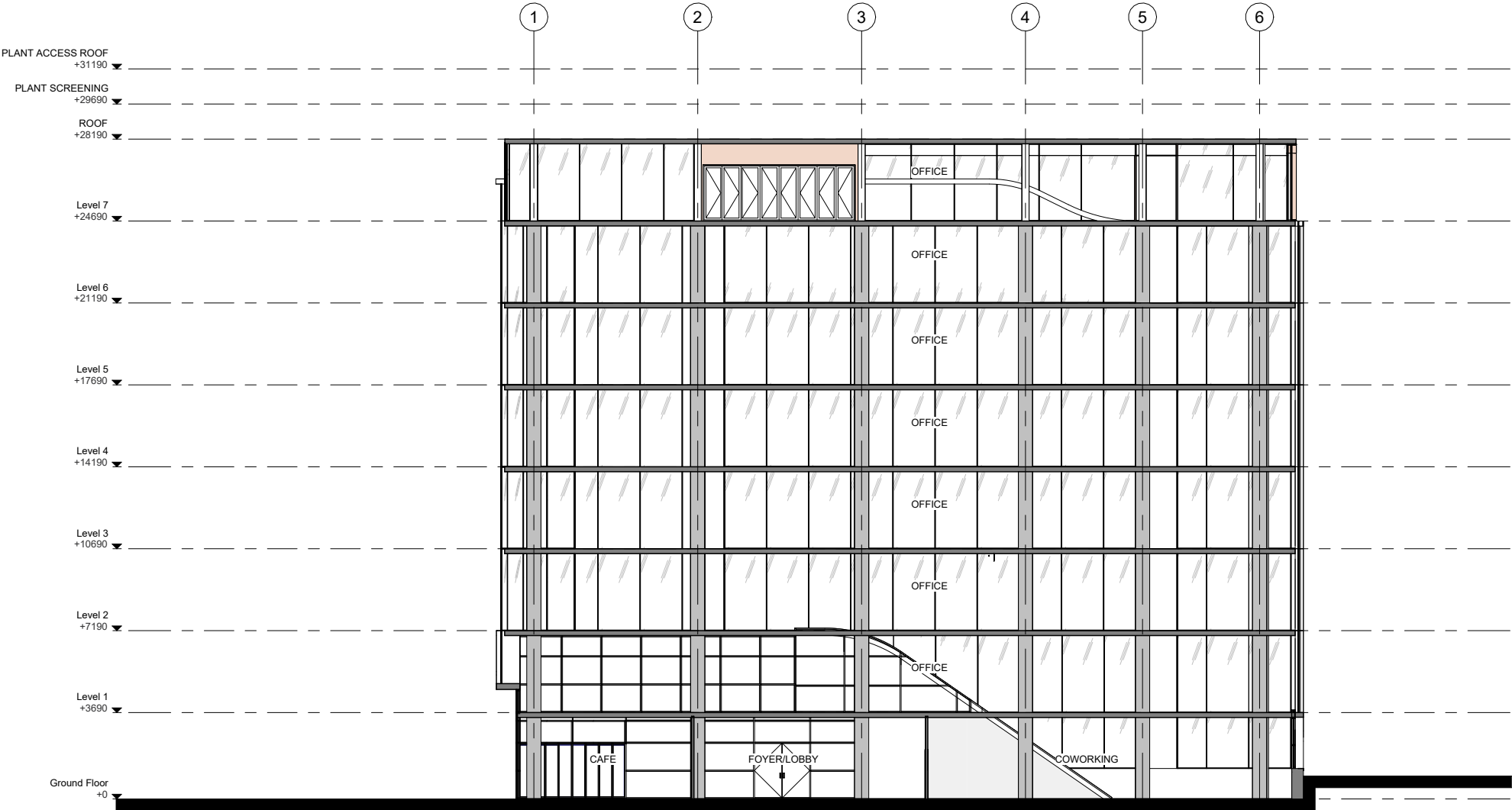


A0204 - South Elevation  
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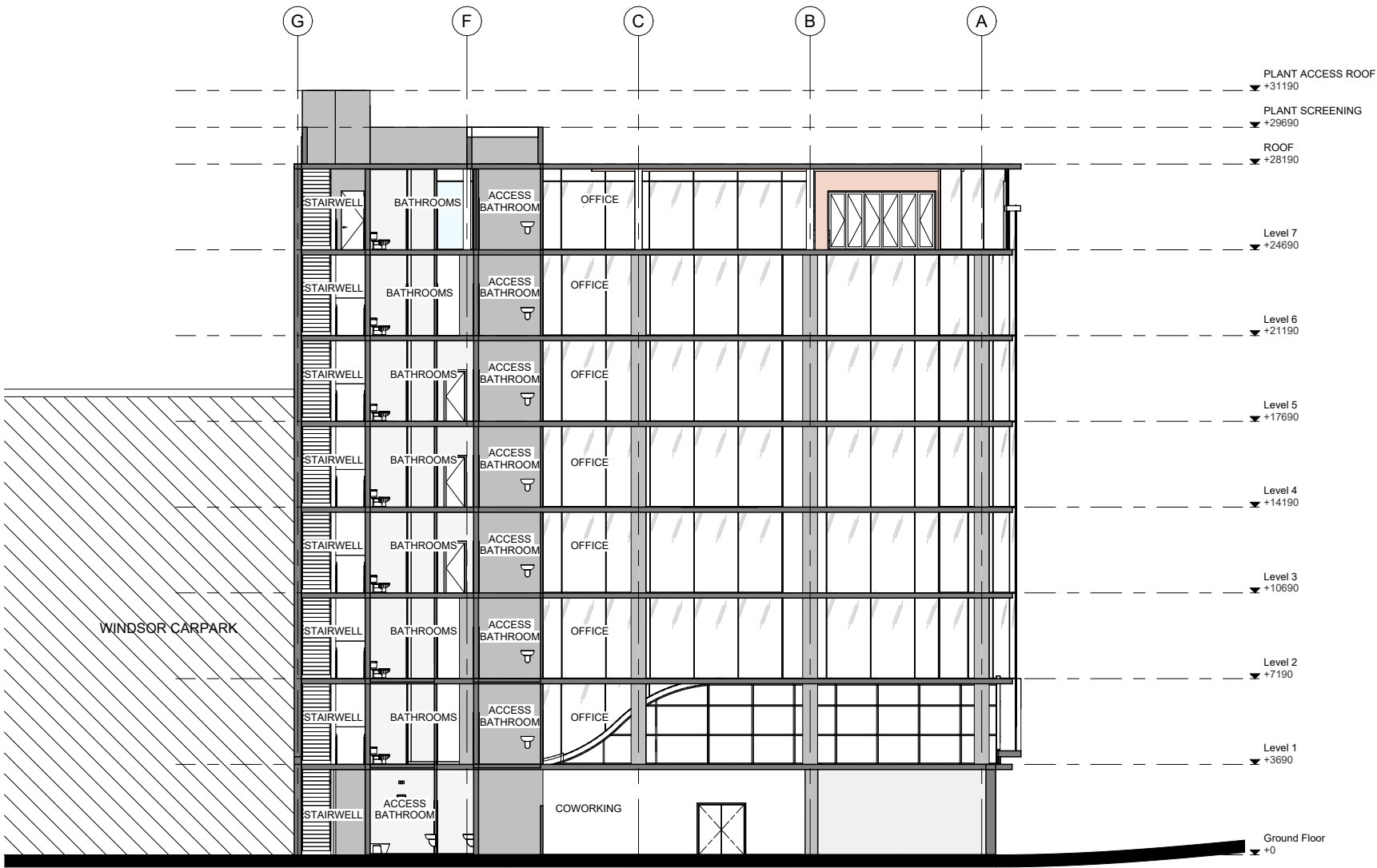
Code	Material
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TG02	GLAZING 'LIGHT BLUE'
CG01	CLEAR GLASS GLAZING
AP01	COPPER FINISH ALUMINIUM FRAMING
TR01	TEXTURE RENDER FINISH





A2100 - East/West Section

Scale: 1:200 @ A3



A2101 - North/South Section

Scale: 1:200 @ A3









# MINUTES

of

## COUNCIL ASSESSMENT PANEL MEETING

*Pursuant to the provisions of Section 82 of the Planning, Development and Infrastructure Act 2016*

HELD IN

**COUNCIL CHAMBERS  
PLAYFORD CIVIC CENTRE  
10 PLAYFORD BOULEVARD, ELIZABETH**

ON

**THURSDAY, 15 JUNE 2023  
AT 6:00PM**

The meeting commenced at 6:01 pm.

### ACKNOWLEDGEMENT OF COUNTRY

We would like to acknowledge that this land we meet on today is the traditional land of the Kaurna people, and that we respect their spiritual relationship with their country. The City of Playford would also like to pay respects to Elders past, present and emerging.

### 1 ATTENDANCE RECORD

#### 1.1 Present

##### **MR GEOFF PARSONS – PRESIDING MEMBER**

Mr Aaron Curtis

Mr Nathan Grantham

Mr Paul Mickan

Ms Jane Onuzans

##### Also in attendance for the meeting:

Assessment Manager

Senior Manager City Property

Growth and Infrastructure Coordinator

Acting Program Manager Repurposing Assets

Minute Taker

Mr Adam Squires

Mr Paul Alberton

Mr Matt Dineen

Ms Michelle Parker

Ms Domenica Crisafi

Council Assessment Panel Minutes

2

15 June 2023

Governance Support  
ICT Support Officer

Ms Kiraly Gosnell  
Ms Ling Yin

**1.2 Apologies**

Cr Misty Norris

**1.3 Not Present**

Nil

**2 CONFIRMATION OF MINUTES****PANEL RESOLUTION****CAP522**

The Minutes of the Council Assessment Panel Meeting held 20 April 2023 be confirmed as a true and accurate record of proceedings.

**CARRIED****3 APPLICATIONS WITHDRAWN**

Nil

**4 DECLARATIONS OF INTEREST**

Cr Jane Onuzans has declared a general conflict of interest for item 6.1 and will leave the room for this item.

**5 APPLICATIONS FOR CONSIDERATION – PERSONS WISHING TO BE HEARD**

Nil

**6 APPLICATIONS FOR CONSIDERATION – NO PERSONS TO BE HEARD**

*Cr Jane Onuzans left the meeting at 6:03pm*

**6.1 2 PHILLIP HIGHWAY, ELIZABETH- CONSTRUCTION OF AN EIGHT-STOREY MIXED-USE DEVELOPMENT COMPRISING OFFICES, A SHOP, AND A CHILD CARE FACILITY IN ADDITION TO ASSOCIATED SITE WORKS, ALTERATIONS TO A ROADWAY AND TREE DAMAGING ACTIVITY**

**Representors:** Mr Will Gormly - City Collective  
Mr Blake Sorka - Pelligra Group

**Applicant:** City Collective c/- Pelligra

**PANEL RESOLUTION****CAP523**

It is therefore recommended that the Council Assessment Panel resolves to:

- A. DETERMINE that the proposed development is not seriously at variance with the provisions of the Planning and Design Code
- B. GRANTS Planning Consent to the application by City Collective c/- Pelligra for the Construction of an eight-storey mixed-use development comprising offices, a shop, and a child care facility in addition to associated site works, alterations to a roadway and tree damaging activity at 2 Phillip Highway, Elizabeth, as detailed in Development Application ID. 23012195 subject to the following conditions:

**Conditions of Planning Consent**

1. The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in this Application.
2. The premises must be kept tidy and all buildings, fences, landscaping and paved or sealed surfaces must be maintained in good condition at all times.
3. All stormwater resulting from the subject development shall be managed in an orderly manner and in accordance with the approved plans and documentation so that it does not flow or discharge onto land of adjoining owners or, in the opinion of Council, detrimentally affect structures on this site or any adjoining land.
4. All tree protection measures must be in place as described in the tree protection plan as per the Arboricultural Impact Assessment and Tree Protection Plan prepared by Tertiary Tree Consulting Pty Ltd (dated 30 May 2023) prior to the commencement of any site work. The Project Arborist must certify the tree protection measures are correctly installed prior to commencement of any site work and submit a completed Tree Protection Plan document to the council.
5. The placement and storage of bins for the collection of waste outside of the subject building must be undertaken by a nominated waste contractor only. All bins shall be returned to nominated waste storage areas internally within the building outside of this collection  
The hours for waste collection vehicles to service the subject site must be restricted to outside of the hours of 8am to 5pm Monday to Friday
6. Should soil be removed from the site, a Waste Classification Assessment shall be undertaken to the classify the soil for disposal at a licensed waste disposal facility as per the recommendation of the FMG Preliminary Site Assessment dated 19 December 2022.
7. Prior to the occupation of the facility, the applicant shall provide a detailed Landscape Plan for consideration of the Assessment Manager under the delegation of the Assessment Panel. The subject Landscape Plan shall include any proposed ground level landscaping, ensuring integration with the adjoining public realm, but further ensure landscaping of the upper level planter boxes with landscaping capable of being visible from the externalities of the subject building.
8. All landscaping shall be completed and maintained in general accordance with the supplied landscaping plan and shall be maintained in good order to the reasonable satisfaction of Council at all times. Any plantings which require replacement shall be replanted within the first planting season following their removal.

**CARRIED**

*Cr Jane Onuzans returned to the meeting at 6:56 pm*

**7 APPLICATIONS FOR CONSIDERATION - CATEGORY 1**

Nil

**8 OUTSTANDING MATTERS – APPEALS AND DEFERRED ITEMS**

Nil

**9 OTHER BUSINESS**

**9.1 STAFF REPORTS**

**Matters to be considered by the Committee Only**

*Matters delegated to the Committee*

**9.1.1 ANNUAL REVIEW OF DELEGATIONS BY THE COUNCIL ASSESSMENT PANEL**

**Responsible Executive Manager : Adam Squires**

**PANEL RESOLUTION**

**CAP524**

1. In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation (Attachment 1 to the Report dated 15 June 2023 and entitled 'Instrument C - Instrument of Delegation under the *Planning, Development and Infrastructure Act 2016*, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel') are hereby delegated with effect from 3 July 2023 to the City of Playford Assessment Manager subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
2. Such powers and functions may be further delegated by the City of Playford Assessment Manager in accordance with Section 100(2)(c) of the *Planning, Development and Infrastructure Act 2016* as the City of Playford Assessment Manager sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

**With the following amendments:**

- Instrument of Delegation under the *Planning, Development and Infrastructure Act 2016*, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel' (Attachment 1), Item r38(2) Delegated to the Assessment Manager.

**CARRIED**

*Matters for Information***9.1.2 STREAMING OF MEETINGS****Responsible Executive Manager :** Adam Squires**PANEL RESOLUTION****CAP525**

Streaming of meetings report be noted by the Panel and the Administration commit to provision of a report at a future meeting relating to the consideration of streaming requirements Council Assessment Panel meetings.

**CARRIED****10 CONFIDENTIAL MATTERS**

Nil

**11 POLICY DISCUSSION FORUM**

Nil

**12 CLOSURE**

The meeting closed at 7:07 pm.



Council Assessment Panel

1

15 June 2023

**6.1 2 PHILLIP HIGHWAY, ELIZABETH- CONSTRUCTION OF AN EIGHT-STOREY MIXED-USE DEVELOPMENT COMPRISING OFFICES, A SHOP, AND A CHILD CARE FACILITY IN ADDITION TO ASSOCIATED SITE WORKS, ALTERATIONS TO A ROADWAY AND TREE DAMAGING ACTIVITY**

**Snapshot**

<b>Report Author:</b>	David Storey
<b>Responsible Officer</b>	Matt Dineen
<b>Proposal:</b>	Construction of an eight-storey mixed-use development, comprising offices, a shop, and a child care facility in addition to associated site works, alterations to a roadway and tree damaging activity
<b>Application Number:</b>	23012195
<b>Date of Lodgement:</b>	17 May 2023
<b>Owner:</b>	City of Playford
<b>Applicant:</b>	City Collective c/- Pelligra
<b>Location:</b>	(Lot 8) 2 Philip Hwy Elizabeth SA 5112
<b>Zone:</b>	Urban Activity Centre
<b>Classification:</b>	Code Assessed - Performance Assessed
<b>Public Notification Category:</b>	Not Required
<b>Representation Received:</b>	N/A
<b>Request for Additional Information Made?</b>	Yes
<b>Recommendation:</b>	To grant Planning Consent, subject to conditions as detailed herein

<b>Attachments:</b>	1. Planning Statement
	2. Proposed Plans
	3. Traffic Impact Assessment
	4. Stormwater Management Plan
	5. Car park Agreement
	6. Environmental Noise Assessment
	7. Waste Management Plan
	8. Plan of Division
	9. Council Request for Information
	10. Applicant response to RFI
	11. Site contamination declaration form
	12. Southern Elevation
	13. Arborist Report
	14. Department of Defence response
	15. Additional stormwater detail

**1. The Proposal**

The proposal is for an eight (8) storey mixed-use development, termed as the Playford Innovation Hub Development. The proposed development comprises the following:

- a. A co-working tenancy (office) and café at ground level;
- b. An end-of-trip facility at ground level;
- c. Five (5) levels of offices at levels 1 to 5; and
- d. A childcare facility at level 6 and 7, with its outdoor area located on a portion of level 7.

The proposed development comprises the construction of a mixed use building (Innovation Hub) on the subject site. Specifically, the proposal comprises:

- 67 m<sup>2</sup> of café floor area;
- 4,603 m<sup>2</sup> of office floor area; and
- a 130-place child care centre.

No car parking will be provided within the subject site. As per the commercial agreement with Council, the site will primarily be serviced by the adjacent Windsor Car Park (as well as surrounding on-street and off-street public parking areas).

## 2. Background

The site of the proposed development is located to the northwest corner of Phillip Highway and Main North Road with its primary frontage to Playford Boulevard. The proposal will have its southern elevation abutting the existing multi storey Windsor Car Park and its western elevation fronting Main North Road.

The site presents itself as a key landmark entrance to the Elizabeth City Centre which principally includes the Elizabeth Shopping Centre being a regional shopping centre serving the northern suburbs of Adelaide and the Playford Civic Centre which is home to the iconic Shedley Theatre, Playford Library, City of Playford Customer Care Centre and Council Chambers.

The subject land remains under the ownership of Council, whom progressed with an Expression of Interest process for this site and surrounding land across August and September 2021. The surrounding land included that land identified as Lots 5, 6, 8, 9 & 10 within Attachment 8, in addition to land to the south of Philip Highway. This Expression of Interest process has resulted in Council determining in August 2022 to enter into a Contract of Sale for Lot 8 with Pelligra.

Prior to the application progressing to submission, significant consideration has been given to the proposed land use, functionality and design of the facility by Council with the formation of an Evaluation Panel and Advisory Group. The Advisory Group has included Matt Dineen, Growth & Infrastructure Coordinator as the Planning Lead and Michael McKeown of Jensen Plus as the Urban Design Specialist.

The application is before the Panel due to the independent nature of the Assessment Panel and what could be considered a perceived conflict of interest of the Assessment Manager.

## 3. The Subject Land

The subject site is located directly adjacent the six-storey Windsor Car Park, and forms part of the allotment of 2 Philip Highway, Elizabeth.

The larger allotment has a frontage to Main North Road, Phillip Highway and Playford Boulevard and comprises one (1) allotment, which is legally described as Allotment 51 in Certificate of Title 6227 Folio 218.

The irregularly shaped allotment covers an area of approximately 9,870 square metres and has a frontage to Main North Road of approximately 102 metres, to Philip Highway of approximately 135 metres and to Playford Boulevard of approximately 15 metres.

Vehicular access to the site is currently by way of the existing internal roadway, which is accessed directly from Playford Boulevard.

A land division by Council will create a number of new allotments from Allotment 51, of which the subject site will form its own allotment. This is noted as Allotment 8 on the Plan of Division shown in the Attachments.

#### Subject Land Map



#### 4. The Locality

Located in Elizabeth, and forming part of the greater 'Central Playford' central business district, the subject site is situated in a mixed use setting and is located at the eastern edge of the town centre of Elizabeth.

The locality is characterised predominantly by a mix of shops, restaurants, bulky goods stores, community facility, library, and shopping centre.

The broader locality comprises residential properties and reserve spaces to the south and east respectively.

Notable places and features in the locality include:

- Playford Civic Centre to the west
- Windsor Car Park to the south
- Elizabeth City Centre shopping complex to the west
- Fremont Park and playground to the east
- Residential properties to the south and east

##### 4.1 Locality Plan



## 4.2 Zoning

The proposed development is located within the Urban Activity Centre Zone that supports a broad spectrum of regional level business, shopping, entertainment and recreational facilities that can cater for large crowds, smaller social gatherings and events over extended hours.

## 5. Procedural Matters

### 5.1 Classification

The proposed development comprising office, child care facility and shop has been assessed via the Performance Assessment pathway in accordance with Section 106 of the *Planning Development and Infrastructure Act 2016* (the Act).

Within the Urban Activity Centre Zone, a childcare centre is not listed within any of the assessment tables. Therefore, the assessment pathway is to be *All Other Code Assessed – Performance Assessed*.

### 5.2 Public Notification

All classes of performance assessed development require public notification unless pursuant to Section 107(6) of the Act, the class of development is excluded from notification by Table 5 of the Procedural Matters Section of the relevant Zone of the *Planning and Design Code* (the Code).

Table 5 lists office, childcare facility and shop as classes of development in Column A and meets the exceptions prescribed in Column B and therefore does not require notification.

### 5.3 Statutory Referrals

Statutory referrals are identified within Part 9 of the Code and Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017. Upon review of both the Code and Regulations it is confirmed that no statutory referrals were required or undertaken.

## 6. Key Issues

The following matters are considered pertinent in reaching a recommendation for the proposal:

- Whether the proposal is an appropriate form of development in the Urban Activity Centre Zone;
- Whether the proposal is consistent with the general policies of the Planning and Design Code that relate to Office, Childcare facility and Shop.
- Whether the development will create an adverse impact and conflict between other land uses within the locality.

## 7. Planning Assessment

### 7.1 Zoning - Urban Activity Centre Zone

#### 7.1.1 Land Use and Intensity

The Urban Activity Centre Zone supports a broad range of land use activities including shops, offices, entertainment, health, education and recreation related uses and other businesses that provide a comprehensive range of goods and services to the region.

The proposed development comprises land uses including office, shop and childcare facility that are located within the realm of the Elizabeth City Centre and the Playford Civic Centre (the City Centre) and in proximate to existing bus routes and pedestrian networks that when combined support the operations of a retail centre. This aligns with the desire outcome of the Zone (DO1).

The facilities proposed within the building will typically operate during normal business hours however there is opportunity for all the listed development, particularly the café to promote after-hours use and support the social activity within the City Centre. This supports PO 1.2.

Office, Childcare facility and Shop are types of development that are listed in DPF 1.1 which are envisaged within the Zone.

#### 7.1.2 Built Form and Character

The proposed development will adjoin and integrate with the existing built form of the Windsor Car Park which is a dominant visual feature at the intersection of Phillip Highway and Main North Road. The proposed building, despite standing taller than the car park building, exhibits a compatible scale to the locality and provides land uses which complement the regional business activities of the Zone. This satisfies PO 2.1.

The proposed building has been designed with an attractive curved front corner façade that presents an open entrance space to the reception area. This provides an active frontage to public realm and contributes to a pedestrian-prioritised environment with direct links to the City Centre opposite the site. This satisfies PO 2.2 and PO 2.3.

The development will utilise a number of car parking spaces within the Windsor Car Park, by agreement with Council (as car park owner), and it is considered that this integration of buildings and uses supports the precinct-wide approach of

consolidated parking areas and encourages walking through the pedestrian networks that exist in the area. This satisfies PO 2.4.

The proposed development incorporates end-of-trip facilities for cyclists and pedestrian users that further supports the connections of pedestrians and cyclists within the City Centre.

The proposed building has been designed with expansive glazing, vertical aluminium blades along the ground floor rendered canopy entrance that presents itself to Playford Boulevard to the ground floor and along with the positioning of the café at the edge of the ground floor entrance is considered to provide a highly active frontage to the public which positively contributes to the streetscape and encourages social interaction. This satisfies PO 2.6.

### **7.1.3 Building height and setbacks**

The proposed building stands at 8 storeys and 28.5 metres to the top of the roof (and 30.0 metres to the top of the lift overrun/rooftop plant).

Whilst no specific building height is envisaged in the Zone (or sought by a TNV), PO 3.1 seeks that buildings are medium-rise. It is noted that 'medium-rise' is not defined in the Planning and Design Code, however the building height is considered to be appropriate in the Zone.

The subject site does not adjoin a neighbourhood-type zone, and in any case the location of the building relative to dwellings in the nearby General Neighbourhood Zone would not be affected by any overshadowing or other impacts as a result of the proposed building height.

The building height of the proposed development is generally consistent with the adjoining Windsor Car Park facility and the surrounding multi storey buildings located within the Playford Civic Centre.

Accordingly, it is considered that the Building Height and Setbacks section of the Zone is satisfied.

### **7.1.4 Advertisement**

The proposed development comprises individual freeform letters to the ground entrance area that provides identification of the building which reads as 'Playford Innovation Hub'. This signage is static and not internally illuminated. Whilst the North, East and West Elevations highlight additional signage at upper floor levels, such signage will be the subject of future development applications.

It is considered that the signage is attractive in design and modest in size whilst still adequately identify the building and supports PO 5.1 of the Zone.

### **7.1.5 Vehicle Parking**

The application does not propose any car parking on the site, with the entirety of car parking being accommodated within the adjacent Windsor Car Park and the provision of vehicle parking areas that support the City Centre.

Therefore the relevant performance feature (PO 6.1) of the Vehicle Parking section of the Zone does not apply.



### **7.1.6 Concept Plans**

The proposal is not located within a zone which would restrict the amount of upward light emitted, however is located within the 'Controlled Light Installation Area', as the site is located within the Civil Aviation Safety Authority's 6km radius from a (defence) airfield.

There are no upward facing lights associated with the development, meaning the development will accord with the Controlled Light Installation Area criteria. Thus, it is considered that the Concept Plans section of the Zone is satisfied.

## **7.2 Overlay**

The following Overlays are relevant to the assessment of the proposed development.

### **7.2.1 Advertising Near Signalised Intersections Overlay**

This Overlay seeks the provision of a safe road environment by reducing driver distraction at key points of conflict on the road. Principally, it seeks that advertising near signalised intersections does not cause unreasonable distraction to road users through illumination, flashing lights, or moving or changing displays or messages.

The proposed advertisements for this development relate only to the building identification, which includes letter cut-outs of the building name: 'Playford Innovation Hub'. Building signage is applied directly to the recessed area adjacent the foyer/lobby entrance at ground level. This signage is static and not internally illuminated.

Accordingly, it is considered that the policies contained within this Overlay are satisfied.

### **7.2.2 Future Road Widening Overlay**

The development is located in a way that does not impact on future road widening requirements. Accordingly, it is considered that the policies contained within this Overlay are satisfied.

### **7.2.3 Hazards (Flooding – General) Overlay**

The finished floor level of the proposed built form will be raised 300mm above flood levels, whilst flood waters will be unrestricted as they flow through the adjacent reserve to the north.

### **7.2.4 Major Urban Transport Routes Overlay**

The proposal does not propose vehicle access to/from a State Maintained Road. Accordingly, it is considered that the policies contained within this Overlay are not applicable.

### **7.2.5 Regulated and Significant Tree Overlay**

The subject site is void of any vegetation, including regulated or significant trees. However, it is noted that a significant tree exists to the north of the site, and consideration as to the impact on the tree protection zone of this tree, given the location of the tree and the separation of the proposed building.

The tree, a *Eucalyptus camaldulensis* (River Red Gum) has a high retention rating, as noted in the accompanying Preliminary Tree Assessment prepared by Arborman Tree Services.

Council engaged the services of Tertiary Tree Consulting (TTC) to complete an Arboricultural Impact Assessment and Tree Protection Plan for the tree. TTC recommended that the tree be retained and protected and that protection measures as identified in the tree protection plan be adopted prior to the commencement of any siteworks to limit any impact to the tree.

TTC further emphasised that adherence to the implementation of the tree protection plan the proposed development will not constitute tree damaging activity and should proceed. A condition to any approval be included that requires the applicant to adhere to the preparation and submission of a tree protection plan.

Accordingly, it is considered that the policies contained within this Overlay are satisfied.

### **7.2.6 Traffic Generating Development Overlay**

The proposal does not propose vehicle access to/from a State Maintained Road, nor would it have an impact on the performance of State Maintained Roads in the vicinity given the existing road network on which vehicles will access the Windsor Car Park. Accordingly, it is considered that the policies contained within this Overlay are not applicable.

### **7.2.7 Defence Aviation Area Overlay (All Structures Over 15m)**

As highlighted within Attachment 14, at the request of Council, the applicant has undertaken early engagement with the Department of Defence whom have highlighted that the height of the proposal does not impede on their Obstacle Limitation Surfaces (OLS). Whilst formal authorisation of the Department of Defence will still be required (outside of the referral processes of the PDI Act), initial comments highlight that consideration will be primarily based on construction processes, proposed radio frequencies of any antenna and the impact of / requirement for any additional lighting. It is important to note that the 15m height provision is not a height limitation but rather a trigger for further consideration by the Department of Defence.

## **7.3 General Development Policies**

### **7.3.1 Advertisements**

The proposed signage which incorporates individual cut letters to identify the naming of the building 'Playford Innovation Hub' is considered appropriate in the context of communicating with the public and compatible with the design of the building. This supports DO1 of the Advertisements Module.

### **7.3.2 Design in Urban Areas**

The proposed building reinforces its corners through an articulated ground level which provides weather protection through a recessed entry to the foyer.

The building is situated with zero setbacks on the site, which sits harmoniously with the adjacent Windsor Car Park building to the immediate south, with its primary street elevation designed and detailed to convey its purpose as primarily an office building, with a clearly identified main access point which complements the emerging streetscape.



Passive surveillance is encouraged through active land uses at ground level, whilst the upper levels are also afforded passive surveillance through the extensive use of glazing which will further maximise opportunities for passive surveillance of the public realm which exists on three sides of the building.

The application does not incorporate any landscaping other than the pavement treatment at the building entry at the ground level, located entirely within the subject site. The paving is nominated as Urbanstone Engineered Paver in 'Fleece' colour and 600x400x40 in unit dimension.

It is understood that Council intend to create a sensory garden area immediately to the north of the site, and Pelligra are committed to collaborating with Council to refine the design of this and incorporate materiality at the ground level to create a seamless experience. Council and Pelligra will further be working collaboratively to improve the landscape amenity to the eastern boundary of the site, again ensuring this ties into the sensory garden and subject development.

Whilst the details of the sensory garden and other works by Council are still to be worked through in further detail at this stage, the use of the proposed concrete paving units at the entry to the building will allow for removal and integration at a future date where necessary.

An end-of-trip facility at the ground level of the building promotes active transport to the site, and visitors have the opportunity to access bicycle storage facilities within the public realm adjacent to the development.

### **Waste**

The waste storage area is located at ground level, towards the southern end of the western elevation. The configuration of this storage area will accommodate all streams of recycling – general waste, comingled recycling, organics recycling, and cardboard recycling.

Transfer paths utilise the lifts for upper level tenants, whilst the ground floor tenants will access the waste room directly from the foyer corridor.

Waste collection for the development will occur in an indented bay directly in front of the site, which minimises the risk of pedestrian-vehicle clashes through the omission of a crossover (and on-site waste collection). This indented bay will be signposted and line marked to prevent vehicles parking within this space.

All waste collection will be undertaken by a private waste contractor, and will occur typically outside of office hours.

### **Stormwater**

FMG Engineering has been engaged by the applicant to undertake an assessment of the stormwater management of the site and to prepare a Stormwater Management Plan (SMP)

This SMP report has assessed the subject site proposed drainage to determine the necessary stormwater infrastructure to meet Council requirements. A 5.5m<sup>3</sup> detention tank is proposed to be installed on site to ensure post development peak discharge during the major/minor storm event does not exceed the pre-development peak flow rate during minor event.

The proposed system (pumped outlet) within the proposed development will govern peak discharge flow rates from the site to 24L/s for both minor and major storms.

Finished Floor Levels have been determined to be 300mm above the flood level for building areas to ensure minimum boundary levels, site grading and vehicle access is maintained. Finished floor level may be adjusted during detailed design, however must maintain a minimum 150mm freeboard from the maximum 1% AEP ponding level within the site and min 300mm freeboard from the 1%AEP Flood level.

In conclusion this SMP demonstrates that the site can be developed as proposed without compromising downstream property or drainage networks, and Council's requirements for stormwater management may be achieved.

It is considered that the items mentioned above support the performance outcomes and features of the Design in Urban Areas Module.

### **7.3.3 Interface between Land Uses**

The proposed development is located within an activity centre that supports a broad spectrum of regional level, business, shopping and entertainment facilities that are anticipated to cater for large crowds and events over extended hours.

It is considered that the provision of a shop, office and childcare centre within a multi storey building supports and reinforces the importance of the City Centre to provide a comprehensive range of goods and services for the wider region and as focal point of social activity.

The applicant is seek that all land uses have consistent operating hours being 6am to 7pm, 7 days per week. It is noted that these are operating hours, and that staff may occupy the building outside of these hours.

As the development is located is considered to contribute to the City Centre it is considered that the proposed hours of operation can be supported and reflects the extended after hour operation of this activity centre and will not adversely impact on the amenity of any sensitive receivers located within adjoining zones. It is considered the hours of operation supports PO 2.1 of the Interface between Land Uses Module.

### **7.3.4 Site Contamination**

The applicant has engaged FMG Engineering (FMG) to undertake an investigation of the environmental history of the subject site and to complete a Preliminary Site Investigations report.

The site comprises an area of approximately 1,035 m<sup>2</sup> and currently consists of a fenced compound containing a disused car park. The Client intends to redevelop the site for an eight level, office, shop and rooftop childcare asset, thus triggering a change in the land use sensitivity hierarchy from a Class 3 to Class 1.

The PSI is required to assess whether there are potential unacceptable risks to the future users of the site, following the proposed redevelopment due to historical land use.

The analytical results of the PSI indicate that there is no evidence of contamination within the soil profile tested that would present an unacceptable risk to human health and/or the environment under a residential, open space or commercial

development. This supports PO 1.1 and DTS/DPF 1.1 of the Site Contamination Module.

### **7.3.5 Transport, Access and Parking**

#### ***Vehicle Access***

The application does not propose any car parking within the site due to the agreement entered into with Council regarding use of the Windsor Car Park referenced within attachment 5. Waste collection would occur via the proposed loading bay to the front of the site. The application does not propose any new vehicular access (driveway/access points) or crossovers.

#### ***Car Parking***

Table 1 – General Off-Street Car Parking Requirements of the Transport, Access and Parking section of the General Development Policies module provides guidance to car parking rates associated with various classes of development. The site is however located within a Designated Area for the purposes of Table 2 – General Off-Street Car Parking Requirements in Designated Areas.

Within Table 1, shops should provide 0.4 spaces per seat, offices should provide 4 spaces per 100m<sup>2</sup> of gross leasable floor area, and child care centre should provide 0.25 spaces per child. The following applies:

Shop (café) – 67 sqm floor area	(13 spaces)
Office – 4603 sqm floor area	(184 spaces)
Child care – 130 children	(32.5 spaces)

Table 2 highlights however a blanket non-residential (excluding tourist accommodation) minimum and maximum vehicle parking space demand as follows:

Minimum Vehicle Space – 3 spaces per 100m<sup>2</sup> of gross leasable floor area  
Maximum Vehicle Space - 5 spaces per 100m<sup>2</sup> of gross leasable floor area

At a total gross leasable floor area of approximately 6,135m<sup>2</sup> the resultant minimum theoretical parking requirement is 184 vehicle spaces.

The proposed development will utilise car parking spaces within the Council-owned Windsor Car Park. An agreement between Pelligra and the City of Playford exists, whereby a clause within the contract for sale of the land will bind Council to provide car parking spaces to the benefit of Pelligra for this development. The letter for support which outlines this arrangement is provided in Attachment 13.

The Windsor Car Park contains a total of 362 spaces, with 51 of these spaces assigned to the City of Playford and the proposed hotel development adjacent, which results in a remaining 311 spaces. The availability of spaces is considered sufficient to accommodate the minimum hypothetical requirement as outlined by the Planning and Design Code.

### **7.4 Concept Plans / TNVs**

The proposed development is not contrary to Concept Plan 81 Edinburgh Defence Airfield Lighting Constraints.

Concept Plan 81 relates to lighting constraints for the Edinburgh Defence Airfield. The subject land is located outside of the 'controlled light installation area' as it is in excess of 6km from the runway. The concept plan therefore has no bearing on the current application.

## 8. Conclusion

The proposal is an appropriate development within the Urban Activity Centre Zone, the Overlays which apply to the site, and of the various sections of the General Development Policies of the Planning and Design Code.

In summary:

- The proposed land uses are consistent with those expected within the Zone;
- The proposal accords with the TNV applicable to the subject site;
- The architectural design is of high-quality and will complement the Playford Civic Centre and the Elizabeth Regional Shopping Centre;
- The materiality of the built form is contextual, durable, and low maintenance;
- The context of the locality is incorporated into the design, including colours, materiality, and architectural style, which respects the existing character of the locality; and
- The provision of car parking accommodated within the adjoining Windsor Car Park which meets Parking policy of the Code.

For the reasons listed in the summary above and the assessment against policy contained in this Planning Statement, it is considered that the proposal displays sufficient merit and that Planning Consent be granted

## 9. Recommendation

### STAFF RECOMMENDATION

It is therefore recommended that the Council Assessment Panel resolves to:

- A. DETERMINE that the proposed development is not seriously at variance with the provisions of the Planning and Design Code
- B. GRANTS Planning Consent to the application by City Collective c/- Pelligra for the Construction of an eight-storey mixed-use development comprising offices, a shop, and a child care facility in addition to associated site works, alterations to a roadway and tree damaging activity at 2 Phillip Highway, Elizabeth, as detailed in Development Application ID. 23012195 subject to the following conditions:

#### Reserved matter

The following matter has been reserved pursuant to section 102(3) of the Planning, Development & Infrastructure Act 2016. Prior to the issue of Development Approval and to the reasonable satisfaction of the Assessment Manager/Council, the Applicant shall provide:

- The provision of an updated civil siteworks and drainage plan that resolves the outstanding technical matters from Council's Request for Further Information Letter dated 25 May 2023, to the reasonable satisfaction of Council.

#### Conditions of Planning Consent

1. The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in this Application.
2. The premises must be kept tidy and all buildings, fences, landscaping and paved or sealed surfaces must be maintained in good condition at all times.
3. All stormwater resulting from the subject development shall be managed in an orderly manner and in accordance with the approved plans and documentation so that it does not flow or discharge onto land of adjoining owners or, in the opinion of Council, detrimentally affect structures on this site or any adjoining land.
4. All tree protection measures must be in place as described in the tree protection plan as per the Arboricultural Impact Assessment and Tree Protection Plan prepared by Tertiary Tree Consulting Pty Ltd (dated 30 May 2023) prior to the commencement of any site work. The Project Arborist must certify the tree protection measures are correctly installed prior to commencement of any site work and submit a completed Tree Protection Plan document to the council.
5. The hours of operation herein approved are as follows:  
**6am until 7pm**  
**Seven (7) days a week**  
Any variation to these hours of operation will require a further consent.
6. The placement and storage of bins for the collection of waste outside of the subject building must be undertaken by a nominated waste contractor only. All bins shall be returned to nominated waste storage areas internally within the building outside of this collection  
The hours for waste collection vehicles to service the subject site must be restricted to outside of the hours of 8am to 5pm Monday to Friday



**PLAYFORD INNOVATION HUB  
2 PHILLIP HIGHWAY, ELIZABETH**  
TRAFFIC AND PARKING REPORT







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## DOCUMENT CONTROL

Report title: Playford Innovation Hub, Elizabeth  
Traffic and Parking report

Project number: 22555

Client: Pelligra

Client contact: Blake Soroka

Version	Date	Details/status	Prepared by	Approved by
Draft	19 Dec 22	For review	BNW	BNW
V1.0	2 Mar 23	For submission	BNW	BNW
V2.0	3 Nov 23	Revised proposal	BNW	BNW

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## 1. INTRODUCTION

CIRQA has been engaged to provide design and assessment advice for the proposed Playford Innovation Hub (mixed use development) a Lot 8, 2 Philip Highway, Elizabeth. Specifically, CIRQA has been engaged to provide advice in respect to traffic and parking aspects of the proposal.

This report provides a review of the subject site, the proposed development, its access and parking provisions and the associated traffic impact on the adjacent road network. The traffic and parking assessments have been based upon plans prepared by City Collective (drawing no. A0101 to A0106).

## 2. BACKGROUND

The subject site is located within the Playford (Northern) CBD project area. The CBD project comprises the redevelopment and revitalisation of land adjacent the Elizabeth Shopping Centre. The CBD is proposed to provide a high density, multi-storey, mixed use centre including business, cultural and community service uses.

The subject site is bound by the Windsor (multi-deck) car park to the south, Main North Road to the east, public reserve to the north and Prince Charles Street to the west.

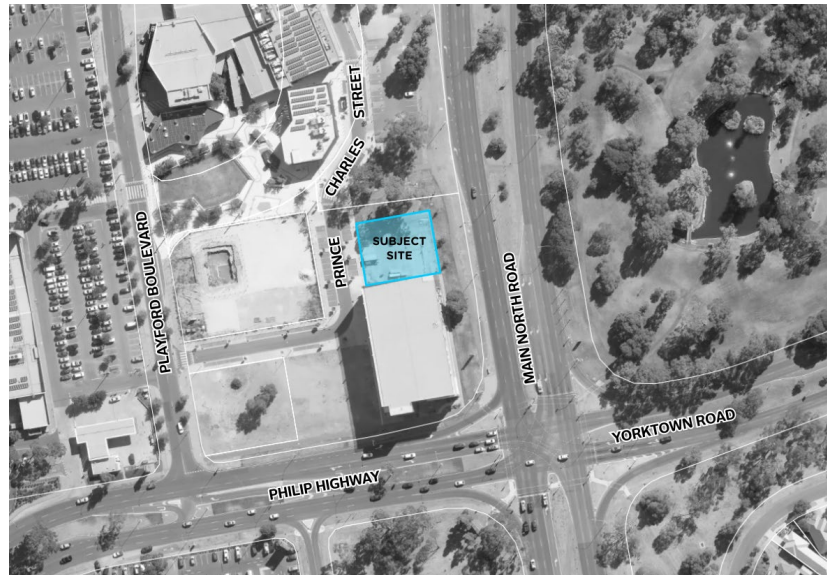
The Planning and Design Code identifies that the site is located within an Urban Activity Centre Zone, with the following overlays applicable:

- Advertising Near Signalised Intersections;
- Building Near Airfields;
- Defence Aviation Area (All structures over 15 metres);
- Future Road Widening;
- Hazards (Flooding - General);
- Major Urban Transport Routes;
- Prescribed Wells Area;
- Regulated and Significant Tree; and
- Traffic Generating Development.

The subject site is currently vacant (albeit has previously utilised as a construction compound). Vehicle access is provided via Prince Charles Street, at which all turning movements are permitted.



Figure 1 illustrates the location of the subject site with respect to the adjacent road network.



*Figure 1 – Location of the subject site with respect to the adjacent road network*

## 2.1 ADJACENT ROAD NETWORK

Prince Charles Street is under the care and control of the City of Playford. It is understood that the road is not currently a formalised public road, however, will ultimately be converted to road reserve as part of the overall CBD development. The road generally comprises a two-way carriageway with a single lane in each direction, albeit indented angled and parallel parking is provided in select locations along its length. The general urban speed limit of 50 km/h applies on Prince Charles Street.

Prince Charles Street is accessed at its northern end via a left-in/left-out intersection with Main North Road. At its southern end, Prince Charles Street terminates at a T-intersection with Playford Boulevard.

Playford Boulevard is under the care and control of the City of Playford. Traffic data obtained from DIT indicates that Playford Boulevard has an AADT volume in the order of 4,700 vpd. On this basis, Playford Boulevard is considered to function as a 'collector road'. Playford Boulevard comprises a 9.0 m wide carriageway (approximate) accommodating a single traffic lane in each direction. A 50 km/h speed limit applies on Playford Boulevard.



Main North Road is a primary arterial road under the care and control of the Department for Infrastructure and Transport. Adjacent the site, Main North Road comprises three traffic lanes in each direction, separated by a 16 m wide median. Parking is not permitted on Main North Road. Traffic data obtained from DIT indicates that this section of Main North Road has an Annual Average Daily Traffic (AADT) volume in the order of 52,000 vehicles per day (vpd). Adjacent the site, a 80 km/h speed limit applies on Main North Road.

Philip Highway is an arterial road under the care and control of DIT. In the vicinity of the site, Philip Highway comprises three traffic lanes in each travel direction plus additional turn lanes at its intersections with Playford Boulevard and Main North Road. DIT data indicates that Philip Highway accommodates 22,100 vehicles per day. To the south-east of the subject site, Philip Highway intersects with Main North Road (and Yorktown Road) at a four-way signalised intersection.

## **2.2 WALKING AND CYCLING**

The site is well serviced by footpaths including paths located within the verge/reserve adjacent Main North Road (east of the site) and paths on both sides of Prince Charles Street with connections to paths on other surrounding roads. The Main North Road path is also serviced by a Pedestrian Actuated Crossing on Main North Road. Wombat Crossings are also provided on Prince Charles Street to the north of the subject site. Cyclists are also able to utilise the paths (no formal on-road bicycle facilities are provided in the immediate vicinity of the site).

## **2.3 PUBLIC TRANSPORT**

Regular public (bus) transport services operate in close proximity to the site. Bus stops are provided on a number of roads within 400 m of the subject site and serviced by the following services:

- J1 – Elizabeth Interchange to Adelaide Airport & Glenelg;
- 224/224F/224X – Elizabeth Interchange to City;
- 400 – Elizabeth Interchange to Salisbury North;
- 430 – Elizabeth Interchange to Salisbury Interchange;
- 440 – Munno Para Station to Elizabeth Interchange;
- 441 – Smithfield Interchange to Elizabeth Interchange;
- 442 – Smithfield Interchange to Elizabeth Interchange;
- 443 – Elizabeth Interchange to Munno Para Loop Service;
- 451 – Munno Para Centre Interchange to Elizabeth Interchange;



- 452 – Munno Para Centre Interchange to Elizabeth Interchange;
- 482 – Elizabeth Interchange to Roma Mitchell Secondary College;
- 483 – Elizabeth Interchange to Our Lady of Sacred Heart College;
- 560 – Elizabeth Interchange to Tea Tree Plaza Interchange; and
- N224 – After Midnight Saturday PM – Sunday AM Gawler to City.

In addition, the Elizabeth (bus and rail) interchange is located approximately 700 m west of the site. The station would be within approximately 10 minutes (or less) from the proposed development and be a viable option for access (particularly for staff).

### **3. PROPOSED DEVELOPMENT**

The proposed development comprises the construction of a mixed use building (Innovation Hub) on the subject site. Specifically, the proposal comprises:

- 67 m<sup>2</sup> of café floor area; and
- 6,278 m<sup>2</sup> of office floor area.

No car parking will be provided within the subject site. As per the commercial agreement with Council, the site will primarily be serviced by the adjacent Windsor Car Park (as well as surrounding on-street and off-street public parking areas).

#### **3.1 SERVICING AND DELIVERIES**

Given no vehicle access will be provided for the subject site, servicing and deliveries for the site will be undertaken via an on-street, parallel loading bay to be created on Prince Charles Street adjacent the site. The zone can be restricted to loading zone when required to accommodate service and delivery movements associated with the site (and available for parking at other times if desired by Council). Figure 2 illustrates the proposed on-street loading bay.



Figure 2 - Proposed on-street loading zone for the proposal

#### 4. PARKING ASSESSMENT

#### 4.1 CAR PARKING

The Planning and Design Code identifies the following rates relevant to the uses proposed within the Innovation Hub:

- **café (shop)** – 0.4 spaces per seat; and
- **office** – 4.0 spaces per 100 m<sup>2</sup> of gross leasable floor area.

On the basis of the above rates, the proposal would have the following parking requirements to meet the DTS/DPF criteria of the Planning and Design Code:

- **café (shop)** – 13 spaces (assuming 32 seats based on one seat per 2.1 m<sup>2</sup> of GLFA); and
- **office** – 252 spaces.

There is therefore a total requirement for 265 spaces to meet the DTS/DPF criteria.





In reality, given the mixed use nature of the site and proximity to walking, cycling and public transport facilities, the overall peak demands associated with the facility will be lower (for example, office staff who patronise the café).

The adjacent Windsor Car Park contains a total of 362 spaces. It is understood that 50 spaces are currently assigned to the City of Playford and the proposed hotel within the surrounding precinct (leaving 312 remaining spaces).

The total requirement identified above would be able to be accommodated within the available spaces in the Windsor Car Park (with additional capacity for other uses of the broader area).

#### 4.2 BICYCLE PARKING

The Planning and Design Code does not identify bicycle parking rates applicable to the subject site. However, the proposal will provide include an end-of-trip facility with bicycle parking and showers/change areas.

### 5. TRAFFIC ASSESSMENT

The RTA's *"Guide to Traffic Generating Developments"* (the RTA Guide), and its subsequent updates, are documents commonly used by traffic engineers in order to determine the forecast traffic generation of a variety of land uses. The following rates for the RTA Guide and its update have been adopted:

- **café (shop)** – 5 peak hour trips per 100 m<sup>2</sup>; and
- **office** – 1.6 am peak hour trips per 100 m<sup>2</sup> and 1.2 pm peak hour trips per 100 m<sup>2</sup>.

Based on the above, the following levels of traffic generation have been forecast for the proposed uses (based on typical generation rates):

- **café (shop)** – 6 peak hour trips; and
- **office** – 100 am and 75 pm peak hour trips.

On the basis of the above, it is forecast that there could be in the order of 106 am peak hour and 81 pm peak hour trips.

It is forecast that 60% of the movements to/from the site will be undertaken via the southern end of Playford Boulevard (i.e. its intersection with Philip Highway) and 40% will be distributed to/from the north via Prince Charles Street/Main North Road intersection or Frobisher Road/Elizabeth Way intersections.

The greatest impact of the proposal is therefore anticipated to be at the intersection of Playford Boulevard and Philip Highway. Further assessment has



therefore been prepared in respect to the impact of the proposal on traffic conditions at this intersection, based on the following assumptions:

- 65% of movements in the am peak hour are inbound and 35% are outbound and vice versa in the pm peak hour;
- 65% of movements at the intersection are distributed to/from the east (i.e. to/from Main North Road or Yorktown Road);
- 35% of movements at the intersection are distributed to/from the west (i.e. Philip Highway).

Based on the above forecasts and assumptions, an assessment of existing and future conditions at the intersection has been prepared using SIDRA intersection analysis software. The existing "base case" scenario has been based on data recorded at the intersection by DIT. The detailed SIDRA output is provided in Appendix A.

The SIDRA analysis indicates that the additional movements at the intersection will have a low level of impact on its conditions. The modelling indicates no change in existing Levels of Service for any movement at the intersection during both the am and pm peak period. The modelling indicates negligible impact on through bound movements on Philip Highway (Level of Service 'A' for through bound movements). It is noted that a Level of Service of 'F' is reported for the right-out from Playford Boulevard during the pm peak hour. However, this is also the existing LOS for this movement during the pm period and primarily related to average delays (the Degree of Saturation for this movement is well below capacity at 0.503 and 95<sup>th</sup> percentile queues are only two vehicles).

Overall, the analysis indicates that the proposal will have minimal impact on conditions at the intersection and, by extension, the broader road network.

In addition to the above, it is noted that the City of Playford previously engaged BE Engineering Solutions (BEES) to prepare an assessment of future traffic conditions associated with the overall Playford (Northern) CBD development. The BEES assessment included consideration of the subject development as well as other developments in the subject area. The BEES assessment identified that, by 2036, it would be desirable that the intersection of Playford Boulevard/Philip Highway be upgraded. As indicated by the above analysis, the proposal development alone would not generate the need for upgrade of the intersection. However, it is anticipated that Council will need to monitor conditions in the future as general road network volume grow and the overall Playford CBD development is completed.



## 6. SUMMARY

The proposal comprises the construction of a mixed use development on the subject site including café and office uses.

Parking for the site will be accommodated within the adjacent Windsor Car Park. It is considered that there is sufficient capacity within the car park to accommodate the demands associated with the proposal, whilst allowing additional capacity assigned to other uses in the Playford CBD area.

Servicing and delivery movements are proposed to be accommodated on-street via a new indented, parallel loading bay. Such an arrangement has been discussed with Council and it is understood that the approach is supported.

The proposal is forecast to generate in the order of 106 am and 81 pm peak hour trips. These movements will be distributed via various access routes associated with the site. The greatest impact of the additional movements will be experienced at the intersection of Playford Boulevard and Philip Highway. SIDRA analysis has been prepared for the intersection to review the impact of the proposal on its operation. The SIDRA analysis indicates that the additional movements associated with the development would be adequately accommodated at the intersection and retain existing Levels of Service for all movements.



## **APPENDIX A**

### **SIDRA OUTPUT RESULTS**

## MOVEMENT SUMMARY

▼ Site: 101 [PM Future (Site Folder: General)]

Output produced by SIDRA INTERSECTION Version: 9.1.2.202

New Site

Site Category: (None)

Give-Way (Two-Way)

Vehicle Movement Performance															
Mov ID	Turn	Mov Class	Demand Flows		Arrival Flows		Deg. Satn	Aver. Delay	Level of Service	95% Back Of Queue		Prop. Que	Eff. Stop Rate	Aver. No. of Cycles	Aver. Speed
			[ Total HV ]		[ Total HV ]					[ Veh. veh ]	[ Dist ] m				km/h
			veh/h	%	veh/h	%	v/c	sec							
South: Dummy Movement (Second Stage RT)															
1	L2	All MCs	36	0.0	36	0.0	0.033	3.2	LOS A	0.1	0.9	0.30	0.51	0.30	50.7
Approach			36	0.0	36	0.0	0.033	3.2	LOS A	0.1	0.9	0.30	0.51	0.30	50.7
East: Philip Hwy [E]															
5	T1	All MCs	688	0.9	688	0.9	0.119	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	59.9
6	R2	All MCs	94	4.5	94	4.5	0.508	30.6	LOS D	1.6	11.6	0.89	1.03	1.20	39.1
Approach			782	1.3	782	1.3	0.508	3.7	NA	1.6	11.6	0.11	0.12	0.14	56.3
North: Playford Bvd [N]															
7	L2	All MCs	199	4.2	199	4.2	0.223	7.8	LOS A	1.0	6.9	0.47	0.68	0.47	51.1
9	R2	All MCs	36	0.0	36	0.0	0.503	73.7	LOS F	1.7	11.7	0.95	1.04	1.23	26.8
Approach			235	3.6	235	3.6	0.503	17.8	LOS C	1.7	11.7	0.54	0.73	0.59	44.9
West: Philip Hwy [W]															
10	L2	All MCs	57	16.7	57	16.7	0.235	5.8	LOS A	0.0	0.0	0.00	0.07	0.00	56.1
11	T1	All MCs	1305	0.6	1305	0.6	0.235	0.1	LOS A	0.0	0.0	0.00	0.02	0.00	59.7
Approach			1362	1.2	1362	1.2	0.235	0.3	NA	0.0	0.0	0.00	0.02	0.00	59.5
All Vehicles			2415	1.5	2415	1.5	0.508	3.1	NA	1.7	11.7	0.09	0.13	0.11	56.6

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Parameter Settings dialog (Options tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA (TWSC): Level of Service is not defined for major road approaches or the intersection as a whole for Two-Way Sign Control (HCM LOS rule).

Two-Way Sign Control Capacity Model: SIDRA Standard.

Delay Model: SIDRA Standard (Control Delay: Geometric Delay is included).

Queue Model: SIDRA queue estimation methods are used for Back of Queue and Queue at Start of Gap.

Gap-Acceptance Capacity Formula: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Arrival Flows used in performance calculations are adjusted to include any Initial Queued Demand and Upstream Capacity Constraint effects.

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SIDRA.sip9

## MOVEMENT SUMMARY

▼ Site: 101 [AM Existing (Site Folder: General)]

Output produced by SIDRA INTERSECTION Version: 9.1.2.202

New Site

Site Category: (None)

Give-Way (Two-Way)

Vehicle Movement Performance															
Mov ID	Turn	Mov Class	Demand Flows		Arrival Flows		Deg. Satn	Aver. Delay	Level of Service	95% Back Of Queue		Prop. Que	Eff. Stop Rate	Aver. No. of Cycles	Aver. Speed
			[ Total HV ]	%	[ Total HV ]	%	v/c	sec		[ Veh. veh	Dist ] m				km/h
South: Dummy Movement (Second Stage RT)															
1	L2	All MCs	26	0.0	26	0.0	0.027	3.7	LOS A	0.1	0.7	0.38	0.54	0.38	50.0
Approach			26	0.0	26	0.0	0.027	3.7	LOS A	0.1	0.7	0.38	0.54	0.38	50.0
East: Philip Hwy [E]															
5	T1	All MCs	1011	2.3	1011	2.3	0.176	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	59.9
6	R2	All MCs	212	1.5	212	1.5	0.437	13.2	LOS B	1.8	13.0	0.66	0.91	0.88	47.9
Approach			1222	2.2	1222	2.2	0.437	2.3	NA	1.8	13.0	0.11	0.16	0.15	57.4
North: Playford Bvd [N]															
7	L2	All MCs	44	14.3	44	14.3	0.040	6.2	LOS A	0.2	1.2	0.22	0.54	0.22	51.6
9	R2	All MCs	26	0.0	26	0.0	0.123	20.3	LOS C	0.4	2.8	0.75	0.89	0.75	43.9
Approach			71	9.0	71	9.0	0.123	11.5	LOS B	0.4	2.8	0.42	0.67	0.42	48.4
West: Philip Hwy [W]															
10	L2	All MCs	105	6.0	105	6.0	0.123	5.6	LOS A	0.0	0.0	0.00	0.28	0.00	55.0
11	T1	All MCs	584	4.7	584	4.7	0.123	0.0	LOS A	0.0	0.0	0.00	0.06	0.00	59.4
Approach			689	4.9	689	4.9	0.123	0.9	NA	0.0	0.0	0.00	0.09	0.00	58.7
All Vehicles			2008	3.3	2008	3.3	0.437	2.2	NA	1.8	13.0	0.09	0.16	0.11	57.4

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Parameter Settings dialog (Options tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA (TWSC): Level of Service is not defined for major road approaches or the intersection as a whole for Two-Way Sign Control (HCM LOS rule).

Two-Way Sign Control Capacity Model: SIDRA Standard.

Delay Model: SIDRA Standard (Control Delay: Geometric Delay is included).

Queue Model: SIDRA queue estimation methods are used for Back of Queue and Queue at Start of Gap.

Gap-Acceptance Capacity Formula: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Arrival Flows used in performance calculations are adjusted to include any Initial Queued Demand and Upstream Capacity Constraint effects.

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## MOVEMENT SUMMARY

▼ Site: 101 [PM Existing (Site Folder: General)]

Output produced by SIDRA INTERSECTION Version: 9.1.2.202

New Site

Site Category: (None)

Give-Way (Two-Way)

Vehicle Movement Performance															
Mov ID	Turn	Mov Class	Demand Flows		Arrival Flows		Deg. Satn	Aver. Delay	Level of Service	95% Back Of Queue		Prop. Que	Eff. Stop Rate	Aver. No. of Cycles	Aver. Speed
			[ Total HV ]	%	[ Total HV ]	%	v/c	sec		[ Veh. veh	Dist ] m				km/h
South: Dummy Movement (Second Stage RT)															
1	L2	All MCs	29	0.0	29	0.0	0.027	3.1	LOS A	0.1	0.7	0.30	0.50	0.30	50.7
Approach			29	0.0	29	0.0	0.027	3.1	LOS A	0.1	0.7	0.30	0.50	0.30	50.7
East: Philip Hwy [E]															
5	T1	All MCs	688	0.9	688	0.9	0.119	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	59.9
6	R2	All MCs	72	5.9	72	5.9	0.393	28.4	LOS D	1.1	8.2	0.87	0.99	1.06	40.0
Approach			760	1.4	760	1.4	0.393	2.7	NA	1.1	8.2	0.08	0.09	0.10	57.2
North: Playford Bvd [N]															
7	L2	All MCs	187	4.5	187	4.5	0.213	7.8	LOS A	0.9	6.5	0.47	0.68	0.47	51.1
9	R2	All MCs	29	0.0	29	0.0	0.391	63.3	LOS F	1.2	8.7	0.94	1.01	1.12	29.0
Approach			217	3.9	217	3.9	0.391	15.4	LOS C	1.2	8.7	0.54	0.72	0.56	46.3
West: Philip Hwy [W]															
10	L2	All MCs	45	20.9	45	20.9	0.233	5.8	LOS A	0.0	0.0	0.00	0.06	0.00	56.0
11	T1	All MCs	1305	0.6	1305	0.6	0.233	0.1	LOS A	0.0	0.0	0.00	0.02	0.00	59.7
Approach			1351	1.2	1351	1.2	0.233	0.3	NA	0.0	0.0	0.00	0.02	0.00	59.6
All Vehicles			2357	1.5	2357	1.5	0.393	2.5	NA	1.2	8.7	0.08	0.11	0.09	57.2

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Parameter Settings dialog (Options tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA (TWSC): Level of Service is not defined for major road approaches or the intersection as a whole for Two-Way Sign Control (HCM LOS rule).

Two-Way Sign Control Capacity Model: SIDRA Standard.

Delay Model: SIDRA Standard (Control Delay: Geometric Delay is included).

Queue Model: SIDRA queue estimation methods are used for Back of Queue and Queue at Start of Gap.

Gap-Acceptance Capacity Formula: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Arrival Flows used in performance calculations are adjusted to include any Initial Queued Demand and Upstream Capacity Constraint effects.

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## MOVEMENT SUMMARY

▼ Site: 101 [AM Future (Site Folder: General)]

Output produced by SIDRA INTERSECTION Version: 9.1.2.202

New Site

Site Category: (None)

Give-Way (Two-Way)

Vehicle Movement Performance															
Mov ID	Turn	Mov Class	Demand Flows		Arrival Flows		Deg. Satn	Aver. Delay	Level of Service	95% Back Of Queue		Prop. Que	Eff. Stop Rate	Aver. No. of Cycles	Aver. Speed
			[ Total HV ]	%	[ Total HV ]	%	v/c	sec		[ Veh. veh	Dist ] m				km/h
South: Dummy Movement (Second Stage RT)															
1	L2	All MCs	35	0.0	35	0.0	0.035	3.7	LOS A	0.1	1.0	0.38	0.54	0.38	50.0
Approach			35	0.0	35	0.0	0.035	3.7	LOS A	0.1	1.0	0.38	0.54	0.38	50.0
East: Philip Hwy [E]															
5	T1	All MCs	1011	2.3	1011	2.3	0.176	0.0	LOS A	0.0	0.0	0.00	0.00	0.00	59.9
6	R2	All MCs	240	1.3	240	1.3	0.504	14.1	LOS B	2.3	16.4	0.70	0.95	0.99	47.4
Approach			1251	2.1	1251	2.1	0.504	2.8	NA	2.3	16.4	0.13	0.18	0.19	57.0
North: Playford Bvd [N]															
7	L2	All MCs	59	10.7	59	10.7	0.052	6.1	LOS A	0.2	1.6	0.21	0.55	0.21	51.8
9	R2	All MCs	35	0.0	35	0.0	0.171	21.7	LOS C	0.6	3.9	0.77	0.90	0.77	43.2
Approach			94	6.7	94	6.7	0.171	11.9	LOS B	0.6	3.9	0.42	0.68	0.42	48.2
West: Philip Hwy [W]															
10	L2	All MCs	120	5.3	120	5.3	0.125	5.6	LOS A	0.0	0.0	0.00	0.31	0.00	54.7
11	T1	All MCs	584	4.7	584	4.7	0.125	0.0	LOS A	0.0	0.0	0.00	0.06	0.00	59.4
Approach			704	4.8	704	4.8	0.125	1.0	NA	0.0	0.0	0.00	0.10	0.00	58.6
All Vehicles			2083	3.2	2083	3.2	0.504	2.6	NA	2.3	16.4	0.11	0.18	0.14	57.0

Site Level of Service (LOS) Method: Delay (SIDRA). Site LOS Method is specified in the Parameter Settings dialog (Options tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA (TWSC): Level of Service is not defined for major road approaches or the intersection as a whole for Two-Way Sign Control (HCM LOS rule).

Two-Way Sign Control Capacity Model: SIDRA Standard.

Delay Model: SIDRA Standard (Control Delay: Geometric Delay is included).

Queue Model: SIDRA queue estimation methods are used for Back of Queue and Queue at Start of Gap.

Gap-Acceptance Capacity Formula: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Arrival Flows used in performance calculations are adjusted to include any Initial Queued Demand and Upstream Capacity Constraint effects.

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SIDRA.sip9

## 6.2 VARIATION TO CONDITION OF DA 21022282 TO EXTEND HOURS OF OPERATION – TO ENABLE THE CONTROL ROOM AND FUEL PUMPING ACTIVITIES TO OPERATE 24 HOURS PER DAY 7 DAYS A WEEK

### Snapshot

<b>Author:</b>	David Storey and Danni Biar
<b>Assessing Officer</b>	Danni Biar
<b>Proposal:</b>	Variation to condition of DA 21022282 to extend hours of operation – to enable the control room and fuel pumping activities to operate 24 hours per day 7 days a week
<b>Development Number:</b>	23009266
<b>Date of Lodgement:</b>	28 April 2023
<b>Owner:</b>	Eyre Convenience Pty Ltd
<b>Applicant:</b>	Mark Kwiatkowski c/o Eyre Convenience Pty Ltd
<b>Location:</b>	Lot 2001 (No. 80) Petherton Road, Davoren Park
<b>Zone:</b>	Master Planned Neighbourhood Zone
<b>Classification:</b>	No Assessment Pathway (All Other Code Assessed)
<b>Public Notification Category:</b>	Public Notification not required
<b>Request for Additional Information Made?</b>	Yes
<b>Recommendation:</b>	To Refuse Planning Consent

### Attachments:

- 1 [1](#). Application Documents
- 2 [2](#). Planning Report and Response to RFI
- 3 [3](#). Resonate Peer Review of Sonus Report
- 4 [4](#). Applicant's Additional Information - Email Correspondence
- 5 [5](#). Applicant's Additional Information
- 6 [6](#). Additional Sonus Report
- 7 [7](#). CAP Report - 20 Dec 2021
- 8 [8](#). CAP Report - Jan 2022
- 9 [9](#). Original Sonus Report - 21022282

## 1. Background

The Council Assessment Panel (CAP) at its meeting of 25 January 2022 resolved to grant planning consent for a retail fuel outlet with associated advertising and fencing subject to a number of conditions at Lot 2001 (No. 80) Petherton Road, Davoren Park (DA 21022282). In preparation for the CAP meeting, Council staff undertook an assessment of the proposed development and resolved to recommend that planning consent be granted.

In making its assessment staff considered a number of key issues and elements of the development to determine its appropriateness in the location and its potential to impact

on adjoining properties and the residences in the locality. This includes examining the traffic and noise impacts as outlined in traffic impact and acoustic reports prepared by independent consultant on behalf of the applicant.

The proposal was granted approval based on the treatments in the traffic and acoustic reports being incorporated but the hours of operation were limited to the following periods (as per Condition 3 of the approval):

- Fuel court and convenience shop 5:00am to 12:00am
- Drive through facility 7:00am to 12:00am
- Dog wash, car wash and vacuum bay 7:00am to 10:00pm.

A variation to DA 21022282 to amend Condition 3 affecting the hours of operation was lodged on 28 April 2023 seeking to increase the opening hours of the control room (shop front) and fuel pumping activities only, to 24 hours, 7 days per week operation.

Council staff considered the variation request and resolved that the variation was not minor and would be assessed as a variation to the original application.

In its determination of the classification of the variation, Council staff sought legal advice from Norman Waterhouse.

The legal advice opined that the application to vary hours of operation is not “development” and does not represent a “change of use of land” or “building work” listed in Section 3(1) for the purposes of the *Planning Development and Infrastructure Act 2016* (PDI Act).

Despite the abovementioned, the advice concluded that a development application is still required as there is a proposal to vary a condition on an operative development authorisation and a planning assessment is needed in relation to that proposed variation.

The application was to be presented to the Council Assessment Panel on 21 September 2023 however the Applicant requested the proposal be withdrawn from the Agenda to allow sufficient time for their Acoustic Engineer to review and respond to the Peer Review requested by Council Administration which was undertaken ahead of the September CAP meeting.

## **2. Proposal**

The proposal seeks to vary the operating hours of the control room and fuel pumping activities from 5am to 12am seven days per week to a 24 hour operation, seven days per week.

The proposal does not seek to alter the approved hours of operation for the car wash, vacuum facility and dog wash and these components will remain as 7am to 10pm, seven days a week.

## **3. The Subject Land**

The subject land is described as Allotment 2001 (No. 80) Petherton Road, Davoren Park of Deposited Plan 129841 and is contained within Certificate of Title Book Reference of Volume 6284 Folio 451. Located on the north-eastern corner of Petherton Road and Stebonheath Road, the subject land retains an area of 4,933m<sup>2</sup>.

The subject land contains a frontage of 101.92 metres to Petherton Road and 48.15 metres to Stebonheath Road (excluding the corner cut off).

The retail fuel outlet and its associated development has been recently built on the subject land and is operational.

#### **4. The Locality**

The locality has recently undergone a significant amount of development in the area, particularly to the north-west and north-east of Stebonheath and Petherton Roads which have been fully developed for residential development.

It should be noted that the locality has changed since the original development application (DA 21022282) was assessed and where consideration was given to the fact that the surrounding residential land was underdeveloped. This has now changed the locality for the variation application and resulted in a more residential locality.

The area to the south-west of Stebonheath and Petherton Roads comprises the Eyre Village Shopping Centre which has been developed as a small activity centre containing a Drakes supermarket, medical centre, a number of smaller shops and a large car parking area. Further to the south west contains land used for primary production activities.

The area to the south-east of Stebonheath and Petherton Roads contains long established residential allotments of predominantly single story dwellings on allotments of a consistent size and configuration.

The subject land forms part of a wider landholding that previously contained a large area of public space and the former Munno Para West Adult Campus. More recently this has been developed as part of the 'Evergreen' residential estate, with the last stage of this development recently having completed development. Residential sized allotments abut the subject land to the north and east with the majority of these now developed for residential purposes.

The locality is bisected by Stebonheath Road and Petherton Road and the roundabout junction. It is important to note that both roads are not Designated Roads, nor are they State Maintained Roads and therefore are not considered critical key transport routes. They are more suburban roads that support the movement of traffic in the locality.

## 4.1 Locality Plan



Source: Nearmap 9 Aug 2023

## 4.2 Zoning

The subject land is located solely within the Master Planned Neighbourhood Zone and the Emerging Activity Centre subzone as identified within the Planning and Design Code.

It is noted that as the subject land is located outside of any activity center, as approved on a plan of division or shown within a concept plan, the policies of the Emerging Activity Centre Subzone are not considered to be applicable to the site.

The following Overlays and Technical Numeric Variations have an effect on the subject land as per the Planning and Design Code:

### Overlays

- Affordable Housing
- Building Near Airfields
- Defence Aviation Area (All structures over 45 metres)
- Hazards (Flooding)
- Hazards (Flooding – General)
- Noise and Air Emissions
- Prescribed Wells Area
- Regulated and Significant Tree
- Water Resources.

### Technical Numeric Variations

- Concept Plan (Concept Plan 18 – Playford North)
- Concept Plan (Concept Plan 81 – Edinburgh Defence Airfield Lighting Constraints).



## **5. Procedural Matters**

### **5.1 Classification**

Section 128 of the PDI Act establishes that a person may seek the variation of a development authorisation previously given under the PDI Act (including by seeking the variation of a condition imposed with respect to the development authorisation).

Therefore, if the variation/s involve an element of development which is DTS, or Performance Assessed (requiring public notification, or not requiring public notification, as the case may be), then the application will follow the relevant pathway and be assessed procedurally on the same basis as if it was a new application.

The variation request to alter the hours of operation is not considered “development” and as such there is no “clear” assessment pathway pursuant to Section 103 of the Act. It has been determined that the proposal be assessed on its merits (all other Code Assessed) against all of the relevant provisions of the Planning and Design Code.

### **5.2 Public Notification**

The variation to amend Condition 3 of DA 21022282 is determined as ‘not development’ in accordance with Section 3(1) of the PDI Act.

As Table 5 (Procedural Matters – Notification) of the Zone only identifies items of ‘development’ the variation application is not listed and therefore is not to be publicly notified.

### **5.3 Statutory Referrals**

Pursuant to Schedule 9 of the *Planning, Development and Infrastructure (General) Regulations 2017* the proposed variation does not involve ‘development’ and is not listed as an item in Table 3 of this schedule. Therefore, no statutory referrals were issued for this variation application.

## **6. Key Issues**

The following matters are considered pertinent in reaching a recommendation for the proposal:

- Whether the variation request to extending the hours of operation is considered to be a significant change to the existing development in the existing setting and Zone.
- Whether the variation request will result in any adverse impacts to adjoining residents and local road network.

## **7. Relevant ERD Court decision**

It is relevant for the Panel to consider the findings of a recent Environment, Resources and Development Court (ERD Court) decision in regards to an appealed development application that displays some similar characteristics to this variation application.

On 10 August 2023, the Environment, Resources and Development Court (ERD Court) handed down its decision in *PC Infrastructure Pty Ltd v City of Mitcham Council Assessment Panel*

The appellant, PC Infrastructure Pty Ltd, sought to develop a retail fuel outlet with associated facilities, including a car wash, at 250-252 Belair Road, Torrens Park.

The site was subject to an existing planning consent which was granted under the *Development Act 1993* for an “*Integrated Petrol Filling Station with associated Filling, Retaining and Landscape*.” PC sought to vary this consent by, amongst other things, extending the operating hours from 7:00am to 9:00pm, seven days per week to 24 hours per day, seven days per week.

The City of Mitcham Council Assessment Panel refused planning consent to the variation. The Mitcham CAP had concerns about the impact on residential amenity and character of the local area resulting from an increased intensity of use. PC appealed this refusal to the Court.

The Court’s consideration at trial was confined to the only remaining issue in dispute, which was whether the condition limiting operating hours should be varied.

The Court allowed the appeal and varied the condition on the original planning consent to permit 24-hour trading, seven days per week.

In coming to this conclusion, the Court made the following findings and remarks:

1. *On the point of planning assessment under the Planning and Design Code generally:*
  - a. *The term “neighbourhood” as it is used in DO 1, PO 1.4 and PO 1.5 of the Suburban Neighbourhood Zone is not an “intermediate area, greater than a locality but smaller than the zone itself.” Rather, it is a “reference to the area in which the development is to take place as that is the area which will be affected by the development.”*
  - b. *The approach to planning assessment is a practical, balanced consideration of all relevant planning policies applicable to a development application rather than a mechanical tick-box approach.*
2. *The proposed change to operating hours did not increase the intensity of use of the Land so as to be material and constitute a change of use under the Planning, Development and Infrastructure Act 2016. The change in hours of operation did not change the fundamental nature of the development. It was therefore not “development” pursuant to the PDI Act.*
3. *It is the impact of the proposed variation to trading hours itself which must be performance assessed against the relevant provisions of the Code. It was not a question of the compliance of the development as a whole.*
4. *This impact can only be considered by the Court on the basis of the evidence before it. As the Mitcham CAP did not produce evidence to support its opposition to the variation, it was only the evidence of PC before the Court. That evidence indicated that:*
  - a. *The average noise levels that would result from the extended trading hours were well below maximum levels indicated in the Environmental Protection (Noise) Policy 2007;*
  - b. *There was no evidence of an odour impact;*

- c. The extended hours would ameliorate the risk to the safety of pedestrians accessing the adjacent train station late at night or early in the morning by increasing presence and passive surveillance;*
  - d. The extended hours had the potential to reduce anti-social or criminal behaviour; and*
  - e. The lighting associated with the proposed development would not have an adverse impact on residential amenity.*
5. *The Court placed significant weight on the locality of the development. The amenity of the site was affected by an SA Water pump station and a car park to the north, the Torrens Park Railway Station and the associated train line to the west, and Belair Road to the East.*

*The extended operation of the retail fuel outlet remained 'compatible' with a low density residential character and 'complimentary' to the character and amenity of the area.*

Whilst the appealed outcome listed above has similar attributes to this proposed variation application by being a variation to a condition for a petrol filling station, the Court in its decision, placed significant weight on the context of the locality of the Mitcham site. With reference to this site, which is adjacent a state maintained road (Belair Road), with a rail corridor to the western boundary, the context and setting of this site is considered to be markedly different to the site of the current application. These major noise sources heavily influenced the Court's decision and operate to a higher level of noise and traffic than that experienced in the locality of the subject site.

While the Court outcome does set a precedence for similar applications and indicates that in some instances the Court did not consider the impacts of a 24 hour to be adverse to the prevalent character of a locality. The interpretation of this case suggested by the applicant would be that any 24 hour trading should be considered appropriate, irrespective of locality or setting. From a review of the relevant case, and context of the site, Council are of the view that the decision should be considered alongside the specific setting relevant to that decision, with particular reference to the character of the subject site and locality.

## **8. Planning Assessment**

This application seeks to vary the condition of a previously granted development application (DA 21012201) for a retail fuel outlet and associated activities.

Therefore, an assessment of the variation will only be against the relevant policies of the Planning and Design Code contained below.

For details of the assessment of the original development (DA 21022282) please refer to CAP Report contained within Attachment 7 and 8.

### **8.1 Zone**

The Master Planned Neighbourhood Zone seeks to primarily accommodate a range of housing that are located within reach of a variety of services, facilities and open space. All forms of residential development are encouraged, with commercial activities located outside 'activity centres' envisaged only where they are of a scale and type to maintain residential amenity.

The Emerging Activity Centre Subzone also applies over the subject land, with the intent that master planned communities are provided activity centres that foster a range of employment and community services. The provisions of the subzone are identified within the Code as only being applicable where the land is identified as

being within an 'Activity Centre' (either within a concept plan or on a plan of division). As identified in the preceding CAP report, the subject land is not located within a defined Activity Centre and accordingly the provisions of the subzone are not applicable.

In reviewing the Code provisions, Performance Outcome 1.4 of the Master Planned Neighbourhood Zone supports commercial activities outside Activity Centres where it improves community access to services of a scale and type to maintain residential amenity. In this respect, the zone acknowledges that whilst commercial activities may be envisaged outside of Activity Centres, scale and type should maintain residential amenity.

Whilst it is considered that the proposal will in part support the intent of the Zone to provide a level of service to the local community, it can be reasonably determined that the proposed variation intensifies the scale and operation of the existing development which may result in adverse interface issues with the adjoining residences.

As identified in the background portion of this report, the subject application was lodged in part due to complaints raised due to impacts to amenity from the unapproved 24 hour operation. It is therefore suggested that the proposed hours of operation would have potential for continued impact to the residential amenity of adjoining properties.

For these reasons, it can be concluded that the expanded hours of operation would not result in an orderly outcome but rather an intensification of the site and contravene the overall intent of commercial development (outside of an Activity Centre) within the Master Planned Neighbourhood Zone and Emerging Activity Centre Zone.

In assessing the variation, it is important to consider the location of the site and the adjoining properties. It is noted that the locality has evolved since the previous application with the prevailing residential character being further defined by the residential properties now directly abutting and surrounding the subject land. Despite the location of the shopping centre to the southwest of the subject land, the retail fuel outlet does stand alone in terms of its commercial nature, especially being located outside of a designated Activity Centre.

Therefore, considering the expansion of the residential community to the northern boundaries and the scale of the proposed variation and potential impacts to amenity, it is considered that the proposal to increase the hours of operation will result in an intensification of the existing commercial activity than that what currently exists.

It is suggested that the form of operation proposed, being 24/7 is inconsistent with the prevailing residential character or the character of the adjoining center and is not of a scale which would be reasonably anticipated within the zone or setting. Hence the proposed changes to the hours of operation would adversely impact on the adjoining residences in terms of noise, traffic, activity disturbance at hours which would not reasonably be expected in a residential setting. This goes against the intent of PO 1.1 of the Zone that seeks to ensure that activities in new and expanding communities maintain these areas as pleasant places to live.

## **8.2 General Development Policies**

### **Interface between Land Uses**

Performance Outcome 2.1 (PO 2.1) of the Interface Between Land Uses module of the General section of the Code, identifies that:

*Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:*

- a. the nature of the development*
- b. measures to mitigate off-site impacts*
- c. the extent to which the development is desired in the zone*
- d. measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.*

The applicant engaged Sonus to conduct an environmental noise assessment in support of the retail fuel outlet for the original development application (DA 21012201) dated December 2021 (Attachment 9).

The Sonus Report was based on the operational assumption that the fuel court, convenience shop/control building and the drive through facility could operate at any time of the day or night (24 hours), 7 days a week. The noise assessment included a number of acoustic treatments to ensure that the relevant requirements of the Environment Protection (Noise) Policy 2007 (the Policy) was achieved at residences at all times. Accordingly, the measures to mitigate off-site impacts can be addressed and therefore satisfies 2.1 (2) above of the Code policy.

In terms of the *Environment Protection (Noise) Policy (Policy)*, there is no differentiation between any of the hours of operation between 10pm and 7am i.e. operating at 3am is no worse than operating at 10.01pm. Clearly, however when assessing the reasonableness of impacts, the impacts of operating between midnight and 5am is worse than other periods between 10pm and 7am.

In this respect, although measures can be adopted to mitigate off-site impacts, it is considered that the proposal would be inconsistent with (c) of PO 2.1 in that the 24/7 operation of the use is not a *scale of operation which is desired by the Zone*.

For reference, the site at 250 Belair Road referenced in the above case law is located within a different Zone (Suburban Neighbourhood), which has a different suite of policies which apply to that site.

In its decision of the original development, CAP resolved to grant planning consent on the condition that the hours of operation (for the control room and fuel pumping activities) would be limited to 5am to 12am. From the original assessment, it considered that if the proposed changes to this condition had formed part of the original proposal, then a different recommendation may have been presented to the panel for the proposal.

The provision of additional advice (for the proposed variation) from Sonus dated 25 February 2023 (Attachment 1) in support of the variation application, effectively reinforced the original environmental noise assessment, undertaken by Sonus in December 2021 (Attachment 9).

Resonate provided a peer review of these reports and the application documents, at the request of Council Administration (Attachment 3). The peer review recommended the following based on the variation application and the recently constructed dwelling to the north of the subject site:

- *Planning criteria (in accordance with Part 5 of the Noise Policy) be adopted for the now existing dwelling to the north of the subject site*

- *Noise measurements be undertaken during the night time period when the X-Convenience is operating to understand the actual noise emissions from the subject site.*

Sonus prepared a subsequent report dated 10 October 2023 (Attachment 6), in response to Resonate's peer review, that outlined measurements taken on 5 October 2023 at 11pm at the residence to the north of the subject land. The additional Sonus Report is considered to capture the recommended approach by Resonate as above. Further, an additional peer review provided by Resonate confirmed that *"as long as the measurement period is representative of anticipated night time activity then the approach and results demonstrate that the proposal to extend hours will be acoustically acceptable under the Noise Policy."*

Notwithstanding the above, the emphasis in the above Interface between Land Uses policy 2.1(c) is foremost *maintaining residential amenity* as is desired by commercial development in the Zone, and the retail fuel outlet being proposed 24 hours a day, 7 days a week is considered inconsistent and not of an intensity or scale which is desired within the zone.

## 9. Conclusion

The proposed development has been assessed against the desired outcomes of the Master Planned Neighbourhood Zone, relevant overlays and other relevant provisions of the Planning and Design Code which are considered to be applicable with regard to the development.

In review of the application, it is considered that while the application is not seriously at variance with the relevant provisions of the Planning & Design Code, the proposal is considered to be inconsistent with the relevant provisions of the Planning and Design Code. The proposed hours of operation to the land use are not considered appropriate in the context of its relationship with the adjoining residences and does not positively contribute to the character of the locality.

As such, it is considered that the proposal does not satisfy the overall intent of the Planning and Design Code and is recommended for refusal.

## 10. Recommendation

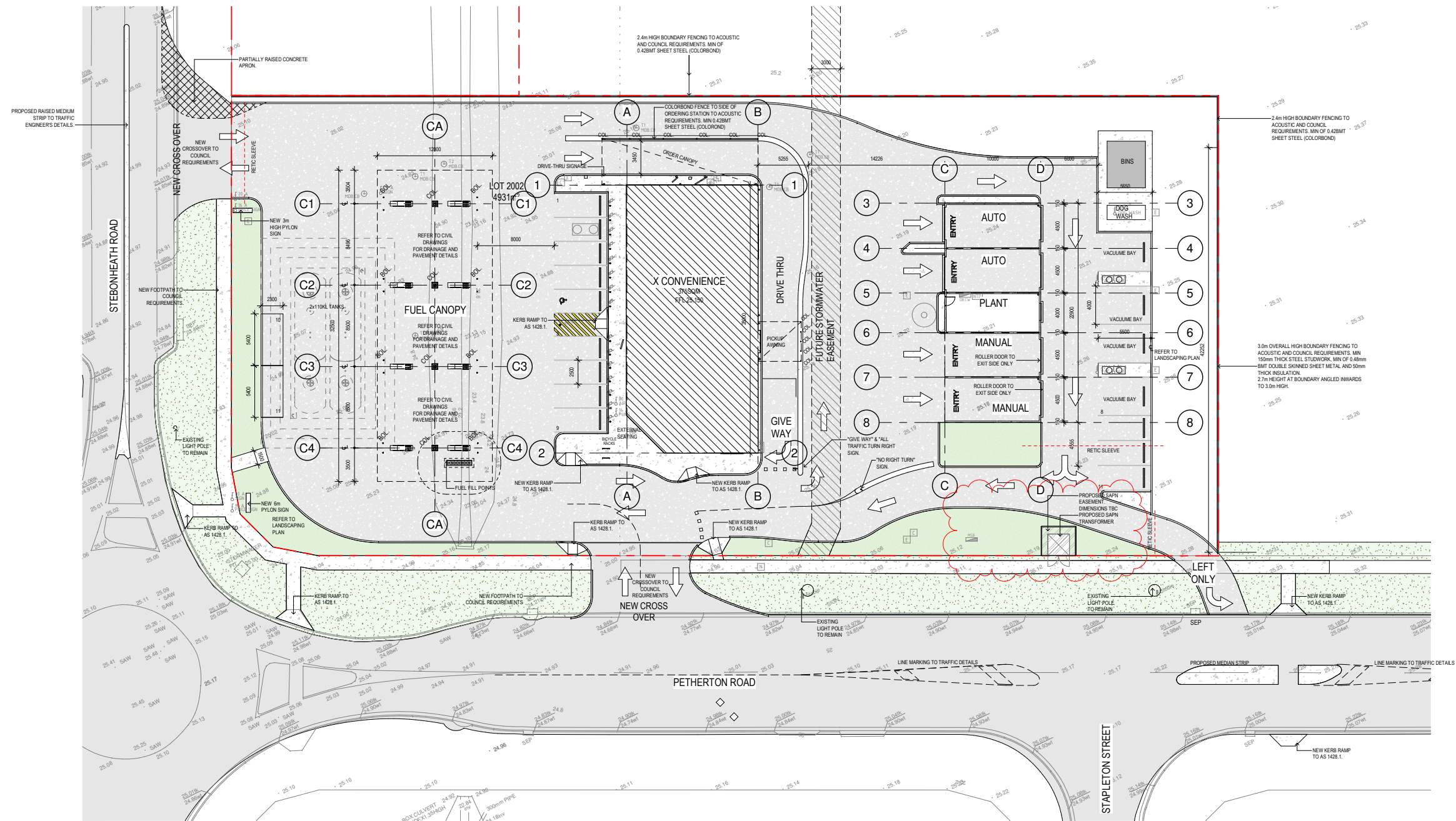
### STAFF RECOMMENDATION

Pursuant to Section 128 of the *Planning, Development and Infrastructure Act 2016*, that DA 23009266 for "Variation to condition of DA 21022282 to extend hours of operation – to enable the control room and fuel pumping activities to operate 24 hours per day 7 days a week" at Lot 2001 Petherton Road, Davoren Park be REFUSED for the following reason:

#### Refusal Reason

1. The proposed variation is at variance with PO 1.4 of the Zone and PO 2.1 of the Interface Between land Uses module in that the proposed additional hours will result in the activities being of a scale and type which does not maintain residential amenity and would not be reasonably expected within the zone.





TRANSFORMER & MSB REVISION		ML	NP	22.03.2022
ISSUE FOR BRG REVIEW		JK	NP	14.03.2022
revision/issue	description	drawn by	check by	date
project	location	drawn JK	checked NP	description PROPOSED SITE PLAN
EYRE MULTI USE		scale 1:200	date 22.03.2022	project no 128.20
CNR STEBONHEATH & PETHERTON RDS EYRE		Hodge Collard Preston ARCHITECTS		dwg no A100
Third Floor, 38 Richardson Street, West Perth, WA 6005 PO Box 743, West Perth, WA 6872 Ph: (08) 9322 5144 Fax: (08) 9322 5740 Email: admin@hpcperch.com		rev 8		



The logo for Sonus, featuring the word "sonus." in a red, lowercase, sans-serif font.

APDS  
200A Cross Road  
Unley Park SA 5061

S6952C5

**Attention:** Mark Kwiatkowski

**25 February 2023**

Dear Mark,

**X-CONVENIENCE DAVOREN PARK  
ENVIRONMENTAL NOISE ASSESSMENT**

Sonus previously conducted an environmental noise assessment of the proposed X-Convenience facility at the corner of Petherton Road and Stebonheath Road, Davoren Park, as summarised in report "SS6952C4" dated December 2021 (the **Sonus Report**). The Sonus Report was based on the operational assumption that the fuel court, convenience shop/control building and the drive through facility would operate 24 hours per day. The assessment included a number of acoustic treatments to ensure that the *Environment Protection (Noise) Policy 2007* (the **Policy**) was achieved at residences at all times.

The recommendations included the following:

- Specific fence heights and constructions;
- Incorporating absorption materials;
- Reducing the noise from any alarms as far as practical;
- Ensuring all inspection points, grated trenches, etc. are correctly fixed;
- Restricting the times for rubbish collection and fuel deliveries;
- Restricting the use of car wash, dog wash and vacuum bay facilities to day time period only;
- Upgrading the construction of the car wash bays and plant room;
- Incorporating in-line attenuators to the discharge side of any significant exhaust fan/s; and,
- Specific location and screening of the mechanical plant.

X-CONVENIENCE DAVOREN PARK  
ENVIRONMENTAL NOISE ASSESSMENT  
25 February 2023  
Page 2 of 2

sonus.

The proposal was granted approval based on the treatments in the acoustic report being incorporated but the hours of operation were limited to the following periods:

- Fuel court and convenience shop 7:00am to 12:00am
- Drive through facility 7:00am to 12:00am
- Dog wash, car wash and vacuum bay 7:00am to 10:00pm

The operating hours of the fuel court, the convenience shop and the drive through facility are now proposed to be extended to 24 hours per day (the **Proposal**).

As noted above, the Sonus Report was based on the operational assumption that the fuel court, the convenience shop and the drive through facility would operate 24 hours per day. Therefore, the noise levels from the facilities will achieve the relevant requirements of the Policy at nearby residences with the treatments recommended in the Sonus Report being incorporated.

Based on the above, the Proposal to extend the hours has been designed to achieve the *Environment Protection (Noise) Policy 2007* and will not *unreasonably impact the amenity of sensitive receivers*, thereby achieving the relevant provisions of the Planning and Design Code related to environmental noise.

If you have any questions or require clarification, please call me.

Yours faithfully  
**Sonus Pty Ltd**



Chris Turnbull  
**Principal**

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ct@sonus.com.au

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Civil • Geotechnical • Environmental  
Structural • Mechanical • Electrical • Fire  
Hydraulics • Forensic • Construction Assist  
Riverland Office: 25 Vaughan Terrace, Berri SA 5343



**PROJECT MEMORANDUM**  
**Number: 001**

**Date:** 18.07.2023 **Job Number:** 2111151

**To:** Andrash Pty Ltd **Attention:** Rachel Stewart **Email:** [rachel@andrash.com.au](mailto:rachel@andrash.com.au)  
**From:** Zhun Yee Lai  
**Project:** Proposed Service Station  
Cnr Stebonheath Rd and Petherton Rd, Eyre SA  
**Subject:** Obtrusive Lighting Assessment

Dear Kuol,

## 1.0 INTRODUCTION

TMK Consulting Engineers were engaged to provide a lighting assessment report to address the following:

*An Obtrusive Light – Compliance Report prepared by a qualified and experienced Electrical Engineer in accordance with Australian Standard 4282 – 2019 ‘Control of the obtrusive effects of outdoor lighting’ shall be provided to Council for Approval.*

External lighting requirements for the proposed development, including light spill across to adjacent properties must be compliant to the current Australian Standards



**Figure 1: Aerial view and Obtrusive Lighting Calculation Boundary of proposed development**

Document Title: External Lighting Modeling Report  
Issue Date: 18/07/2023  
K:\2021\11\2111151\Services Drawings and Calcs\Electrical Design Calculations and Details\Lighting assessment\2111151\_PM01\_Lighting Modeling Report - C.docx

Document Code: BF067

Revision Code: 02  
Approved by: MCT  
1 of 9



**PROJECT MEMORANDUM**  
**Number: 001**

The objective of this report is to:

- a) Provide certification/commentary on the light spill across the boundary lines to adjoining residential properties boundaries during both curfew & non-curfew hours when the site is in operation, compliant to AS4282-2019 Table 3.1 and table 3.2 criteria (extract copied below) for Environmental Zone A3 – Medium District Brightness.

**TABLE 3.1**  
**ENVIRONMENTAL ZONES**

Zones	Description	Examples
A0	Intrinsically dark	UNESCO Starlight Reserve, IDA Dark Sky Parks. Major optical observatories No road lighting - unless specifically required by the road controlling authority
A1	Dark	Relatively uninhabited rural areas No road lighting - unless specifically required by the road controlling authority
A2	Low district brightness	Sparsely inhabited rural and semi-rural areas
A3	Medium district brightness	Suburban areas in towns and cities
A4	High district brightness	Town and city centres and other commercial areas Residential areas abutting commercial areas
TV	High district brightness	Vicinity of major sports stadium during TV broadcasts
V	Residences near traffic routes	Refer AS/NZS 1158.1.1
R1	Residences near local roads with significant setback	Refer AS/NZS 1158.3.1
R2	Residences near local roads	Refer AS/NZS 1158.3.1
R3	Residences near a roundabout or local area traffic management device	Refer AS/NZS 1158.3.1
RX	Residences near a pedestrian crossing	Refer AS/NZS 1158.4

NOTE: Recreational areas are not considered commercial.

**Figure 2 – Table 3.1 of AS4282**

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AS/NZS 4282:2019

**TABLE 3.2**  
**MAXIMUM VALUES OF LIGHT TECHNICAL PARAMETERS**

Zones	Vertical illuminance levels ( $E_v$ ) lx		Threshold increment (TI)		Sky glow Upward light ratio
	Non-curfew	Curfew	%	Default adaptation level ( $L_{ad}$ )	
A0	See Note 1	0	N/A	N/A	0
A1	2	0.1	N/A	N/A	0
A2	5	1	20%	0.2	0.01
A3	10	2	20%	1	0.02
A4	25	5	20%	5	0.03
TV	See Table 3.4	N/A	20%	10	0.08
V	N/A	4	Note 2	Note 2	Note 2
R1	N/A	1	20%	0.1	Note 3
R2	N/A	2	20%	0.1	Note 3
R3	N/A	4	20%	0.1	Note 3
RX	N/A	4	20%	5	Note 4

**Figure 3 Table 3.2 AS 4282**

- b) Provide recommendation for modification of existing light fitting and lighting control arrangement, to ensure operation of the service station during non-curfew and curfew hours complies with AS4282.





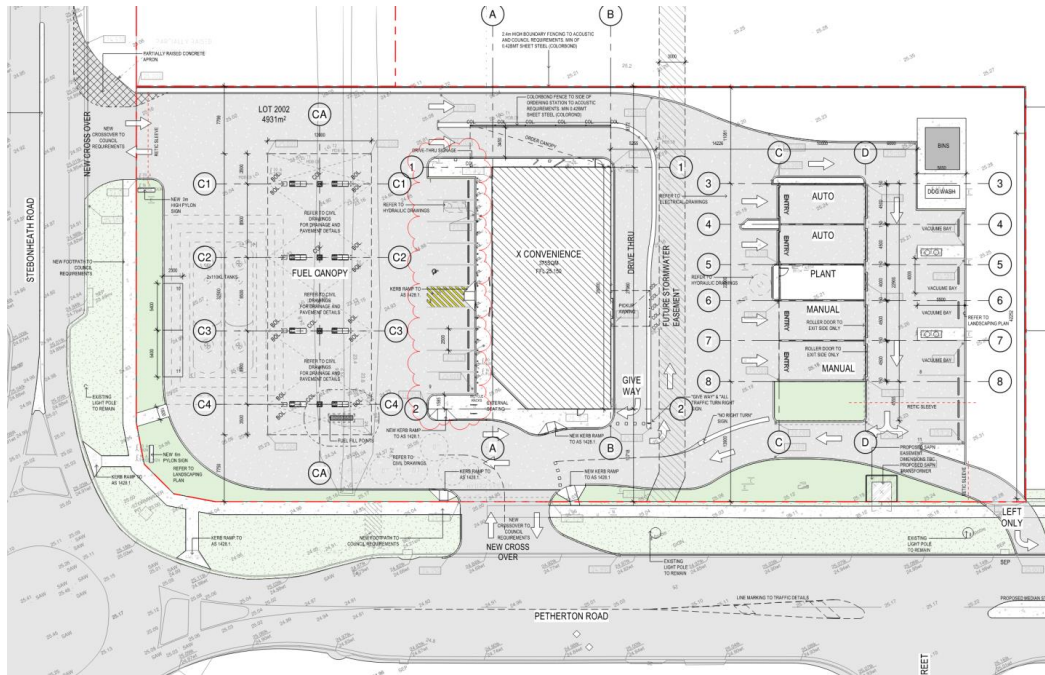
**PROJECT MEMORANDUM**  
**Number: 001**

The various steps undertaken in the investigation were:

- Computer modeling using readily available software & luminaire photometric (.IES) files received from lighting supplier.
- Cross-reference & examination of all relevant standards to assess whether all the requirements are achieved.

The following was excluded from the assessment:





- Site survey visual walk through to examine the condition around the site;



**Figure 4 Site Plan**

## 2.0 PROPOSED LIGHTING LAYOUT

The lighting layout proposed is based on the use of:

Luminaire Schedule						
Symbol	Qty	Label	Arrangement	Description	Luminaire Lumens	Luminaire Watts
	3	CALEO30W5K	SINGLE	Haneco Caleo Wall Light	2294	32.8
	19	STAX150W4K	SINGLE	Haneco Stax 150W LED Floodlight	15574	158.865
	4	SCATOLA150W5K	SINGLE	Haneco Scatola Pole Light	19471	152.272
	16	BENZINA100W5K	SINGLE	Haneco Benzina Low Bay Light	13301	100

### **Figure 5 – Proposed Luminaire Schedule**

Figure 6 provides an indication of the proposed lighting layout.

Figure 7 shows an example 3D perspective of the proposed building.

Figure 8 shows the luminaire installation arrangement:

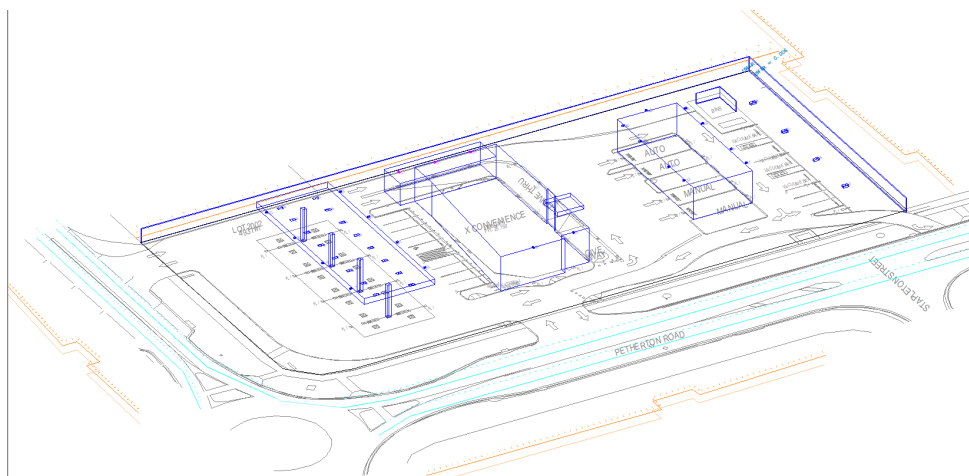




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**Figure 6 – Proposed Lighting Layout**



**Figure 7 – Proposed 3D Perspective Model**



**PROJECT MEMORANDUM**  
Number: 001

Luminaire Location Summary								
LumNo	Label	Insertion Point			Orient	Tilt	Roll	Spin
		X	Y	Z				
1	BENEINA100WSK	67.79	91.68	5.5	332.051	0	0	0
2	BENEINA100WSK	65.994	88.249	5.5	332.051	0	0	0
3	BENEINA100WSK	71.296	85.438	5.5	332.051	0	0	0
4	BENEINA100WSK	73.109	88.881	5.5	332.051	0	0	0
5	BENEINA100WSK	75.105	92.663	5.5	332.051	0	0	0
6	BENEINA100WSK	69.786	95.456	5.5	332.051	0	0	0
7	BENEINA100WSK	71.745	99.238	5.5	332.051	0	0	0
8	BENEINA100WSK	77.065	96.408	5.5	332.051	0	0	0
9	BENEINA100WSK	73.723	102.983	5.5	332.051	0	0	0
10	BENEINA100WSK	79.07	100.153	5.5	332.051	0	0	0
11	BENEINA100WSK	81.039	103.953	5.5	332.051	0	0	0
12	BENEINA100WSK	75.71	106.746	5.5	332.051	0	0	0
13	BENEINA100WSK	77.707	110.499	5.5	332.051	0	0	0
14	BENEINA100WSK	83.008	107.707	5.5	332.051	0	0	0
15	BENEINA100WSK	84.803	111.14	5.5	332.051	0	0	0
16	BENEINA100WSK	79.492	113.924	5.5	332.051	0	0	0
17	STA/150W4K	63.983	91.259	6.5	150.584	5	0	0
18	STA/150W4K	68.011	98.828	6.5	150.584	5	0	0
20	STA/150W4K	71.967	106.323	6.5	150.584	0	0	0
21	STA/150W4K	75.956	113.84	6.5	150.584	0	10	0
22	STA/150W4K	86.738	108.145	6.5	332.273	0	-10	0
23	STA/150W4K	82.759	100.649	6.5	332.273	0	0	0
25	STA/150W4K	78.827	93.059	6.5	332.273	0	0	0
26	STA/150W4K	74.838	85.616	6.5	332.273	0	0	0
27	CALEO30WSK	102.32	107.681	2.4	62.379	0	0	0
28	CALEO30WSK	107.574	104.803	2.4	63.435	0	0	0
29	CALEO30WSK	112.911	102.037	2.4	63.433	0	0	0
30	STA/150W4K	89.63	76.015	5.85	241.564	0	0	0
31	STA/150W4K	96.543	73.439	5.85	244.266	0	0	0
32	STA/150W4K	118.814	68.132	5.5	150.772	0	0	0
33	STA/150W4K	127.865	63.38	5.5	333.435	0	0	0
34	STA/150W4K	120.96	72.214	5.5	150.772	0	0	0
35	STA/150W4K	130.011	67.462	5.5	333.435	0	0	0
38	STA/150W4K	124.951	79.821	5.5	150.772	0	0	0
39	STA/150W4K	134.002	75.069	5.5	333.435	0	0	0
40	STA/150W4K	127.364	84.405	5.5	150.772	0	5	0
41	STA/150W4K	136.351	79.589	5.5	333.435	0	-5	0
42	STA/150W4K	132.837	83.907	5.5	62.243	-5	0	0
44	SCATOLA150WSK	145.722	73.643	4	151.446	-5	0	0
45	SCATOLA150WSK	141.33	65.162	4	153.661	0	0	0
46	SCATOLA150WSK	136.921	56.776	4	153.784	0	0	0
47	SCATOLA150WSK	132.793	48.946	4	150.832	0	0	0

**Figure 8 – Proposed Luminaire installation Schedule**

### 3.0 LIGHT SPILL ASSESSMENT

The criteria for vertical light spills outline in AS 4282-2019 - Control of the obtrusive effects of outdoor lighting, Table 3.2 are the following:

- Threshold Increment on Petherton Road and Stebonheath Road to be less than 20% based on adaptation luminance of 0.1 cd/m<sup>2</sup>
- Non-Curfew hour (between 6am– 11pm) – maximum of 10 lux across the 'residential boundary line A3 – Medium District Brightness under AS4282:2019 Tables 3.1 and 3.2, and;
- Curfew hour (between 11pm– 6am) – maximum of 2 lux across the 'residential boundary line A3 – Medium District Brightness under AS4282:2019 Tables 3.1 and 3.2, and;

Assessment had been conducted based on 2.4-metre-high working planes on all boundaries, measuring from the highest point of impacted observation points on adjoining properties in the direct sight of line with height point of luminaries.

Boundary vertical spill had been measured at 1.0m off ground level, and at the face of the adjoining property or at 10m into the adjoining property, whichever is closer.



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**Threshold Increment (TI)**

Maximum Allowable Value: 20 %

Calculations Tested (4):

Calculation Label	Adaptation Luminance	Test Results
ObtrusiveLight_TI_WE	10	PASS
ObtrusiveLight_TI_EW	10	PASS
ObtrusiveLight_TI_NS	10	PASS
ObtrusiveLight_TI_SN	10	PASS

**Upward Waste Light Ratio (UWLR)**

Maximum Allowable Value: 2.0 %

Calculated UWLR: 0.6 %  
Test Results: **PASS**

**Figure 9 – Threshold Increment and Upward Waste Light Ratio for A3 zones**

**Obtrusive Light - Compliance Report**

AS/NZS 4282:2019, A3 - Medium District Brightness, Non-Curfew L1  
Filename: 230706\_CALC  
8/07/2023 5:03:32 PM

**Illuminance**

Maximum Allowable Value: 10 Lux

Calculations Tested (18):

Calculation Label	Test Results	Max. Illum.
ObtrusiveLight_East_Ill_Seg1	PASS	1
ObtrusiveLight_East_Ill_Seg2	PASS	0
ObtrusiveLight_East_Ill_Seg3	PASS	1
ObtrusiveLight_East_Ill_Seg4	PASS	0
ObtrusiveLight_East_Ill_Seg5	PASS	1
ObtrusiveLight_East_Ill_Seg6	PASS	0
ObtrusiveLight_East_Ill_Seg7	PASS	0
ObtrusiveLight_South_Ill_Seg1	PASS	0
ObtrusiveLight_South_Ill_Seg2	PASS	0
ObtrusiveLight_South_Ill_Seg3	PASS	0
ObtrusiveLight_South_Ill_Seg4	PASS	0
ObtrusiveLight_South_Ill_Seg5	PASS	0
ObtrusiveLight_South_Ill_Seg6	PASS	1
ObtrusiveLight_South_Ill_Seg7	PASS	0
ObtrusiveLight_South_Ill_Seg8	PASS	1
ObtrusiveLight_South_Ill_Seg9	PASS	0
ObtrusiveLight_South_Ill_Seg10	PASS	1
ObtrusiveLight_South_Ill_Seg11	PASS	0
ObtrusiveLight_South_Ill_Seg12	PASS	1
ObtrusiveLight_South_Ill_Seg13	PASS	0
ObtrusiveLight_South_Ill_Seg14	PASS	1
ObtrusiveLight_South_Ill_Seg15	PASS	0
ObtrusiveLight_South_Ill_Seg16	PASS	1
ObtrusiveLight_South_Ill_Seg17	PASS	0
ObtrusiveLight_South_Ill_Seg18	PASS	1
ObtrusiveLight_South_Ill_Seg19	PASS	0
ObtrusiveLight_South_Ill_Seg20	PASS	1
ObtrusiveLight_South_Ill_Seg21	PASS	0
ObtrusiveLight_South_Ill_Seg22	PASS	1
ObtrusiveLight_South_Ill_Seg23	PASS	0
ObtrusiveLight_South_Ill_Seg24	PASS	1
ObtrusiveLight_South_Ill_Seg25	PASS	0
ObtrusiveLight_South_Ill_Seg26	PASS	1
ObtrusiveLight_South_Ill_Seg27	PASS	0
ObtrusiveLight_South_Ill_Seg28	PASS	1
ObtrusiveLight_South_Ill_Seg29	PASS	0
ObtrusiveLight_South_Ill_Seg30	PASS	1
ObtrusiveLight_South_Ill_Seg31	PASS	0
ObtrusiveLight_South_Ill_Seg32	PASS	1
ObtrusiveLight_South_Ill_Seg33	PASS	0
ObtrusiveLight_South_Ill_Seg34	PASS	1
ObtrusiveLight_South_Ill_Seg35	PASS	0
ObtrusiveLight_South_Ill_Seg36	PASS	1
ObtrusiveLight_South_Ill_Seg37	PASS	0
ObtrusiveLight_South_Ill_Seg38	PASS	1
ObtrusiveLight_South_Ill_Seg39	PASS	0
ObtrusiveLight_South_Ill_Seg40	PASS	1
ObtrusiveLight_South_Ill_Seg41	PASS	0
ObtrusiveLight_South_Ill_Seg42	PASS	1
ObtrusiveLight_South_Ill_Seg43	PASS	0
ObtrusiveLight_South_Ill_Seg44	PASS	1
ObtrusiveLight_South_Ill_Seg45	PASS	0
ObtrusiveLight_South_Ill_Seg46	PASS	1
ObtrusiveLight_South_Ill_Seg47	PASS	0
ObtrusiveLight_South_Ill_Seg48	PASS	1
ObtrusiveLight_South_Ill_Seg49	PASS	0
ObtrusiveLight_South_Ill_Seg50	PASS	1
ObtrusiveLight_South_Ill_Seg51	PASS	0
ObtrusiveLight_South_Ill_Seg52	PASS	1
ObtrusiveLight_South_Ill_Seg53	PASS	0
ObtrusiveLight_South_Ill_Seg54	PASS	1
ObtrusiveLight_South_Ill_Seg55	PASS	0
ObtrusiveLight_South_Ill_Seg56	PASS	1
ObtrusiveLight_South_Ill_Seg57	PASS	0
ObtrusiveLight_South_Ill_Seg58	PASS	1
ObtrusiveLight_South_Ill_Seg59	PASS	0
ObtrusiveLight_South_Ill_Seg60	PASS	1
ObtrusiveLight_South_Ill_Seg61	PASS	0
ObtrusiveLight_South_Ill_Seg62	PASS	1
ObtrusiveLight_South_Ill_Seg63	PASS	0
ObtrusiveLight_South_Ill_Seg64	PASS	1
ObtrusiveLight_South_Ill_Seg65	PASS	0
ObtrusiveLight_South_Ill_Seg66	PASS	1
ObtrusiveLight_South_Ill_Seg67	PASS	0
ObtrusiveLight_South_Ill_Seg68	PASS	1
ObtrusiveLight_South_Ill_Seg69	PASS	0
ObtrusiveLight_South_Ill_Seg70	PASS	1
ObtrusiveLight_South_Ill_Seg71	PASS	0
ObtrusiveLight_South_Ill_Seg72	PASS	1
ObtrusiveLight_South_Ill_Seg73	PASS	0
ObtrusiveLight_South_Ill_Seg74	PASS	1
ObtrusiveLight_South_Ill_Seg75	PASS	0
ObtrusiveLight_South_Ill_Seg76	PASS	1
ObtrusiveLight_South_Ill_Seg77	PASS	0
ObtrusiveLight_South_Ill_Seg78	PASS	1
ObtrusiveLight_South_Ill_Seg79	PASS	0
ObtrusiveLight_South_Ill_Seg80	PASS	1
ObtrusiveLight_South_Ill_Seg81	PASS	0
ObtrusiveLight_South_Ill_Seg82	PASS	1
ObtrusiveLight_South_Ill_Seg83	PASS	0
ObtrusiveLight_South_Ill_Seg84	PASS	1
ObtrusiveLight_South_Ill_Seg85	PASS	0
ObtrusiveLight_South_Ill_Seg86	PASS	1
ObtrusiveLight_South_Ill_Seg87	PASS	0
ObtrusiveLight_South_Ill_Seg88	PASS	1
ObtrusiveLight_South_Ill_Seg89	PASS	0
ObtrusiveLight_South_Ill_Seg90	PASS	1
ObtrusiveLight_South_Ill_Seg91	PASS	0
ObtrusiveLight_South_Ill_Seg92	PASS	1
ObtrusiveLight_South_Ill_Seg93	PASS	0
ObtrusiveLight_South_Ill_Seg94	PASS	1
ObtrusiveLight_South_Ill_Seg95	PASS	0
ObtrusiveLight_South_Ill_Seg96	PASS	1
ObtrusiveLight_South_Ill_Seg97	PASS	0
ObtrusiveLight_South_Ill_Seg98	PASS	1
ObtrusiveLight_South_Ill_Seg99	PASS	0
ObtrusiveLight_South_Ill_Seg100	PASS	1

**Luminous Intensity (Cd) At Vertical Planes**

Maximum Allowable Value: 12500 Cd

Calculations Tested (18):

Calculation Label	Test Results
ObtrusiveLight_East_Cd_Seg1	PASS
ObtrusiveLight_East_Cd_Seg2	PASS
ObtrusiveLight_East_Cd_Seg3	PASS
ObtrusiveLight_East_Cd_Seg4	PASS
ObtrusiveLight_East_Cd_Seg5	PASS
ObtrusiveLight_East_Cd_Seg6	PASS
ObtrusiveLight_East_Cd_Seg7	PASS
ObtrusiveLight_South_Cd_Seg1	PASS
ObtrusiveLight_South_Cd_Seg2	PASS
ObtrusiveLight_South_Cd_Seg3	PASS
ObtrusiveLight_South_Cd_Seg4	PASS
ObtrusiveLight_South_Cd_Seg5	PASS
ObtrusiveLight_South_Cd_Seg6	PASS
ObtrusiveLight_South_Cd_Seg7	PASS
ObtrusiveLight_South_Cd_Seg8	PASS
ObtrusiveLight_South_Cd_Seg9	PASS
ObtrusiveLight_South_Cd_Seg10	PASS
ObtrusiveLight_South_Cd_Seg11	PASS
ObtrusiveLight_South_Cd_Seg12	PASS
ObtrusiveLight_South_Cd_Seg13	PASS
ObtrusiveLight_South_Cd_Seg14	PASS
ObtrusiveLight_South_Cd_Seg15	PASS
ObtrusiveLight_South_Cd_Seg16	PASS
ObtrusiveLight_South_Cd_Seg17	PASS
ObtrusiveLight_South_Cd_Seg18	PASS
ObtrusiveLight_South_Cd_Seg19	PASS
ObtrusiveLight_South_Cd_Seg20	PASS
ObtrusiveLight_South_Cd_Seg21	PASS
ObtrusiveLight_South_Cd_Seg22	PASS
ObtrusiveLight_South_Cd_Seg23	PASS
ObtrusiveLight_South_Cd_Seg24	PASS
ObtrusiveLight_South_Cd_Seg25	PASS
ObtrusiveLight_South_Cd_Seg26	PASS
ObtrusiveLight_South_Cd_Seg27	PASS
ObtrusiveLight_South_Cd_Seg28	PASS
ObtrusiveLight_South_Cd_Seg29	PASS
ObtrusiveLight_South_Cd_Seg30	PASS
ObtrusiveLight_South_Cd_Seg31	PASS
ObtrusiveLight_South_Cd_Seg32	PASS
ObtrusiveLight_South_Cd_Seg33	PASS
ObtrusiveLight_South_Cd_Seg34	PASS
ObtrusiveLight_South_Cd_Seg35	PASS
ObtrusiveLight_South_Cd_Seg36	PASS
ObtrusiveLight_South_Cd_Seg37	PASS
ObtrusiveLight_South_Cd_Seg38	PASS
ObtrusiveLight_South_Cd_Seg39	PASS
ObtrusiveLight_South_Cd_Seg40	PASS
ObtrusiveLight_South_Cd_Seg41	PASS
ObtrusiveLight_South_Cd_Seg42	PASS
ObtrusiveLight_South_Cd_Seg43	PASS
ObtrusiveLight_South_Cd_Seg44	PASS
ObtrusiveLight_South_Cd_Seg45	PASS
ObtrusiveLight_South_Cd_Seg46	PASS
ObtrusiveLight_South_Cd_Seg47	PASS
ObtrusiveLight_South_Cd_Seg48	PASS
ObtrusiveLight_South_Cd_Seg49	PASS
ObtrusiveLight_South_Cd_Seg50	PASS
ObtrusiveLight_South_Cd_Seg51	PASS
ObtrusiveLight_South_Cd_Seg52	PASS
ObtrusiveLight_South_Cd_Seg53	PASS
ObtrusiveLight_South_Cd_Seg54	PASS
ObtrusiveLight_South_Cd_Seg55	PASS
ObtrusiveLight_South_Cd_Seg56	PASS
ObtrusiveLight_South_Cd_Seg57	PASS
ObtrusiveLight_South_Cd_Seg58	PASS
ObtrusiveLight_South_Cd_Seg59	PASS
ObtrusiveLight_South_Cd_Seg60	PASS
ObtrusiveLight_South_Cd_Seg61	PASS
ObtrusiveLight_South_Cd_Seg62	PASS
ObtrusiveLight_South_Cd_Seg63	PASS
ObtrusiveLight_South_Cd_Seg64	PASS
ObtrusiveLight_South_Cd_Seg65	PASS
ObtrusiveLight_South_Cd_Seg66	PASS
ObtrusiveLight_South_Cd_Seg67	PASS
ObtrusiveLight_South_Cd_Seg68	PASS
ObtrusiveLight_South_Cd_Seg69	PASS
ObtrusiveLight_South_Cd_Seg70	PASS
ObtrusiveLight_South_Cd_Seg71	PASS
ObtrusiveLight_South_Cd_Seg72	PASS
ObtrusiveLight_South_Cd_Seg73	PASS
ObtrusiveLight_South_Cd_Seg74	PASS
ObtrusiveLight_South_Cd_Seg75	PASS
ObtrusiveLight_South_Cd_Seg76	PASS
ObtrusiveLight_South_Cd_Seg77	PASS
ObtrusiveLight_South_Cd_Seg78	PASS
ObtrusiveLight_South_Cd_Seg79	PASS
ObtrusiveLight_South_Cd_Seg80	PASS
ObtrusiveLight_South_Cd_Seg81	PASS
ObtrusiveLight_South_Cd_Seg82	PASS
ObtrusiveLight_South_Cd_Seg83	PASS
ObtrusiveLight_South_Cd_Seg84	PASS
ObtrusiveLight_South_Cd_Seg85	PASS
ObtrusiveLight_South_Cd_Seg86	PASS
ObtrusiveLight_South_Cd_Seg87	PASS
ObtrusiveLight_South_Cd_Seg88	PASS
ObtrusiveLight_South_Cd_Seg89	PASS
ObtrusiveLight_South_Cd_Seg90	PASS
ObtrusiveLight_South_Cd_Seg91	PASS
ObtrusiveLight_South_Cd_Seg92	PASS
ObtrusiveLight_South_Cd_Seg93	PASS
ObtrusiveLight_South_Cd_Seg94	PASS
ObtrusiveLight_South_Cd_Seg95	PASS
ObtrusiveLight_South_Cd_Seg96	PASS
ObtrusiveLight_South_Cd_Seg97	PASS
ObtrusiveLight_South_Cd_Seg98	PASS
ObtrusiveLight_South_Cd_Seg99	PASS
ObtrusiveLight_South_Cd_Seg100	PASS

**Figure 10 – Non-Curfew Obtrusive Light Compliance Report for A3 zones**



**PROJECT MEMORANDUM**  
Number: 001

### **Obtrusive Light - Compliance Report**

AS/NZS 4282:2019, A3 - Medium District Brightness, Curfew  
Filename: 230706\_CALC  
8/07/2023 5:03:06 PM

#### **Illuminance**

Maximum Allowable Value: 2 Lux

Calculations Tested (18):

Calculation Label	Test Results	Max. Illum.
ObtrusiveLight_East_Ill_Seg1	PASS	1
ObtrusiveLight_East_Ill_Seg2	PASS	0
ObtrusiveLight_East_Ill_Seg3	PASS	1
ObtrusiveLight_East_Ill_Seg4	PASS	0
ObtrusiveLight_East_Ill_Seg5	PASS	1
ObtrusiveLight_East_Ill_Seg6	PASS	0
ObtrusiveLight_East_Ill_Seg7	PASS	0
ObtrusiveLight_South_Ill_Seg1	PASS	0
ObtrusiveLight_South_Ill_Seg2	PASS	0
ObtrusiveLight_South_Ill_Seg3	PASS	0
ObtrusiveLight_South_Ill_Seg4	PASS	0
ObtrusiveLight_South_Ill_Seg5	PASS	0
ObtrusiveLight_West_Ill_Seg1	PASS	1
ObtrusiveLight_West_Ill_Seg2	PASS	0
ObtrusiveLight_West_Ill_Seg3	PASS	1
ObtrusiveLight_West_Ill_Seg4	PASS	0
ObtrusiveLight_West_Ill_Seg5	PASS	1
ObtrusiveLight_North_Ill_Seg1	FAIL	9

### **Luminous Intensity (Cd) At Vertical Planes**

Maximum Allowable Value: 2500 Cd

Calculations Tested (18):

Calculation Label	Test Results
ObtrusiveLight_East_Cd_Seg1	PASS
ObtrusiveLight_East_Cd_Seg2	PASS
ObtrusiveLight_East_Cd_Seg3	PASS
ObtrusiveLight_East_Cd_Seg4	PASS
ObtrusiveLight_East_Cd_Seg5	PASS
ObtrusiveLight_East_Cd_Seg6	PASS
ObtrusiveLight_East_Cd_Seg7	PASS
ObtrusiveLight_South_Cd_Seg1	PASS
ObtrusiveLight_South_Cd_Seg2	PASS
ObtrusiveLight_South_Cd_Seg3	PASS
ObtrusiveLight_South_Cd_Seg4	PASS
ObtrusiveLight_South_Cd_Seg5	PASS
ObtrusiveLight_West_Cd_Seg1	PASS
ObtrusiveLight_West_Cd_Seg2	PASS
ObtrusiveLight_West_Cd_Seg3	PASS
ObtrusiveLight_West_Cd_Seg4	PASS
ObtrusiveLight_West_Cd_Seg5	PASS
ObtrusiveLight_North_Cd_Seg1	PASS

**Figure 11 – Curfew Obtrusive Light Compliance Report for A3 zones (fail)**

During Curfew hours, the obtrusive light to the new residential development North of the Service station fails to meet the AS4282:19 requirement, due to the proximity of the residential window to the boundary fence. To comply, the following action is required:

- 1) Floodlights (light label 21, 22, 40 & 41) shall be angled to face into the service station, in lieu of flat.
- 2) Canopy low bay light (light label 13, 14, 15 & 16) shall be provided with a 150mm high shield, limiting light spill across to the neighbouring development.

### **Obtrusive Light - Compliance Report**

AS/NZS 4282:2019, A3 - Medium District Brightness, Non-Curfew L1  
Filename: 230711\_CALC  
11/07/2023 2:40:35 PM

#### **Illuminance**

Maximum Allowable Value: 10 Lux

Calculations Tested (18):

Calculation Label	Test Results	Max. Illum.
ObtrusiveLight_East_Ill_Seg1	PASS	1
ObtrusiveLight_East_Ill_Seg2	PASS	0
ObtrusiveLight_East_Ill_Seg3	PASS	1
ObtrusiveLight_East_Ill_Seg4	PASS	0
ObtrusiveLight_East_Ill_Seg5	PASS	1
ObtrusiveLight_East_Ill_Seg6	PASS	0
ObtrusiveLight_East_Ill_Seg7	PASS	0
ObtrusiveLight_South_Ill_Seg1	PASS	0
ObtrusiveLight_South_Ill_Seg2	PASS	0
ObtrusiveLight_South_Ill_Seg3	PASS	0
ObtrusiveLight_South_Ill_Seg4	PASS	0
ObtrusiveLight_South_Ill_Seg5	PASS	0
ObtrusiveLight_West_Ill_Seg1	PASS	1
ObtrusiveLight_West_Ill_Seg2	PASS	0
ObtrusiveLight_West_Ill_Seg3	PASS	1
ObtrusiveLight_West_Ill_Seg4	PASS	0
ObtrusiveLight_West_Ill_Seg5	PASS	1
ObtrusiveLight_North_Ill_Seg1	PASS	2

### **Luminous Intensity (Cd) At Vertical Planes**

Maximum Allowable Value: 12500 Cd

Calculations Tested (18):

Calculation Label	Test Results
ObtrusiveLight_East_Cd_Seg1	PASS
ObtrusiveLight_East_Cd_Seg2	PASS
ObtrusiveLight_East_Cd_Seg3	PASS
ObtrusiveLight_East_Cd_Seg4	PASS
ObtrusiveLight_East_Cd_Seg5	PASS
ObtrusiveLight_East_Cd_Seg6	PASS
ObtrusiveLight_East_Cd_Seg7	PASS
ObtrusiveLight_South_Cd_Seg1	PASS
ObtrusiveLight_South_Cd_Seg2	PASS
ObtrusiveLight_South_Cd_Seg3	PASS
ObtrusiveLight_South_Cd_Seg4	PASS
ObtrusiveLight_South_Cd_Seg5	PASS
ObtrusiveLight_West_Cd_Seg1	PASS
ObtrusiveLight_West_Cd_Seg2	PASS
ObtrusiveLight_West_Cd_Seg3	PASS
ObtrusiveLight_West_Cd_Seg4	PASS
ObtrusiveLight_West_Cd_Seg5	PASS
ObtrusiveLight_North_Cd_Seg1	PASS

**Figure 12 – Non-Curfew Obtrusive Light Compliance Report for A3 zones**



**PROJECT MEMORANDUM**  
Number: 001

### Obtrusive Light - Compliance Report

AS/NZS 4282:2019, A3 - Medium District Brightness, Curfew  
Filename: 230711\_CALC  
11/07/2023 2:36:22 PM

#### Illuminance

Maximum Allowable Value: 2 Lux

Calculations Tested (18):

Calculation Label	Test Results	Max. Illum.
ObtrusiveLight_East_Ill_Seg1	PASS	1
ObtrusiveLight_East_Ill_Seg2	PASS	0
ObtrusiveLight_East_Ill_Seg3	PASS	1
ObtrusiveLight_East_Ill_Seg4	PASS	0
ObtrusiveLight_East_Ill_Seg5	PASS	1
ObtrusiveLight_East_Ill_Seg6	PASS	0
ObtrusiveLight_East_Ill_Seg7	PASS	0
ObtrusiveLight_South_Ill_Seg1	PASS	0
ObtrusiveLight_South_Ill_Seg2	PASS	0
ObtrusiveLight_South_Ill_Seg3	PASS	0
ObtrusiveLight_South_Ill_Seg4	PASS	0
ObtrusiveLight_South_Ill_Seg5	PASS	0
ObtrusiveLight_South_Ill_Seg6	PASS	0
ObtrusiveLight_South_Ill_Seg7	PASS	0
ObtrusiveLight_West_Ill_Seg1	PASS	1
ObtrusiveLight_West_Ill_Seg2	PASS	0
ObtrusiveLight_West_Ill_Seg3	PASS	1
ObtrusiveLight_West_Ill_Seg4	PASS	0
ObtrusiveLight_West_Ill_Seg5	PASS	1
ObtrusiveLight_North_Ill_Seg1	PASS	2

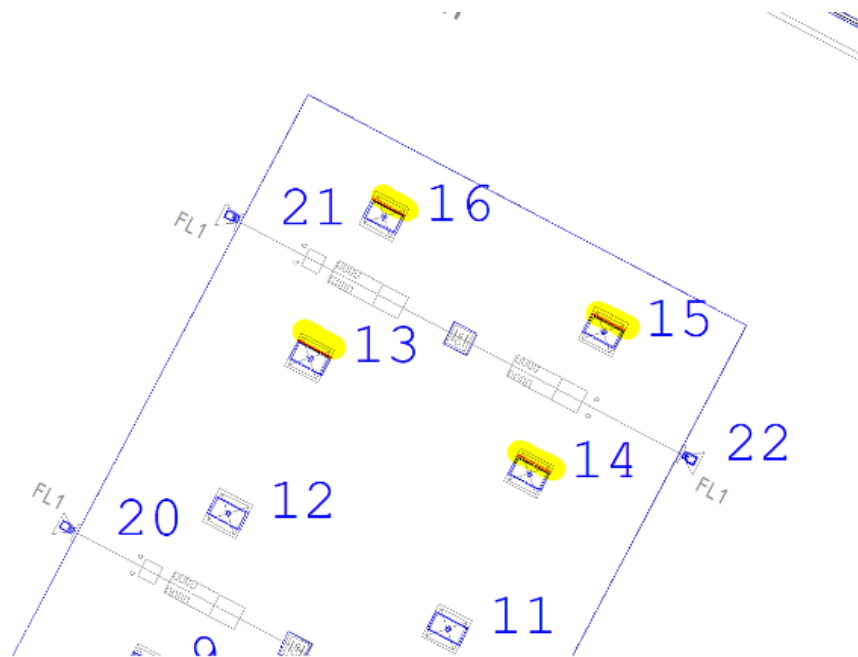
### Luminous Intensity (Cd) At Vertical Planes

Maximum Allowable Value: 2500 Cd

Calculations Tested (18):

Calculation Label	Test Results
ObtrusiveLight_East_Cd_Seg1	PASS
ObtrusiveLight_East_Cd_Seg2	PASS
ObtrusiveLight_East_Cd_Seg3	PASS
ObtrusiveLight_East_Cd_Seg4	PASS
ObtrusiveLight_East_Cd_Seg5	PASS
ObtrusiveLight_East_Cd_Seg6	PASS
ObtrusiveLight_East_Cd_Seg7	PASS
ObtrusiveLight_South_Cd_Seg1	PASS
ObtrusiveLight_South_Cd_Seg2	PASS
ObtrusiveLight_South_Cd_Seg3	PASS
ObtrusiveLight_South_Cd_Seg4	PASS
ObtrusiveLight_South_Cd_Seg5	PASS
ObtrusiveLight_West_Cd_Seg1	PASS
ObtrusiveLight_West_Cd_Seg2	PASS
ObtrusiveLight_West_Cd_Seg3	PASS
ObtrusiveLight_West_Cd_Seg4	PASS
ObtrusiveLight_West_Cd_Seg5	PASS
ObtrusiveLight_North_Cd_Seg1	PASS

**Figure 14 – Curfew Obtrusive Light Compliance Report for A3 zones (pass)**



**Figure 15 – 150mm high shield added adjacent low bay light 13, 14, 15 & 16 to limit light spill.**



**PROJECT MEMORANDUM**  
**Number: 001**

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#### **4.0 CONCLUSION**

The modelled maximum spill on all boundaries for external lighting based on the above lighting layout, luminaire selection and the proposed modification outlined in section 3, complies with the criteria outlined in AS4282:2019 during curfew and non-curfew hours.

*We trust the above is satisfactory. However, should there be any further clarifications/assistance please do not hesitate to contact Adrian Ko or the undersigned.*

For and on behalf of  
**TMK Consulting Engineers**

**Zhun Yee Lai**  
**Services Manager VIC**



Adam Squires  
Manager - Planning Services  
City of Playford

Dear Adam,

**Applicant:** Eyre Convenience Pty Ltd  
**Location:** Lot 2001 PETHERTON ROAD DAVOREN PARK SA 5113  
**Proposal:** Amendment to Condition 3 of application 21022282 to vary the operating hours of the control room and fuel pumping activities to 24-hour operation, 7 days per week.

### 1.0 Introduction and nature of proposed application

Adelaide Planning and Development Solutions (APDS) have been instructed by the Applicant Eyre Convenience Pty Ltd to assist in the lodgement of an application for an amendment to application 21022282 to vary the operating hours of the control room and fuel pumping activities from

- 5 am to midnight, seven days per week; to
- 24 hours, seven days per week.

The proposal does not seek to alter the approved hours of operation for the car wash, vacuum facility and dog wash which will remain as 7am to 10pm, seven days a week.

This report should be read in conjunction with the amended environmental noise assessment from Sonus.

### 2.0 Background

#### 2.1 Development approvals relating to the site.

The service station hours of operation were approved as in application 21022282 and are outlined in Condition 3

The hours of operation herein approved are as follows:

The operating hours of the control room and fuel pumping activities shall not exceed the following times: 5am to midnight, seven days a week





The service station has been operating from the site from 5:00 am to 12:0 pm without impacting on the amenity of the adjoining landowners since construction in 2022.

## 2.0 Subject land and Locality

### 2.1 The Subject Land



**Figure 1 The subject land**

The subject land is a rectangular shaped corner allotment on the corner of Petherton Road and Stebonheath Road in Davenport Park

The site contains a retail fuel outlet with a freestanding canopy and separate carwash building, vacuum facility, dog wash, parking and landscaping.

The site is relatively flat in topography and is void of any landscaping.



### 3.2 Locality

The locality comprises a mixture of new housing in a recently established master planned housing development, older housing, vacant land, open space, and a recently established shopping centre all contained within the Suburban Neighbourhood Zone. The locality is currently in transition from an older suburb with some large areas of vacant land to a new, vibrant area with shops, community facilities and new housing developed at higher densities than the original housing stock.

Allotments located within the eastern corner of the Petherton Road and Stebonheath Road intersection, and to the north and east of the subject site are currently vacant allotments which have been cleared of vegetation with the exception of a few trees and shrubs scattered throughout. The Para West Adult Campus is located further to the north, which is well set back from Stebonheath Road and is screened behind vegetation.

Allotments to the north west of the subject site, on the opposite side of Stebonheath Road, have been developed with low rise housing on small-medium sized allotments in a recently subdivided area. This contrasts with the older housing in poor condition located opposite, within the southern pocket of the intersection.

A small shopping centre has recently been established on the western corner of the intersection, which contains a medical centre, take away food and a small supermarket. The remaining land in this part of the locality is vacant, undeveloped land previously used for farming.

### 4.0 Planning and Design Code Assessment

With regard to the proposed change in hours of operation to the service station component of the site, the most relevant provisions of the Planning and Design Code specifically relate to part 4 General Development Policies – Interface between Land Uses.

As aforementioned, the proposal is only seeking an amendment to application 21022282 to vary the operating hours of the control room and fuel pumping activities from

- 5 am to midnight, seven days per week; to
- 24 hours, seven days per week.

The proposal does not seek to alter the approved hours of operation for the car wash, vacuum facility and dog wash which will remain as 7am to 10pm, seven days a week.



There are no other amendments proposed to the approved retail fuel outlet or carwash, vacuum facility and dog wash.

Based on **Caltex v Holdfast Bay [2014] SASFC 59**, the variation to a condition which limits operating hours does not constitute a change of land use and as such, given there is no other act of "development" involved, then this variation application will not involve "development". Rather, it is simply a "bare" s39 (7) application for variation of a previous development authorisation.

Based on the review of the Planning and Design Code, we have considered the General Development Policies – Interface between Land Uses, to be the most relevant section relating to the change in hours of operation for the approved land use for the retail fuel outlet component of the subject land.

Our views and the views of an Independent Environmental Noise Assessment by Sonus are contained below.

#### **4.1 Interface with land uses**

The General Development Policies – Interface between Land Use seeks Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.

Further the Code seeks:

*PO 1.1 Sensitive receivers are designed and sited to protect residents and occupants from adverse impacts generated by lawfully existing land uses (or lawfully approved land uses) and land uses desired in the zone*

*PO 2.1 Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:*

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

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- d) *measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.*

*PO 4.1 Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).*

We note DTS / DPF 2.1 provides some guidance on hours of operation for consulting rooms, offices and shops but not for retail fuel outlets.

#### **Approach to Assessment**

Part 1 – Rules of Interpretation of the Planning and Design Code (the Code) provides clarity on how to interpret the policies in the Code. Of particular note 'Designated Performance Features' (DPF) assist Councils to interpret Performance Outcomes (PO).

The Rules of Interpretation clearly state that a DPF provides a guide but does not need to necessarily be satisfied in order for a certain development to meet the PO (i.e. the outcome can be met in another way):

In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy **includes a standard outcome which will generally meet the corresponding performance outcome** (a designated performance feature or DPF). **A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome** and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies (emphasis added).

It is with the above approach in mind that we have considered the suitability of this development.

In order to determine the suitability of the proposed increase in hours of operation, a review of the original environmental noise assessment has been undertaken by Sonus which accompanies this planning statement.

The environmental noise assessment notes that the existing facility is approved to operate between 5 am and midnight, 7 days per week. The assessment was taken based on the closest dwelling to the service station component of the subject site which abuts the subject land



The amended review of the environmental noise assessment report indicates:

Sonus previously conducted an environmental noise assessment of the proposed X-Convenience facility at the corner of Petherton Road and Stebonheath Road, Davoren Park, as summarised in report "SS6952C4" dated December 2021 (the Sonus Report). The Sonus Report was based on the operational assumption that the fuel court, convenience shop/control building and the drive through facility would operate 24 hours per day. The assessment included a number of acoustic treatments to ensure that the Environment Protection (Noise) Policy 2007 (the Policy) was achieved at residences at all times. treatments to ensure that the Environment Protection (Noise) Policy 2007 (the Policy) was achieved at residences at all times.

The recommendations included the following:

- Specific fence heights and constructions;
- Incorporating absorption materials.
- Reducing the noise from any alarms as far as practical;
- Ensuring all inspection points, grated trenches, etc. are correctly fixed;
- Restricting the times for rubbish collection and fuel deliveries;
- Restricting the use of car wash, dog wash and vacuum bay facilities to day time period only;
- Upgrading the construction of the car wash bays and plant room;
- Incorporating in-line attenuators to the discharge side of any significant exhaust fan/s; and,
- Specific location and screening of the mechanical plant.

The proposal was granted approval based on the treatments in the acoustic report being incorporated but the hours of operation were limited to the following periods:

- Fuel court and convenience shop 7:00am to 12:00am
- Drive through facility 7:00am to 12:00am
- Dog wash, car wash and vacuum bay 7:00am to 10:00pm



The operating hours of the fuel court, the convenience shop and the drive through facility are now proposed to be extended to 24 hours per day (the Proposal).

As noted above, the Sonus Report was based on the operational assumption that the fuel court, the convenience shop and the drive through facility would operate 24 hours per day. Therefore, the noise levels from the facilities will achieve the relevant requirements of the Policy at nearby residences with the treatments recommended in the Sonus Report being incorporated.

Based on the above, the Proposal to extend the hours has been designed to achieve the Environment Protection (Noise) Policy 2007 and will not unreasonably impact the amenity of sensitive receivers, thereby achieving the relevant provisions of the Planning and Design Code related to environmental noise.

Based on the measurements and observations undertaken by Sonus as outlined above, the subject site will achieve relevant criteria provided in the Planning and Design Code and Environment Protection (Noise) Policy, 2007.

The proposed change in hours of operation will not result in any changes to the emission of effluent, odour, smoke, fumes, and dust or other airborne pollutants and traffic impacts compared with the existing approved land use on the site.

On this basis, it is considered that the proposal will have an acceptable impact on the amenity of the adjoining residential properties in accordance with the requirements of the Planning and Design Code.

## **5.0 Conclusion**

The proposal is in the form of a variation-only application to the hours of operation to the approved retail fuel outlet on the subject land. The substantive merits of the land use and the form and features on the land, have already been addressed, considered, and approved with the original development plan consent over this site.

The proposal seeks an amendment to application 21022282 to vary the operating hours of the control room and fuel pumping activities from

- 5 am to midnight, seven days per week; to
- 24 hours, seven days per week.



The proposal does not seek to alter the approved hours of operation for the car wash, vacuum facility and dog wash which will remain as 7am to 10pm, seven days a week.

We again emphasise, on the basis of **Caltex v Holdfast Bay [2014] SASFC 59**, the variation to a condition which limits operating hours does not constitute a change of land use and as such, given there is no other act of "development" involved, then this variation application will not involve "development". Rather, it is simply a "bare" s39 (7) application for variation of a previous development authorisation.

Based on the measurements and observations undertaken by Sonus as outlined above, the subject site will achieve relevant criteria provided in the Planning and Design Code and Environment Protection (Noise) Policy, 2007. On this basis, it is considered that the proposal will have an acceptable impact on the amenity of the adjoining residential properties in accordance with the requirements of the Planning and Design Code.

Having regard to all the relevant provisions of the Planning and Design Code, for the reasons aforementioned, it is my opinion, that the application for the increase in hours of operation represents is appropriate in the context of the Master Planned Neighbourhood of the Planning and Design Code, the approved land use on the subject land and the unique circumstances of the subject land and locality.

For all of the above reasons, we consider the proposal to demonstrate sound performance against the pertinent Planning and Design Code standards. Accordingly, Development Approval for the change to the hours of operation is warranted.

We look forward to the support of the proposal in its current form. If you have any further questions regarding this application or require additional information please contact me on 0499 933 311

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Kwiatkowski'.

**Mark Kwiatkowski MPIA CPP**

Director + Principal Urban Planner

**Adelaide Planning & Development Solutions - Town Planning Specialists | Planning Private  
Certifiers**





Danni Biar  
City of Playford

Dear Danni,

**Applicant:** Eyre Convenience Pty Ltd  
**Application ID:** 23009266  
**Location:** Lot 2001 Petherton Road, Davoren Park.  
**Proposal:** Variation to ID 21022282 - amend the operating hours of the control room and fuel pumping activities to 24-hour operation, 7 days per week

Adelaide Planning and Development Solutions (APDS) has been instructed by the Applicant to provide a response to the Request for Information / Documentation for the application for the Variation to ID 21022282 - amend the operating hours of the control room and fuel pumping activities to 24-hour operation, 7 days per week at Lot 2001 Petherton Road, Davoren Park.

This response should be considered in conjunction with the supporting documentation - Environmental Noise Assessment from Sonus and the Lighting Model report from TMK Consulting Engineers.

We provide the following response:

#### **1.0 Justification on the scale of the proposal within the zone**

The proposal does not result in any change to the approved land use as a retail fuel outlet or any built form on site and as aforementioned in previous documentation, the proposal is only seeking an amendment to application 21022282 to vary the operating hours of the control room and fuel pumping activities from

- 5 am to midnight, seven days per week; to
- 24 hours, seven days per week.

The proposal does not seek to alter the approved hours of operation for the car wash, vacuum facility and dog wash which will remain as 7am to 10pm, seven days a week.

Based on **Callex v Holdfast Bay [2014] SASFC 59**, the variation to a condition which limits operating hours does not constitute a change of land use and as such, given there is no other act of "development" involved, then this variation application will not involve "development". Rather, it is simply a "bare" application for variation of a previous development authorisation.



### Approach to Assessment

Part 1 – Rules of Interpretation of the Planning and Design Code (the Code) provides clarity on how to interpret the policies in the Code. Of particular note 'Designated Performance Features' (DPF) assist Councils to interpret Performance Outcomes (PO).

The Rules of Interpretation clearly state that a DPF provides a guide but does not need to necessarily be satisfied in order for a certain development to meet the PO (i.e., the outcome can be met in another way):

In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy **includes a standard outcome which will generally meet the corresponding performance outcome** (a designated performance feature or DPF). **A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome** and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies (emphasis added).

I refer to the recent ERD Court Case **JAHK ENTERPRISES PTY LTD ATF JAHK TRUST v ASSESSMENT PANEL OF THE CORPORATION OF THE CITY OF CAMPBELLTOWN [2023] SAERDC 6** which further clearly sets out the manner in which a relevant authority should apply the Code. It indicates:

*'The way the Code is to be applied in the assessment of any application for planning consent is set out within its Part 1 – Rules of Interpretation and relevant to this matter Part 7 – Land Use Definitions. Briefly, Part 1 provides the hierarchy of importance between various policies identifying that, where there is inconsistency between provisions, those applicable to an Overlay will prevail over those of a zone, and those of a zone will prevail over those identified as a GD policy.<sup>15</sup> It also identifies the purpose of a DO, PO and DPF as follows:*

#### *Desired outcomes*

*Desired outcomes are policies designed to aid the interpretation of performance outcomes by setting a general policy agenda for a zone, subzone, overlay or general development policies module. Where a relevant authority is uncertain as to whether or how a performance outcome applies to a development, the desired outcome(s) may inform its consideration of the relevance and application of a performance outcome or assist in assessing the merits of the development against the applicable performance outcomes collectively.*

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#### *Performance outcomes*

*Performance outcomes are policies designed to facilitate assessment according to specified factors, including land use, site dimensions and land division, built form, character and hazard risk minimisation.*

#### *Designated performance features*

*In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF). A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies. (emphasis added)*

*A more detailed explanation of the purpose and operation of the Code and the Planning Development and Infrastructure Act 2016 (SA) is set out in the decision of the Full Bench of this Court in Garden College v City of Salisbury.'*

It is with the above approach in mind that we have considered the suitability of this development within the Master Planned Neighbourhood Zone.

#### **Master Planned Neighbourhood Zone**

The Desired Outcome of the Zone seeks 'A new or expanding community with a diverse range of housing that supports a range of needs and lifestyles located within easy reach of a diversity of services, facilities and open space.'

Further, PO 1.1 seeks a diverse range of housing that supports a range of needs and lifestyles located within easy reach of a diversity of services, facilities and open space. The DTS / DPF encourages a range of land uses which include a number of non-residential nature. The use of the land is further emphasised by PO 1.4, which seeks 'Commercial activities outside activity centres improve community access to services are of a scale and type to maintain residential amenity.' (emphasis added).

The code does not prescribe hours of operation but applies a test of scale and type to maintain residential amenity. In addition to the built form and land use, the impact of a proposal is generally determined within the interface between land uses policies within the Planning and Design Code.

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By its very nature, the approved retail fuel outlet with control building clearly serves the local community to which they are located and provides a facility which provides a range of services outside of an activity centre.

The proposal does not result in any change to the approved land use as a retail fuel outlet or any built form on site and as aforementioned in previous documentation, the proposal is only seeking an amendment to application 21022282 to vary the operating hours of the control room and fuel pumping activities.

Based on the review of the Planning and Design Code, in addition to the Master Planned Neighbourhood Zone provisions, we have considered the General Development Policies – Interface between Land Uses, to be the most relevant section relating to the change in hours of operation for the approved land use for the retail fuel outlet component of the subject land.

The General Development Policies – Interface between Land Use seeks Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.

Further the Code seeks:

*PO 1.1 Sensitive receivers are designed and sited to protect residents and occupants from adverse impacts generated by lawfully existing land uses (or lawfully approved land uses) and land uses desired in the zone*

*PO 2.1 Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:*

- a) the nature of the development*
- b) measures to mitigate off-site impacts.*
- c) the extent to which the development is desired in the zone.*
- d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.*

We note DTS / DPF 2.1 provides some guidance on hours of operation for consulting rooms, offices and shops but not for retail fuel outlets, so the intent of the Performance Outcome needs to be considered.

*PO 4.1 Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).*

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The test for the impacts on the amenity of sensitive receivers include

- *the nature of development* -the proposal does not change the approved nature of development.
- *measures to mitigate off-site impacts* – refer to commentary below and note that the EPA has reviewed the proposal and deemed that measures incorporated into the approved land use will mitigate off site impacts.
- *the extent to which the development is desired in the zone* – as aforementioned, by its very nature, the approved retail fuel outlet with control building clearly serves the local community and provides a facility which provides a range of services outside of an activity centre.
- *measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.* - N/A

In order to determine the suitability of the proposed increase in hours of operation, a review of the original environmental noise assessment has been undertaken by Sonus which accompanies this planning statement and a further Lighting Model report from TMK Consulting Engineers reviewed the existing lighting of the site.

#### Environmental noise assessment

The environmental noise assessment notes that the existing facility is approved to operate between 5 am and midnight, 7 days per week. The assessment was taken based on the closest dwelling to the service station component of the subject site which abuts the subject land

The amended review of the environmental noise assessment report indicates:

*Sonus previously conducted an environmental noise assessment of the proposed X-Convenience facility at the corner of Pethererton Road and Stebonheath Road, Davoren Park, as summarised in report "SS6952C4" dated December 2021 (the Sonus Report). The Sonus Report was based on the operational assumption that the fuel court, convenience shop/control building and the drive through facility would operate 24 hours per day. The assessment included a number of acoustic treatments to ensure that the Environment Protection (Noise) Policy 2007 (the Policy) was achieved at residences at all times. treatments to ensure that the Environment Protection (Noise) Policy 2007 (the Policy) was achieved at residences at all times.*

*The recommendations included the following:*

- *Specific fence heights and constructions;*
- *Incorporating absorption materials.*
- *Reducing the noise from any alarms as far as practical;*
- *Ensuring all inspection points, grated trenches, etc. are correctly fixed;*

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- Restricting the times for nonsense collection and fuel deliveries;
- Restricting the use of car wash, dog wash and vacuum bay facilities to day time period only;
- Upgrading the construction of the car wash bays and plant room;
- Incorporating in-line attenuators to the discharge side of any significant exhaust fan/s; and,
- Specific location and screening of the mechanical plant.

*The proposal was granted approval based on the treatments in the acoustic report being incorporated but the hours of operation were limited to the following periods:*

- Fuel court and convenience shop 7:00am to 12:00am
- Drive through facility 7:00am to 12:00am
- Dog wash, car wash and vacuum bay 7:00am to 10:00pm

*The operating hours of the fuel court, the convenience shop and the drive through facility are now proposed to be extended to 24 hours per day (the Proposal).*

*As noted above, the Sonus Report was based on the operational assumption that the fuel court, the convenience shop and the drive through facility would operate 24 hours per day. Therefore, the noise levels from the facilities will achieve the relevant requirements of the Policy at nearby residences with the treatments recommended in the Sonus Report being incorporated.*

*Based on the above, the Proposal to extend the hours has been designed to achieve the Environment Protection (Noise) Policy 2007 and will not unreasonably impact the amenity of sensitive receivers, thereby achieving the relevant provisions of the Planning and Design Code related to environmental noise.*

*Based on the measurements and observations undertaken by Sonus as outlined above, the subject site will achieve relevant criteria provided in the Planning and Design Code and Environment Protection (Noise) Policy, 2007.*

#### **Lighting Modelling Report by TMK.**

TMK Consulting Engineers were engaged to provide a lighting assessment report to address the following: An Obtrusive Light – Compliance Report prepared by a qualified and experienced Electrical Engineer in accordance with Australian Standard 4282 – 2019 'Control of the obtrusive effects of outdoor lighting' shall be provided to Council for Approval.

External lighting requirements for the proposed development, including light spill across to adjacent properties must be compliant to the current Australian Standards.

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The review of the site indicated

*During Curfew hours, the obtrusive light to the new residential development North of the Service station fails to meet the AS4282:19 requirement, due to the proximity of the residential window to the boundary fence. To comply, the following action is required:*

- 1) Floodlights (light label 21, 22, 40 & 41) shall be angled to face into the service station, in lieu of flat.*
- 2) Canopy low bay light (light label 13, 14, 15 & 16) shall be provided with a 150mm high shield, limiting light spill across to the neighbouring development.*

The modelled maximum spill on all boundaries for external lighting based on the above lighting layout, luminaire selection and the proposed modification outlined in section 3, complies with the criteria outlined in AS4282:2019 during curfew and non-curfew hours.

The proposed change in hours of operation will not result in any changes to the emission of effluent, odour, smoke, fumes, and dust or other airborne pollutants and traffic impacts compared with the existing approved land use on the site. Given the approved land use on the site as a retail fuel outlet and based on the Environmental Noise Assessment from Sonus and the Lighting Model report from TMK Consulting Engineers, the proposal for a change to the hours of operation will not detract from the character or amenity of the locality which includes non-residential development and is somewhat compromised by existing road noise and emissions.

On this basis, it is considered that the proposal will have an acceptable impact on the amenity of the adjoining residential properties in accordance with the requirements of the Planning and Design Code.

## **2.0 Demonstrate how light spill will be managed to not unreasonably impact the adjacent dwellings**

A review of all lighting onsite has been undertaken by TMK Consulting Engineers to address the following: An Obtrusive Light – Compliance Report prepared by a qualified and experienced Electrical Engineer in accordance with Australian Standard 4282 – 2019 'Control of the obtrusive effects of outdoor lighting' shall be provided to Council for Approval. External lighting requirements for the proposed development, including light spill across to adjacent properties must be compliant to the current Australian Standards.

The review of the site indicated that *During Curfew hours, the obtrusive light to the new residential development North of the Service station fails to meet the AS4282:19 requirement, due to the proximity of the residential window to the boundary fence. To comply, the following action is required:*





1) Floodlights (light label 21, 22, 40 & 41) shall be angled to face into the service station, in lieu of flat.

2) Canopy low bay light (light label 13, 14, 15 & 16) shall be provided with a 150mm high shield, limiting light spill across to the neighbouring development.

The modelled maximum spill on all boundaries for external lighting based on the above lighting layout, luminaire selection and the proposed modification outlined in section 3, complies with the criteria outlined in AS4282:2019 during curfew and non-curfew hours.

All lighting will be designed in a manner to ensure that the subject land is appropriately lit whilst not impacting on the amenity of adjoining land uses including along pedestrian pathways and main access routes in accordance with the relevant Code provisions.

Any lighting used at the site will comply with AS 4282-1997-Control of the Obtrusive Effects of Outdoor Lighting (including illuminated signage), and AS 1158.1 Public Lighting Code for the illumination level of the car parking area.

#### **EPA requirements implemented onsite to mitigate impacts**

As prescribed by Part 9.1 of the Code, a referral to the Environment Protection Authority was required as the development involves the storage and retail sale of petroleum products.

The proposal incorporates best environmental practices with respect to vehicle refuelling facilities.

In response to the Standard EPA requirements, the following measures have been implemented on site which will be altered as a result of the proposed change to hours of operation:

- A Stage 1 vapour recovery system fitted to the underground storage tanks containing hydrocarbons (other than diesel and LPG), including underground storage tank vent pipes being fitted with a pressure vacuum relief valve to minimise loss during the unloading and storage of fuel.

Further, a Stage 2 vapour recovery system is fitted. The Stage 2 Vapour Recovery System is associated with the fuel filling pumps and nozzles when refuelling of vehicles occurs will be installed.

- Standard stormwater requirements – all stormwater from all areas, including crossovers will be collected and diverted to a stormwater management system (Class 1 Puraceptor) prior to discharge to the Council Stormwater system. The Class 1 Puraceptor will have the capacity for a fuel spill as well as stormwater runoff.
- All sludge from the class 1 full retention (no bypass) separator will be collected by an EPA licensed contractor.

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- All underground storage tanks (UST's) will be double walled with leak detection systems. The underground fuel tanks are sited to comply with AS/NZ S1596 and AS1940.
- The fuel lines between the underground storage tanks (UST's) are double contained with leak detection systems. fuel lines are double walled and in respect of the fuel lines from the underground storage tanks to the dispensers, these fuel lines are fitted with a mechanical pressure leakage detection mechanism. The system tests the pressure within the fuel lines when the dispensers are not in use and should the system detect pressure anomalies, it will automatically shut off the fuel pump to prevent fuel from being pumped from the tanks and minimize any potential for fuel leakage

All details of the best environmental practices with respect to vehicle refuelling facilities have been implemented onsite as per the approval afforded to the site as a Retail Fuel Outlet.

#### 4.0 Conclusion

The proposal is in the form of a variation-only application to the hours of operation to the approved retail fuel outlet on the subject land. The substantive merits of the land use and the form and features on the land, have already been addressed, considered, and approved with the original development plan consent over this site.

The proposal seeks an amendment to application 21022282 to vary the operating hours of the control room and fuel pumping activities from

- 5 am to midnight, seven days per week; to
- 24 hours, seven days per week.

The proposal does not seek to alter the approved hours of operation for the car wash, vacuum facility and dog wash which will remain as 7am to 10pm, seven days a week.

We again emphasise, on the basis of **Caltex v Holdfast Bay [2014] SASCFC 59**, the variation to a condition which limits operating hours does not constitute a change of land use and as such, given there is no other act of "development" involved, then this variation application will not involve "development". Rather, it is simply a "bare" s39 (7) application for variation of a previous development authorisation.

Based on the measurements and observations undertaken by Sonus as outlined above, the subject site will achieve relevant criteria provided in the Planning and Design Code and Environment Protection (Noise) Policy, 2007. Further, subject to minor changes to light direction, Floodlights (light label 21, 22, 40 & 41) and some minor screening to the Canopy low bay light (light label 13, 14, 15 & 16) with a 150mm

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*high shield to limit light spill across to the neighbouring development.* The modelled maximum spill on all boundaries for external lighting based on the above lighting layout, luminaire selection and the proposed modification outlined in section 3, complies with the criteria outlined in AS4282:2019 during curfew and non-curfew hours.

On this basis, it is considered that the proposal will have an acceptable impact on the amenity of the adjoining residential properties in accordance with the requirements of the Planning and Design Code.

Having regard to all the relevant provisions of the Planning and Design Code, for the reasons aforementioned, it is my opinion, that the application for the increase in hours of operation represents is appropriate in the context of the Master Planned Neighbourhood of the Planning and Design Code, the approved land use on the subject land and the unique circumstances of the subject land and locality.

For all of the above reasons, we consider the proposal to demonstrate sound performance against the pertinent Planning and Design Code standards. Accordingly, Development Approval for the change to the hours of operation is warranted.

We look forward to the support of the proposal in its current form.

If you have any further questions regarding this application or require additional information, please contact me on 0499 933 311

Yours Sincerely,

**Mark Kwiatkowski MPlA CPP**

Director + Principal Urban Planner

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**Danni Biar**

---

**From:** Mark Kwiatkowski <mark@adelaideplanning.com.au>  
**Sent:** Thursday, 24 August 2023 8:45 AM  
**To:** Danni Biar  
**Cc:** 'Rachel Stewart'; Hitendra Bisht  
**Subject:** Application ID 23009266 | Address: 80 PETHERTON RD DAVOREN PARK SA 5113

**Importance:** High

 **EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe. 

Hi Danni,

I hope you're well.

Further to our discussion onsite, I refer you to the recent decision of the ERD Court in relation to a change of hours of operation for a service station

**PC INFRASTRUCTURE PTY LTD v CITY OF MITCHAM COUNCIL ASSESSMENT PANEL [2023] SAERDC 14 (10 August 2023) – Link below**

[Environment Resources and Development Court of South Australia \(austlii.edu.au\)](https://austlii.edu.au/au/other/dfat/special/erd/court/2023/14.html)

The Court's consideration at trial was confined to the only remaining issue in dispute, which was whether the condition limiting operating hours should be varied. The Court allowed the appeal and varied the condition on the original planning consent to permit 24-hour trading, seven days per week.

In coming to this conclusion, the Court made the following findings and remarks:

1. On the point of planning assessment under the Planning and Design Code generally:

a. The term "neighbourhood" as it is used in DO 1, PO 1.4 and PO 1.5 of the Suburban Neighbourhood Zone is not an "intermediate area, greater than a locality but smaller than the zone itself." Rather, it is a "reference to the area in which the development is to take place as that is the area which will be affected by the development."

b. The approach to planning assessment is a practical, balanced consideration of all relevant planning policies applicable to a development application rather than a mechanical tick-box approach.[1]

2. The proposed change to operating hours did not increase the intensity of use of the Land so as to be material and constitute a change of use under the Planning, Development and Infrastructure Act 2016. The change in hours of operation did not change the fundamental nature of the development. It was therefore not "development" pursuant to the PDI Act.

3. It is the impact of the proposed variation to trading hours itself which must be performance assessed against the relevant provisions of the Code. It was not a question of the compliance of the development as a whole.

4. This impact can only be considered by the Court on the basis of the evidence before it. As the Mitcham CAP did not produce evidence to support its opposition to the variation, it was only the evidence of PC before the Court. That evidence indicated that:

a. The average noise levels that would result from the extended trading hours were well below maximum levels indicated in the Environmental Protection (Noise) Policy 2007;

b. There was no evidence of an odour impact;

c. The extended hours would ameliorate the risk to the safety of pedestrians accessing the adjacent train station late at night or early in the morning by increasing presence and passive surveillance;

d. The extended hours had the potential to reduce anti-social or criminal behaviour; and

e. The lighting associated with the proposed development would not have an adverse impact on residential amenity.

The extended operation of the retail fuel outlet remained 'compatible' with a low density residential character and 'complimentary' to the character and amenity of the area.

On this basis, we would like the application to be considered on the basis of this decision noting the decision of the ERD Court would be referred to as Precedence if an appeal was lodged, should the application be refused as suggested verbally.

Regards

Mark Kwiatkowski

**Director + Principal Urban Planner + Accredited Professional Level 1 – 4**



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Acoustics • EMF • Structural Dynamics • Vibration

Wednesday, 20 September 2023

Project number: A230728

Reference: A230278LT1

Danni Biar  
City of Playford  
12 Bishopstone Road  
Davoren Park SA 5113

Dear Danni,

**X-Convenience Davoren Park Acoustic Peer Review  
Acoustic Peer Review**

## 1 Introduction

This letter outlines an acoustic peer review of a proposed variation to a DA previously granted in January 2022 at *Lot 2001 (No. 80) Petherton Road, Davoren Park (DA 21022282)*. The development is an X-Convenience which consists of a petrol filling forecourt, a control building, two automatic car washes, two manual car washes, two vacuum units, a dog wash, a plant room, and a drive through.

We understand that the proposal was granted approval based on the treatments in acoustic report being incorporated but the hours of operation were limited to the following periods (as per Condition 3 of the approval):

- Fuel court and convenience shop 5 am to 12 am
- Drive through facility 7 am to 12 am
- Dog wash, car wash and vacuum bay 7 am to 10 pm

The current proposal is a *Variation to DA 21022282 to amend Condition 3 affecting the hours of operation seeking to increase the opening hours of the control room (shop front) and fuel pumping activities only to 24 hours per day.*

## 2 Environmental noise criteria

### 2.1 Original assessment

The original acoustic report derived criteria for the adjacent land based on existing residences and vacant residential land as indicated in Figure 1, which is an extract of their original report.



Figure 1 Existing residences and vacant residential land as of original acoustic report

The acoustic criteria are based on whether adjacent land has existing residences (including approved development) or the land is vacant. For vacant land the criteria adopted is 5 dB less stringent than for land with existing residences. This is consistent with the criteria adopted in the original report as follows:

- Residences:
  - An average ( $L_{eq}$ ) noise level of 47 dB(A) during the day time (7am to 10pm);
  - An average ( $L_{eq}$ ) noise level of 40 dB(A) during the night time (10pm to 7am); and,
  - A maximum ( $L_{max}$ ) noise level of 60 dB(A) during the night time.
- Vacant Residential Land:
  - An average ( $L_{eq}$ ) noise level of 52 dB(A) during the day time (7am to 10pm);
  - An average ( $L_{eq}$ ) noise level of 45 dB(A) during the night time (10pm to 7am); and,
  - A maximum ( $L_{max}$ ) noise level of 60 dB(A) during the night time.

These criteria would have been appropriate at the time of the original assessment.





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The assumption is that the predicted levels comply with the criteria as outlined above, also noting that the proposed fence to the vacant land is 2.4 m and the fence to the existing residences is 3 m.

## 2.2 Variation

The variation seeks to extend the current operating hours of the fuel court and convenience shop from 5 am to 12 am to 24-hour operation.

The acoustic report suggests that the same previous criteria for the vacant residential land should be adopted for the variation. We understand that there is now a dwelling on what was previously vacant residential land, as such, noise emissions to this location should be assessed on the basis of this existing dwelling.

We suggest that the planning criteria (in accordance with Part 5 of the Noise Policy) be adopted to these dwellings for the proposed variation, which is 5 dB more stringent than previously adopted and consistent with the criteria adopted in 2020 for the existing adjacent receptors. The extension of hours from 12 am to 5 am would potentially change the amenity of the existing residences and the more stringent criteria should be considered in this context.

## 3 Noise measurements

As the development is existing and operational there is an opportunity to undertake noise measurements of actual activity to understand the effectiveness of the acoustic treatments and whether they are sufficient to attenuate noise emissions to within the requirements of the Noise Policy.

## 4 Summary recommendations

Based on our peer review, we recommend the following:

- Planning criteria (in accordance with Part 5 of the Noise Policy) be adopted for the now existing dwelling to the north of the subject site
- Noise measurements be undertaken during the night time period when the X-Convenience is operating to understand the actual noise emissions from the subject site.

Please let me know if you have any queries or wish to discuss the above.

Yours sincerely,

A handwritten signature in black ink, appearing to be "Deb James".



Deb James  
Director  
p +61 8 8155 5888  
m +61 422 047 275  
deb.james@resonate-consultants.com

## Danni Biar

---

**From:** Mark Kwiatkowski <mark@adelaideplanning.com.au>  
**Sent:** Thursday, 24 August 2023 8:45 AM  
**To:** Danni Biar  
**Cc:** 'Rachel Stewart'; Hitendra Bisht  
**Subject:** Application ID 23009266 | Address: 80 PETHERTON RD DAVOREN PARK SA 5113

**Importance:** High

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Hi Danni,

I hope you're well.

Further to our discussion onsite, I refer you to the recent decision of the ERD Court in relation to a change of hours of operation for a service station

**PC INFRASTRUCTURE PTY LTD v CITY OF MITCHAM COUNCIL ASSESSMENT PANEL [2023] SAERDC 14 (10 August 2023) – Link below**

[Environment Resources and Development Court of South Australia \(austlii.edu.au\)](https://austlii.edu.au/au/other/aukianct/other/erd/court/2023/14.html)

The Court's consideration at trial was confined to the only remaining issue in dispute, which was whether the condition limiting operating hours should be varied. The Court allowed the appeal and varied the condition on the original planning consent to permit 24-hour trading, seven days per week.

In coming to this conclusion, the Court made the following findings and remarks:

1. On the point of planning assessment under the Planning and Design Code generally:

a. The term "neighbourhood" as it is used in DO 1, PO 1.4 and PO 1.5 of the Suburban Neighbourhood Zone is not an "intermediate area, greater than a locality but smaller than the zone itself." Rather, it is a "reference to the area in which the development is to take place as that is the area which will be affected by the development."

b. The approach to planning assessment is a practical, balanced consideration of all relevant planning policies applicable to a development application rather than a mechanical tick-box approach.[1]

2. The proposed change to operating hours did not increase the intensity of use of the Land so as to be material and constitute a change of use under the Planning, Development and Infrastructure Act 2016. The change in hours of operation did not change the fundamental nature of the development. It was therefore not "development" pursuant to the PDI Act.

3. It is the impact of the proposed variation to trading hours itself which must be performance assessed against the relevant provisions of the Code. It was not a question of the compliance of the development as a whole.

4. This impact can only be considered by the Court on the basis of the evidence before it. As the Mitcham CAP did not produce evidence to support its opposition to the variation, it was only the evidence of PC before the Court. That evidence indicated that:

a. The average noise levels that would result from the extended trading hours were well below maximum levels indicated in the Environmental Protection (Noise) Policy 2007;

b. There was no evidence of an odour impact;

c. The extended hours would ameliorate the risk to the safety of pedestrians accessing the adjacent train station late at night or early in the morning by increasing presence and passive surveillance;

d. The extended hours had the potential to reduce anti-social or criminal behaviour; and

e. The lighting associated with the proposed development would not have an adverse impact on residential amenity.

The extended operation of the retail fuel outlet remained 'compatible' with a low density residential character and 'complimentary' to the character and amenity of the area.

On this basis, we would like the application to be considered on the basis of this decision noting the decision of the ERD Court would be referred to as Precedence if an appeal was lodged, should the application be refused as suggested verbally.

Regards

Mark Kwiatkowski

**Director + Principal Urban Planner + Accredited Professional Level 1 – 4**



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**Danni Biar**

---

**From:** Mark Kwiatkowski <mark@adelaideplanning.com.au>  
**Sent:** Tuesday, 10 October 2023 1:13 PM  
**To:** Danni Biar  
**Cc:** Adam Squires; 'Rachel Stewart'; Hitendra Bisht  
**Subject:** Application ID 23009266 | Address: 80 (LOT 2001) PETHERTON RD DAVOREN PARK SA 5113  
**Attachments:** S6952C7.pdf; Letter to Council in support of variation application 07.09.23.pdf; 2111151\_PM01\_Lighting Modeling Report - C.pdf; APDS letter to council 80 (LOT 2001) PETHERTON RD DAVOREN PARK SA 5113.pdf

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Hi Danni,

Please find amended report from Sonus in relation to the operational aspects of the retail fuel outlet in addition to the legal opinion from Botten Levinson and the Lighting modelling report from plan from TMK and additional response from APDS which should be read in conjunction with all application documentation provided.

I note the amended report from Sonus dated 10 October 2023 (attached) indicates:

*The operating hours of the fuel court, the convenience shop and the drive through facility are now proposed to be extended to 24 hours per day (the Proposal). Sonus conducted an assessment for the Proposal, which is summarised in the report "S6952C5" dated 25 February 2023 (the Sonus Report).*

*During the noise measurements, one sound level meter operated continuously for 15 minutes and therefore recorded noise from the Facility as well as noise from vehicles on public roads. The average (Leq) noise level measured was 42 dB(A) with a maximum instantaneous noise level (Lmax) of 63 dB(A). The maximum noise level was associated with a motorcycle driving along Petherton Road.*

*A second sound level meter operated over the same period, but the noise measurement was paused at times when vehicles on public roads were audible. This measurement therefore represented the noise from the X-Convenience site alone. It included the noise from vehicles on the site, voices, the operation of the drive-through and mechanical plant. The average (Leq) noise level measured was 34 dB(A) with a maximum instantaneous noise level (Lmax) of 52 dB(A). The maximum level of 52 dB(A) was associated with a voice.*

*The measured noise from the Facility has been compared with the following night time (10:00pm to 7:00am) planning criteria as recommended by the Peer Review:*

- An average (Leq) noise level of 40 dB(A)
- A maximum (Lmax) noise level of 60 dB(A)

*The measured noise levels easily achieved the recommended planning criteria.*

**The report concludes 'Based on the above, it is confirmed that the Proposal to extend the hours achieves the Environment Protection (Noise) Policy 2007 and will therefore not unreasonably impact the amenity of sensitive receivers, thereby achieving the relevant provisions of the Planning and Design Code related to environmental noise.'**

In relation to the aspect of land use and 24-hour operation proposed, we again reiterate the advice from Botten Levinson (attached) and the response from APDS provided below.

*In light of all the relevant circumstances, the proposed variation to operating hours of the retail fuel outlet is appropriate and supportable. The adverse impacts of an additional 5 hours per day are likely to be negligible and would still maintain the level of residential amenity existing in the current circumstances. The extended hours may very well increase the safety and security of the locality. It is open to the Council Assessment Panel to vary the Condition 3 of Development Application No. 21022282 to enable 24 hour trading, 7 days per week for the control room and fuel pumping activities, consistent with the recent decision of the ERD Court.*

On this basis, it is clear that the proposed variation maintains the residential amenity and will potentially improve safety and security within the immediate locality. The proposed variation is appropriate in light of these circumstances. We

would like the application to be considered on the basis of this decision noting the decision of the ERD Court would be referred to as Precedence if an appeal was lodged, should the application be refused as suggested verbally.

Can this information please be uploaded to the planning portal and be presented as part of the application documentation to be considered by the Panel.

Please confirm when this proposal will be considered by the Council Assessment Panel and the date and time of the meeting. A representative shall attend at this meeting in support of the proposal.

Regards

Mark Kwiatkowski

**Director + Principal Urban Planner + Accredited Professional Level 1 – 4**



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The logo for Sonus, featuring the word "sonus." in a red, lowercase, sans-serif font.

APDS  
200A Cross Road  
Unley Park SA 5061

**S6952C7**

**Attention:** Mark Kwiatkowski

**10 October 2023**

Dear Mark,

**X-CONVENIENCE EYRE  
ENVIRONMENTAL NOISE ASSESSMENT**

Sonus previously conducted an environmental noise assessment of the proposed X-Convenience facility at the corner of Petherton Road and Stebonheath Road, Eyre (the **Facility**), as summarised in report "S6952C4" dated December 2021. The assessment included a number of acoustic treatments to ensure that the *Environment Protection (Noise) Policy 2007* (the **Policy**) was achieved at residences at all times.

The proposal was granted approval based on the treatments in the acoustic report being incorporated but the hours of operation were limited to the following periods:

- Fuel court and convenience shop 5:00am to 12:00am
- Drive through facility 7:00am to 12:00am
- Dog wash, car wash and vacuum bay 7:00am to 10:00pm

The operating hours of the fuel court, the convenience shop and the drive through facility are now proposed to be extended to 24 hours per day (the **Proposal**). Sonus conducted an assessment for the Proposal, which is summarised in the report "S6952C5" dated 25 February 2023 (the **Sonus Report**).

X-CONVENIENCE EYRE  
ENVIRONMENTAL NOISE ASSESSMENT  
10 October 2023  
Page 2 of 7

sonus.

A peer review of the Sonus Report was conducted by Resonate, reference: A230278LT1 dated 20 September 2023 (the **Peer Review**), and recommended the following:

1. *Planning criteria (in accordance with Part 5 of the Noise Policy) be adopted for the now existing dwelling to the north of the subject site.*
2. *Noise measurements be undertaken during the night time period when the X-Convenience is operating to understand the actual noise emissions from the subject site.*

In response to the Peer Review, attended noise measurements were taken on 5 October 2023, at 11:00pm at a residence to the north in the location indicated in Figure 1. This location is immediately adjacent to the drive through and the rooftop mechanical plant.

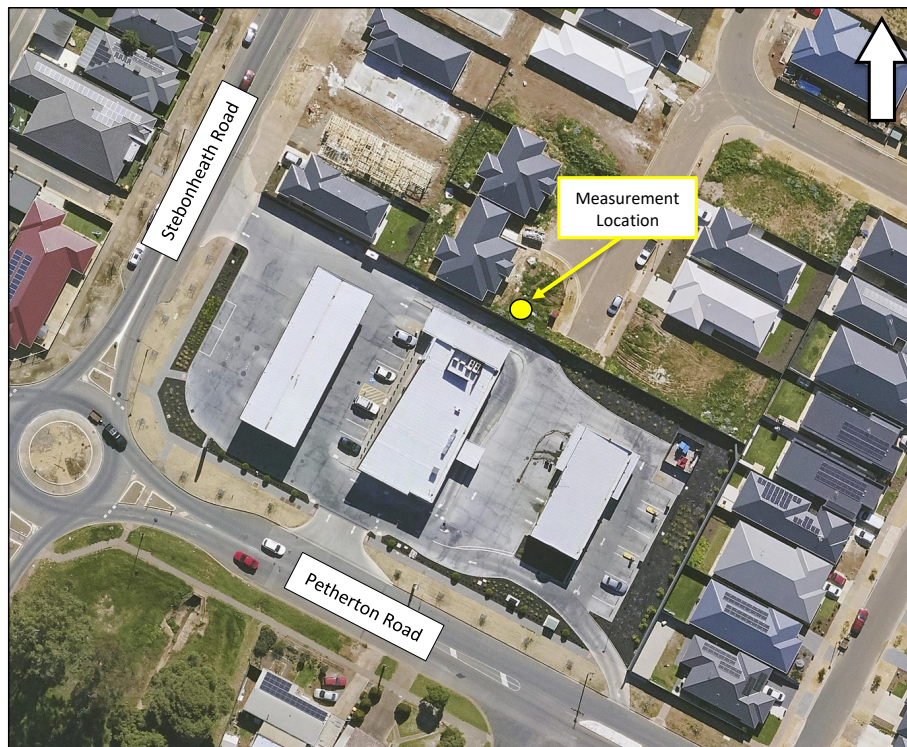


Figure 1: Measurement Location



X-CONVENIENCE EYRE  
ENVIRONMENTAL NOISE ASSESSMENT  
10 October 2023  
Page 3 of 7

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Two sound level meters were used for the noise measurements. The instruments were Rion NL-52, Class 1 sound level meters, which were field calibrated prior to and on completion of the noise measurements with a Rion NC-74 sound level calibrator. The calibration certificates of the instruments are shown in Appendix A.

During the noise measurements, one sound level meter operated continuously for 15 minutes and therefore recorded noise from the Facility as well as noise from vehicles on public roads. The average ( $L_{eq}$ ) noise level measured was 42 dB(A) with a maximum instantaneous noise level ( $L_{max}$ ) of 63 dB(A). The maximum noise level was associated with a motorcycle driving along Petherton Road.

A second sound level meter operated over the same period, but the noise measurement was paused at times when vehicles on public roads were audible. This measurement therefore represented the noise from the X-Convenience site alone. It included the noise from vehicles on the site, voices, the operation of the drive-through and mechanical plant. The average ( $L_{eq}$ ) noise level measured was 34 dB(A) with a maximum instantaneous noise level ( $L_{max}$ ) of 52 dB(A). The maximum level of 52 dB(A) was associated with a voice.

The noise from the facility was not tonal, impulsive or low frequency in character and as the noise from activity at the Facility varied much less than the noise from vehicles on public roads, a penalty for noise character was not warranted.

The measured noise from the Facility has been compared with the following night time (10:00pm to 7:00am) planning criteria as recommended by the Peer Review:

- An average ( $L_{eq}$ ) noise level of 40 dB(A)
- A maximum ( $L_{max}$ ) noise level of 60 dB(A)

The measured noise levels easily achieved the recommended planning criteria.

Based on the above, it is confirmed that the Proposal to extend the hours achieves the *Environment Protection (Noise) Policy 2007* and will therefore not *unreasonably impact the amenity of sensitive receivers*, thereby achieving the relevant provisions of the Planning and Design Code related to environmental noise.

X-CONVENIENCE EYRE  
ENVIRONMENTAL NOISE ASSESSMENT  
10 October 2023  
Page 4 of 7

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Yours faithfully  
**Sonus Pty Ltd**



Chris Turnbull  
**Principal**

+61 417 845 720  
ct@sonus.com.au

X-CONVENIENCE EYRE  
ENVIRONMENTAL NOISE ASSESSMENT  
10 October 2023  
Page 5 of 7

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APPENDIX A: Calibration Certificates

**CERTIFICATE OF CALIBRATION**  
CERTIFICATE No: **SLM37471**

**EQUIPMENT TESTED:** Sound Level Meter

**Manufacturer:** Rion  
**Type No:** NL-52  
**Mic. Type:** UC-59  
**Pre-Amp. Type:** NH-25

**Serial No:** 00710427  
**Serial No:** 19622  
**Serial No:** 10970

**Owner:** Sonus Pty Ltd  
17 Ruthven Ave  
Adelaide SA 5000

**Tests Performed:** IEC 61672-3:2013  
**Comments:** All Tests passed for Class 1. (See overleaf for details)

**CONDITIONS OF TEST:**  
**Ambient Pressure** 1015 hPa  $\pm 1$  hPa  
**Temperature** 23 °C  $\pm 1^\circ$  C  
**Relative Humidity** 41 %  $\pm 5\%$

**Date of Receipt:** 18/09/2023  
**Date of Calibration:** 22/09/2023  
**Date of Issue:** 25/09/2023

**Acu-Vib Test Procedure:** AVP10 (SLM) based on IEC 61672-3.

**CHECKED BY:** ..... **AUTHORISED SIGNATURE:** .....  
Paul Sze

Accredited for compliance with ISO/IEC 17025 - Calibration  
Results of the tests, calibration and/or measurements included in this document are traceable to SI units through reference equipment that has been calibrated by the Australian National Measurement Institute or other NATA accredited laboratories demonstrating traceability.

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Page 1 of 2 Calibration Certificate  
AVCERT10.2 Rev 2.0 14/04/2021

X-CONVENIENCE EYRE  
ENVIRONMENTAL NOISE ASSESSMENT  
10 October 2023  
Page 6 of 7

sonus.

## CERTIFICATE OF CALIBRATION

CERTIFICATE No: **SLM33789**

EQUIPMENT TESTED: Sound Level Meter

Manufacturer: Rion  
Type No: NL-52  
Mic. Type: UC-59  
Pre-Amp. Type: NH-25

Serial No: 00320657  
Serial No: 03435  
Serial No: 10665

Owner: Sonus Pty Ltd  
17 Ruthven Ave  
Adelaide SA 5000

Tests Performed: IEC 61672-3:2013

Comments: All Tests passed for Class 1. (See overleaf for details)

### CONDITIONS OF TEST:

Ambient Pressure	1005 hPa $\pm 1$ hPa	Date of Receipt :	19/09/2022
Temperature	24 °C $\pm 1$ ° C	Date of Calibration :	20/09/2022
Relative Humidity	41 % $\pm 5$ %	Date of Issue :	21/09/2022

Acu-Vib Test Procedure: AVP10 (SLM) based on IEC 61672-3

CHECKED BY: ..... AUTHORISED SIGNATURE: .....  
Helen Sme

Accredited for compliance with ISO/IEC 17025 - Calibration  
Results of the tests, calibration and/or measurements included in this document are traceable to SI units through reference equipment that has been calibrated by the Australian National Measurement Institute or other NATA accredited laboratories demonstrating traceability.

This report applies only to the item identified in the report and may not be reproduced in part.  
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X-CONVENIENCE EYRE  
ENVIRONMENTAL NOISE ASSESSMENT  
10 October 2023  
Page 7 of 7

sonus.

## CERTIFICATE OF CALIBRATION

CERTIFICATE NO: C36132

EQUIPMENT TESTED : Sound Level Calibrator

Manufacturer: Rion

Type No: NC-74

Serial No: 35094478

Owner: Sonus Pty Ltd

17 Ruthven Ave

Adelaide SA 5000

Tests Performed: Measured Output Pressure level, Frequency & Distortion

Comments: See Details overleaf. All Test Passed.

Parameter	Pre-Adj	Adj Y/N	Output: (dB re 20 µPa)	Frequency (Hz)	THD&N (%)
Level:	NA	N	94.06 dB	1001.75 Hz	1.26 %
Uncertainty			±0.11 dB	±0.05%	±0.20 %

Uncertainty (at 95% c.i.) k=2

### CONDITION OF TEST:

Ambient Pressure 1009 hPa ±1 hPa

Temperature 22 °C ±1° C

Relative Humidity 49 % ±5%

Date of Receipt : 11/05/2023

Date of Calibration : 17/05/2023

Date of Issue : 17/05/2023

Acu-Vib Test AVP02 (Calibrators)

Procedure: Test Method: AS IEC 60942 - 2017

CHECKED BY: *[Signature]*

AUTHORISED  
SIGNATURE: *[Signature]*

Accredited for compliance with ISO/IEC 17025 - Calibration  
Results of the tests, calibration and/or measurements included in this document are traceable to SI units through reference equipment that has been calibrated by the Australian National Measurement Institute or other NATA accredited laboratories demonstrating traceability.

This report applies only to the item identified in the report and may not be reproduced in part.

The uncertainties quoted are calculated in accordance with the methods of the ISO Guide to the Uncertainty of Measurement and quoted at a coverage factor of 2 with a confidence interval of approximately 95%.



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AVCERT02.1 Rev 2.0 14.04.2021

**5.2 RETAIL FUEL OUTLET, ADVERTISING AND FENCE (ID21022282)****Snapshot**

<b>Author:</b>	Andrew Humby, <i>Consultant Planner</i>
<b>Proposal:</b>	Retail Fuel Outlet, Advertising and Fence
<b>Development Number:</b>	21022282
<b>Date of Lodgement:</b>	10 September 2021
<b>Owner:</b>	Eyre Convenience Pty Ltd
<b>Applicant:</b>	Mark Kwiatkowski
<b>Location:</b>	Lot 2000 Petherton Road, Davoren Park
<b>Zone:</b>	Master Planned Neighbourhood Zone
<b>Classification:</b>	Emerging Activity Centre
<b>Public Notification Category:</b>	Performance Assessed
<b>Representation Received:</b>	Yes
<b>Development Plan:</b>	Yes
<b>Request for Additional Information Made?</b>	Yes
<b>Recommendation:</b>	To Grant Planning Consent

**Attachments:**

1. Certificate of Title
2. Application Documents
3. Planning Report
4. Noise Assessment Report
5. Additional Response for Noise Assessment
6. Combined Traffic Reports
7. Updated Plan Showing Infrastructure Works
8. Stormwater Management Plan
9. Copy of Representations
10. Response to Representations
11. EPA Referral Response

**1. The Subject Land**

The subject land is described as Allotment 2000 Petherton Road, Davoren Park of Deposited Plan 126597 and is contained within Certificate of Title Book Reference of Volume 6253 Folio 67. Located on the north-eastern corner of Petherton Road and Stebonheath Road, the subject land retains an area of 10,000m<sup>2</sup>.

The subject land contains a frontage of 93.86 metres to Petherton Road and 38.91 metres to Stebonheath Road (excluding the corner cut off).



The subject land is devoid of any built form or vegetation. Large stockpiles of soil are currently sited on the subject land and form part of the excavation work being undertaken as part of the wider residential subdivision. Excluding the stockpiles of soil, the subject land is relatively flat with no notable slope evident.

The subject land contains a 3.0 metre wide stormwater easement, with no rights of way or Land Management Agreements applicable

## 2. The Locality

The locality is currently undergoing a period of change with significant investment having been recently undertaken.

In 2010, the land to the west of Stebonheath Road was used solely for primary production (in the form of cropping), with the area to the north-west of Stebonheath and Petherton Roads now having been fully developed for residential development. The area to the south-west of Stebonheath and Petherton Roads has been developed as a small activity centre containing a Drakes supermarket, medical centre, a number of smaller shops and a large car parking area, with the balance retained for primary production activities.

The area to the south-east of Stebonheath and Petherton Roads contains long established residential allotments of predominantly single storey dwellings on allotments of a consistent size and configuration.

The subject land forms part of a wider landholding that previously contained a large area of public space and the former Para West Adult Campus. More recently this has been developed as part of the 'Evergreen' residential estate, with various stages have been developed. Residential sized allotments about the subject land to the north and east.

### 2.1 Locality Plan





## 2.2 Zoning

The subject land is located within the Master Planned Neighbourhood Zone (the Zone) and Emerging Activity Centre Sub-Zone (the Sub-zone) as identified in the Planning and Design Code.

The following Overlays and Technical and Numerical Variations (TNVs) also apply:

- Affordable Housing
- Building Near Airfields
- Defence Aviation Area Overlay – All structures over 15 metres
- Hazards (Flooding) Overlay
- Hazards (Flooding – General) Overlay
- Prescribed Wells Area Overlay
- Regulated and Significant Tree Overlay
- Water Resources
- Concept Plan 81 – Edinburgh Defence Airfield Lighting Constraints.

## 3. Background

A development application was submitted in early March 2021 to be assessed against the former City of Playford Development Plan as an 'undefined' land use requiring Category 3 public notification.

This application has since been withdrawn and a new application submitted under the Planning and Design Code.

The new application has been amended from the original design to incorporate the following changes:

- Relocating the Control building closer to the Stebonheath Road frontage and the carwash towards to the eastern boundary
- Reduced the number of underground fuel tanks from 3 to 2 x 110,000 litre tanks
- Reduced the height of the proposed Stebonheath Road signage from 6.0 metres to 3.0 metres
- Reduced the number of car washing bays from 5 to 4
- Reduced the fencing heights along the northern and eastern boundary, with increased acoustic treatments along the eastern boundary.

## 4. The Proposal

The applicant seeks Planning Consent for the construction of a retail fuel outlet, fuel canopy, control building with a dining area and associated drive-through, car and dog wash facility, advertising, boundary fencing, shared car parking and landscaping at Allotment 2000 Petherton Road, Davoren Park.

The key elements of the proposal include:

- Construction of a 375m<sup>2</sup>, barestone cladding, brick tile and glass fronted control building containing:
  - Shop used for the sale of convenience goods, including associated cool room, freezer, store and bathroom facilities;
  - Dine-in restaurant comprising an area of approximately 50m<sup>2</sup> and 19 internal seats;
  - Take away drive-through facility; and
  - Shared servery/cashier area

- 390m<sup>2</sup> forecourt canopy (32.5 metres x 12 metres x 6.5 metre);
- 16 fuel dispensing bowsers in 4 rows (including Stage 2 vapour recovery system);
- Car washing facility for 4 vehicles (2 automatic and 2 manual) and 4 vacuum bays
- Dog washing facilities
- 13 on-site car parking spaces, including 1 disabled car park;
- 2 bicycle racks to accommodate 4 bicycles;
- 4.6 metre x 17.7 metre x 3.9 metre high acoustically treated enclosure of the drive through order and collection area;
- 2 x 110KL below-ground fuel tanks with Stage 1 vapour recovery system;
- 6.2 metre x 2.0 metre and 3.0 metre x 1.5 metre double sided internally illuminated free-standing pylon signs;
- Additional signs attached to the forecourt canopy, main control building along and car wash;
- 2.4 metre high acoustic wall along the northern boundary;
- 2.4 metre – 2.7 metre high acoustic wall along the eastern boundary;
- Perimeter landscaping;
- New crossovers onto both Petherton Road and Stebonheath Road

The main control building comprises barestone cladding, brick tiles, and glass panels that face onto the main forecourt area. The control building is to be sited approximately 10.6 metres from the Petherton Road frontage, 40.9 metres from the Stebonheath Road frontage, 47.6 metres from the eastern boundary and 4.6 metres from the northern boundary. The main facades of the control room will contain a wall height of 5.85 metres with the feature parapet extending up to 6.413 metres.

The proposed forecourt canopy is to be sited 7.7 metres from Petherton Road and 14.8 metres from Stebonheath Road and contains an overall height of 6.5 metres. 16 fuel bowsers in 4 rows will be located under the canopy.

Landscaping is proposed along the perimeter of the subject land with a mixture of irrigated lawn, groundcovers and shrubs.

The control building and fuel pumping facilities will seek to operate between 5am and midnight, seven days a week. The car wash, vacuuming and dog wash facilities will seek to operate between 7am and 10pm, seven days a week.

A copy of the application documents are contained in the Attachments.

## **5. Procedural Matters**

### **5.1 Classification**

The proposed development involves the construction of a retail fuel outlet, advertisement and fencing. The carwash, vacuum bays and dog wash are all considered to part of the retail fuel outlet definition as detailed in Part 7 of the Planning and Design Code.

All three elements are not classified as Accepted, Deemed-to-Satisfy or Restricted within the relevant Tables of the Zone. The proposed development is therefore a Code Assessed - Performance Assessed development pursuant to Sections 105(b) and 107 of the Act, requiring an on-merit assessment against the relevant provisions of the Code.

### **5.2 Public Notification**

All classes of performance assessed development require public notification unless, pursuant to Section 107(6) of the Act, the class of development is excluded from notification by the Code in Table 5 – *Procedural Matters (PM) - Notification* of the relevant Zone.

Table 5 of the Zone includes references to land uses both where located in and where located outside an activity centre within the Emerging Activity Centre Subzone. In this instance, both 'retail fuel outlet' and 'advertisement' and not listed as land uses that are exempt, thus requiring public notification.

Fences less than 3.0 metres are exempt from requiring public notification.

Public notification commenced on 23 September and concluded on 14 October 2021. 34 representations were received during the public notification period, with two (2) of these representors providing two (2) representations each. 30 representors were in opposition to the proposal and two (2) in support of the proposal. Four (4) representors have requested to be heard, two (2) of which will be presented by the same listed representative. The representors are listed below:

Representations received		Summary of Issues Raised	Wish to be Heard
1	Ali Saunderson 39 Ponderosa Road MUNNO PARA WEST SA 5115	<ul style="list-style-type: none"> <li>Health impacts due to airborne particles</li> <li>High risk of explosions</li> <li>Increase in traffic</li> <li>Lighting and glare impacts</li> <li>Noise and hours of operation impacts</li> <li>Not informed of the intended land use prior to purchase of land</li> <li>Locality already contains retail fuel outlets and does not need another outlet</li> </ul>	No
2	Greg Marks 12 Main Street MAWSON LAKES SA 5095	<ul style="list-style-type: none"> <li>Increased crime</li> <li>Excessive lighting impacts</li> <li>Air pollution and safety impacts</li> </ul>	No
3	Avalon Marks 7 Evergreen Drive DAVOREN PARK SA 5107	<ul style="list-style-type: none"> <li>Increased crime in locality</li> <li>Locality already contains retail fuel outlets and does not need another outlet</li> </ul>	No
4	Kaitlyn Smith 28 Burley Griffin Drive ANDREWS FARM SA 5144	<ul style="list-style-type: none"> <li>Locality already contains retail fuel outlets and does need another outlet</li> <li>Negative health impacts upon adjoining landowners</li> <li>Increased traffic</li> <li>Increased crime in locality</li> </ul>	YES
5	Hollie Whiting 21 Traminer Drive ANGLE VALE SA 5117	<ul style="list-style-type: none"> <li>A small reserve is a more appropriate use for the site</li> </ul>	No
6	Adel Pretorius 20 Evergreen Drive DAVOREN PARK SA 5107	<ul style="list-style-type: none"> <li>Locality already contains retail fuel outlets and does not need another outlet</li> <li>Increased crime in locality</li> <li>Increased traffic</li> </ul>	No
7	Brittany Widdall 35 Midlow Road ELIZABETH DOWNS SA 5113	<ul style="list-style-type: none"> <li>Health impacts due to airborne particles</li> <li>Decrease in property values</li> <li>Increase in insurance premiums</li> <li>Noise and hours of operation impacts</li> <li>Locality already contains retail fuel outlets and does not need another outlet</li> </ul>	No

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8	Teagan Ford 9 Eucalyptus Crescent ANDREWS FARM SA 5144	<ul style="list-style-type: none"> <li>Locality already contains retail fuel outlets and does not need another outlet</li> </ul>	No
9	Natalie Bonney 256 Petherton Road ANDREWS FARM SA 5144	<ul style="list-style-type: none"> <li>Locality already contains retail fuel outlets and does not need another outlet</li> <li>Increased traffic</li> <li>Decrease in property values</li> </ul>	No
10	Damon Ribbons Address not given ANDREWS FARM SA 5144	<ul style="list-style-type: none"> <li>Supports proposal</li> </ul>	No
11	Kate Hodges 240 Petherton Road ANDREWS FARM SA 5144	<ul style="list-style-type: none"> <li>Increase in crime</li> <li>Increased traffic</li> <li>Decrease in property values</li> </ul>	No
12	Jessica White 533 Stebonheath Road ANDREWS FARM SA 5144	<ul style="list-style-type: none"> <li>Increase in crime</li> <li>Increased pollution</li> <li>Increased traffic</li> <li>Locality already contains retail fuel outlets and does not need another outlet</li> </ul>	No
13	Julian Jankowski 240 Petherton Road ANDREWS FARM SA 5144	<ul style="list-style-type: none"> <li>Decrease in property values</li> <li>Increased traffic</li> <li>Locality already contains retail fuel outlets and does not need another outlet</li> </ul>	No
14	Teahna Vandenheuval 4 Tollerdown Street DAVOREN PARK SA 5107	<ul style="list-style-type: none"> <li>Supports proposal</li> </ul>	No
15	Edward Jaeger 175/50 Andrews Road PENFIELD SA 5121	<ul style="list-style-type: none"> <li>Locality already contains retail fuel outlets and does not need another outlet</li> </ul>	No
16	Tayla Murch 15 Earl Avenue SALISBURY EAST SA 5109	<ul style="list-style-type: none"> <li>Decrease in property values</li> <li>Health concerns</li> <li>Increased noise</li> <li>Locality already contains retail fuel outlets and does not need another outlet</li> </ul>	No
17	Sarah Gormly 46 Saint Lawrence Ave ANDREWS FARM SA 5144	<ul style="list-style-type: none"> <li>Locality already contains retail fuel outlets and does need another outlet</li> </ul>	No
18	Craig Vickers 74 Federation Way ANDREWS FARM SA 5144	<ul style="list-style-type: none"> <li>Land should be kept vacant and trees planted</li> </ul>	No
19	Ebony Edwards 13 Armson Court PARA HILLS WEST SA 5096	<ul style="list-style-type: none"> <li>Locality already contains retail fuel outlets and does need not another outlet</li> <li>Environmental impacts</li> <li>Noise impacts due to delivery vehicles</li> <li>Increased traffic impacts</li> <li>Not informed of the intended land use prior to purchase of land</li> </ul>	<b>YES</b> (represented by Mr Brenton Edwards #29)

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20	Rachel McGowan 7 Lennira Street SALISBURY NORTH SA 5108	<ul style="list-style-type: none"> <li>• Locality already contains retail fuel outlets and does not need another outlet</li> <li>• Environmental impacts</li> <li>• Noise impacts due to delivery vehicles</li> </ul>	No
21	Amanda Kleinig 77 Petheron Road DAVOREN PARK SA 5113	<ul style="list-style-type: none"> <li>• Locality already contains retail fuel outlets and does not need another outlet</li> </ul>	No
22	Graham Rodgers PO Box 15 ELIZABETH SOUTH SA 5095	<ul style="list-style-type: none"> <li>• Locality already contains retail fuel outlets and does not need another outlet</li> </ul>	No
23	Alana Wolstencroft 75 Petheron Road DAVOREN PARK SA 5113	<ul style="list-style-type: none"> <li>• Locality already contains retail fuel outlets and does not need another outlet</li> </ul>	No
24	Bongo Hayibo 570 Stebonheath Road DAVOREN PARK SA 5113	<ul style="list-style-type: none"> <li>• Locality already contains retail fuel outlets and does not need another outlet</li> <li>• Not informed of the intended land use prior to purchase of land</li> <li>• Noise impacts</li> </ul>	No
25	Jared Gilberton 284 Macaw Creek Road RIVERTON SA 5412	<ul style="list-style-type: none"> <li>• Health impacts due to airborne particles</li> <li>• Increase in traffic</li> <li>• Increase in crime</li> <li>• Lighting and glare impacts</li> <li>• Noise and hours of operation impacts</li> <li>• Not informed of the intended land use prior to purchase of land</li> <li>• Locality already contains retail fuel outlets and does not need another outlet</li> </ul>	No
26	Rebecca Butterfield 5 Karalta Lane SMITHFIELD PLAINS SA 5114	<ul style="list-style-type: none"> <li>• Not suitable in a residential area</li> <li>• Locality already contains retail fuel outlets and does not need another outlet</li> </ul>	No
27	Maggie Reaoskff 30 Priscilla Road POORAKA SA 5095	<ul style="list-style-type: none"> <li>• Not suitable in a residential area</li> </ul>	No
28	Emily Killen 41 Hallett Road GOLDEN GROVE SA 5125	<ul style="list-style-type: none"> <li>• Not informed of the intended land use prior to purchase of land</li> <li>• Locality already contains retail fuel outlets and does not need another outlet</li> </ul>	No
29	Ali Saunderson 39 Ponderosa Road MUNNO PARA WEST SA 5115	<ul style="list-style-type: none"> <li>• Health risks</li> <li>• Noise impacts</li> <li>• Unwanted activity from unwanted people</li> <li>• Soil contamination</li> <li>• Not informed of the intended land use prior to purchase of land</li> <li>• Locality already contains retail fuel outlets and does not need another outlet</li> </ul>	No

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30	Brenton Edwards (representing landowner) 3 Evergreen Drive DAVOREN PARK SA 5107	<ul style="list-style-type: none"> <li>Noise and odour impacts</li> <li>Light spillage into adjoining residential allotments</li> <li>Increased crime</li> <li>Not informed of the intended land use prior to purchase of land</li> <li>Land use not suitable for the site</li> </ul>	<b>Yes</b>
31	Katrina Varnish 5 Huron Street ANDREWS FARM SA 5114	<ul style="list-style-type: none"> <li>Locality already contains retail fuel outlets and does not need another outlet</li> <li>Increased traffic impacts</li> <li>Odours and noise impacts</li> <li>Increased crime</li> <li>Decrease in property values</li> </ul>	<b>Yes</b>
32	Lateilia Mobbs 33 New Hampshire Drv PARAFIELD GARDENS SA 5107	<ul style="list-style-type: none"> <li>Increased traffic impacts</li> <li>Increased crime</li> <li>Reduced in privacy</li> <li>Odours and noise impacts</li> <li>Light overspill</li> <li>Locality already contains retail fuel outlets and does not need another outlet</li> </ul>	No
33	Tyson Fisher 16 Rosecombe Place PARAFIELD GARDENS SA 5107	<ul style="list-style-type: none"> <li>Increased crime</li> <li>Reduced in privacy</li> <li>Odours and noise impacts</li> <li>Light overspill</li> <li>Locality already contains retail fuel outlets and does not need another outlet</li> </ul>	No

The applicant has been afforded the opportunity to respond to the matters raised by the Representors. The response has been received that provide additional advice on the following matters:

- land use suitability
- design and amenity
- noise impacts
- light overspill
- health impacts
- traffic impacts
- retail competition
- property values
- crime

A copy of the Applicant's response is included in the Attachments.

### 5.3 Statutory Referrals

Part 9 of the Planning and Design requires a referral to the Environment Protection Authority (the EPA) for various land uses and activities. As the proposed development involves the storage and retail sale of petroleum products, a statutory referral was required.

The EPA provided an assessment of the potential environmental impacts associated with the petroleum storage only, with a number of other 'comments' being provided on other environmental matters associated with the proposal.

The EPA is satisfied, subject to the inclusion of a number of conditions of approval, that the proposed petroleum storage activity will not cause unacceptable air quality, water quality or site contamination impacts.

The EPA has noted that the proposed development will incorporate Stage 1 vapour recovery system to the underground storage tanks to reduce petrol emissions. A Stage 2 vapour recovery system is also proposed that will be installed to fuel bowsers which direct vapours back into the tank during vehicle refuelling. The EPA considers that the use of both systems would not result in unacceptable air quality impacts.

The EPA directs that five (5) Conditions of Approval be attached to any approval. The conditions relate to the installation of Stage 1 and 2 vapour recovery systems, construction/installation techniques and stormwater management techniques.

A number of notes have also been suggested for inclusion, including one relating to the operation of the petrol station requiring an EPA licence prior to it commencing operation.

A full copy of the EPA's submission and recommended Conditions of Approval is contained in the Attachments.

The EPA has not undertaken an assessment of any potential noise impacts; however the applicant's Sonus report adequately considers this issue.

#### **5.4 Internal Referrals**

An internal referral was undertaken to Council's engineers to review traffic management, car parking, access and stormwater. A number of amendments to the proposed access arrangements were requested to improve traffic safety.

External site works are required along both Stebonheath Road and Petherton Road with the necessary works to be undertaken by the applicant/developer. The details pertaining to these site works are outlined in an Infrastructure Agreement which has been entered into between Council and the applicant/developer. The plan showing the extent of works is contained within the Attachments

### **6. Key Issues**

The following matters are considered pertinent in reaching a recommendation for the proposal:

- Whether the proposal is an appropriate form of development in the Master Planned Neighbourhood Zone and Emerging Activity Centre Subzone
- Whether the proposal will create an adverse impact and conflict between other land uses within the locality
- Whether the proposal provides sufficient on-site carparking, access and if the surrounding road network can function appropriately.

### **7. Planning Assessment**

#### **7.1 Desired Outcome and Land Use**

The Master Planned Neighbourhood Zone seeks to primarily accommodate a range of housing that are located within reach of a variety of services, facilities and open space. All forms of residential development are encouraged, with commercial activities located outside 'activity centres' that are of a scale and type to maintain residential amenity.



The Emerging Activity Centre Subzone also applies over the subject land, with the intent that master planned communities are provided activity centres that foster a range of employment and community services.

The Master Planned Neighbourhood Zone and the Emerging Activity Centre Subzone contain the following Desired Outcomes and Performance Outcomes that are considered applicable to the proposed development:

*Master Planned Neighbourhood Zone*

<b>Desired Outcome 1</b>	
<i>A new or expanding community with a diverse range of housing that supports a range of needs and lifestyles located within each reach of services, facilities and open space.</i>	
<b>Performance Outcome</b>	<b>Designated Performance Feature</b>
<p><i>PO 1.1</i></p> <p><i>Diverse housing choices and a wide range of complementary recreational, community services and other activities to support a growing community and create a pleasant place to live.</i></p>	<p><i>DPF 1.1</i></p> <p><i>Development comprises one or more of the following:</i></p> <ul style="list-style-type: none"> <li><i>(a) ancillary accommodation</i></li> <li><i>(b) community facility</i></li> <li><i>(c) consulting room</i></li> <li><i>(d) display home</i></li> <li><i>(e) dwelling</i></li> <li><i>(f) educational establishment</i></li> <li><i>(g) indoor recreational facility</i></li> <li><i>(h) office</i></li> <li><i>(i) pre-school</i></li> <li><i>(j) recreations area</i></li> <li><i>(k) residential flat building</i></li> <li><i>(l) retirement facility</i></li> <li><i>(m) shop</i></li> <li><i>(n) supported accommodation</i></li> </ul>
<b>Performance Outcome</b>	<b>Designated Performance Feature</b>
<p><i>PO 1.4</i></p> <p><i>Commercial activities outside activity centres improve community access to services are of a scale and type to maintain residential amenity.</i></p>	<p><i>DPF 1.4</i></p> <p><i>A shop, consulting room or office (or combination thereof) satisfies any of the following:</i></p> <ul style="list-style-type: none"> <li><i>(a) it is located on the same allotment and in conjunction with a dwelling where all the following are satisfied:</i> <ul style="list-style-type: none"> <li><i>i. does not exceed 50m<sup>2</sup> gross leasable floor area</i></li> <li><i>ii. does not involve the display of goods in windows or about the dwelling or its curtilage</i></li> </ul> </li> <li><i>(b) where located outside of an Activity Centre, does not exceed 150m<sup>2</sup> in gross leasable floor area.</i></li> </ul>

*Emerging Activity Centre Subzone***Desired Outcome 1**

*Activity centres, employment, and community services make neighbourhoods a healthy and convenient place to live.*

<b>Performance Outcome</b>	<b>Designated Performance Feature</b>
<p><i>PO 1.1</i></p> <p><i>Activity centres within master-planned communities include a range of land uses to provide services at the local and neighbourhood level.</i></p>	<p><i>DPF 1.1</i></p> <p><i>Development comprises one or more of the following where located in an Activity Centre:</i></p> <ul style="list-style-type: none"> <li><i>(a) cinema</i></li> <li><i>(b) community facility</i></li> <li><i>(c) consulting room</i></li> <li><i>(d) dwelling located above non-residential development</i></li> <li><i>(e) educational establishment</i></li> <li><i>(f) emergency services facility</i></li> <li><i>(g) hospital</i></li> <li><i>(h) hotel</i></li> <li><i>(i) indoor recreational facility</i></li> <li><i>(j) library</i></li> <li><i>(k) office</i></li> <li><i>(l) place of worship</i></li> <li><i>(m) pre-school</i></li> <li><i>(n) public transport terminal</i></li> <li><i>(o) retail fuel outlet</i></li> <li><i>(p) service trade premises</i></li> <li><i>(q) shop</i></li> <li><i>(r) tourist accommodation.</i></li> </ul> <p><i>And in any other cases, one of the following land uses</i></p> <ul style="list-style-type: none"> <li><i>(s) ancillary accommodation</i></li> <li><i>(t) community facility</i></li> <li><i>(u) consulting room</i></li> <li><i>(v) display home</i></li> <li><i>(w) dwelling</i></li> <li><i>(x) educational establishment</i></li> <li><i>(y) indoor recreational facility</i></li> <li><i>(z) office</i></li> <li><i>(aa) pre-school</i></li> <li><i>(bb) recreations area</i></li> <li><i>(cc) residential flat building</i></li> <li><i>(dd) retirement facility</i></li> <li><i>(ee) shop</i></li> <li><i>(ff) supported accommodation</i></li> </ul>
<p><i>PO 1.6</i></p> <p><i>Activity Centres include a range on non-residential uses such as shops, offices, consulting rooms, educational establishments and community facilities of a scale to support the anticipated future growth of the surrounding neighbourhood.</i></p>	<p><i>DPF 1.6</i></p> <p><i>None are applicable</i></p>

The Emerging Activity Centre Subzone applies over the entire Master Planned Neighbourhood Zone, with it containing provisions that seek to designate 'Activity Centres' as a means of prioritising areas of more intense forms of non-residential land uses.

As defined within Part 8 of the Planning and Design Code, an 'Activity Centre' means:

*"land contained in a Local Activity Centre Zone, Suburban Activity Centre Zone, Suburban Main Street Zone, Township Activity Centre Zone, Township Main Street Zone, Urban Activity Centre Zone, Urban Corridor (Main Street) Zone, Urban Corridor Living Retail Subzone, Urban Neighbourhood Retail Subzone, Activity Node Subzone, Retail Activity Centre Subzone or in relation to the Emerging Activity Centre Subzone in the Master Planned Neighbourhood Zone or the Emerging Township Activity Centre Subzone in the Master Planned Township Zone, either:*

*(a) land identified for the purposes of an activity centre on a building envelope plan*

*(b) an activity centre nominated on a Concept Plan in Part 12 of the Code." (my underlining)*

In this instance, the subject land is *not* located in a Concept Plan as an area defined as an Activity Centre. It is however acknowledged that Concept Plan 8 (Andrews Farm/Penfield) and Concept Plan 12 (Urban Growth Area) designates the land to the immediate south-west of the subject land (containing the Drakes Supermarket) as an area defined as an Activity Centre.

A retail fuel outlet is listed in the Designated Performance Feature (DTF) 1.1 of the Subzone as a land use encouraged within an Activity Centre, whereas it is notable absent in the list of land uses outside of an Activity Centre.

Performance Outcome 1.4 of the Master Planned Neighbourhood Zone supports commercial activities outside Activity Centres where it improves community access to services of a scale and type to maintain residential amenity. The corresponding DTF 1.4 suggests that shops, consulting rooms or offices where located outside an Activity Centre should not exceed 150m<sup>2</sup> in gross leasable area.

Part 1 of the Planning and Design Code (Rules of Interpretation) explains that "a *DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies*".

In this circumstance, the performance outcome of this policy is to provide commercial activities outside Activity Centres that improve the communities access to services and are of a scale and type to maintain residential amenity.

The primarily role of the proposed development is for the establishment of a retail fuel outlet to cater for the retail of fuel. The retail component of this development is contained within the main control building that is associated with the retail of fuel, associated products, food and convenience items and drive thru takeaway facilities. The main control building contains a floor area of 375m<sup>2</sup>, with the retail component contained entirely within this building.

It is considered that the retail component of the proposed retail fuel outlet is of a scale and type to maintain residential amenity and will not hinder the development or function of the adjoining Activity Centre given the nature of this 'convenience' form of retailing. Convenience types of retail associated with retail fuel outlets complexes offer a range of automotive products as well as a limited range of consumables and day-to-day products. The range of goods, given the small size of the retail/shop area is far less than expected within larger shops and supermarkets and generally having a higher price point. These forms of retailing are not a focal point for patrons to undertake weekly shopping trips but

rather cater for the convenience market. As larger shops and supermarkets are typically found in varying Activity based or Employment Zones, the proposed retail fuel outlet is considered to be of a size and form that will not hinder the development or function of nearby centres.

As such, it is considered that the proposal will in part support the intent of the Zone and Subzone to provide a level of service to the local community. However, the proposed design and interface with adjoining residential allotments are key matters that require consideration to determine if the proposal is an appropriate form of development and if it poses any unreasonable impacts on the locality.

Should the impact be considered unreasonable, then the establishment of a commercial use of this scale is not suitable within the subject land. The resulting development would not result in an orderly outcome but rather an overdevelopment of the site and contravene the overall intent of commercial development (outside of an Activity Centre) within the Master Planned Neighbourhood Zone and Emerging Activity Centre Zone.

## 7.2 Design & Layout

The Design in Urban Areas General Development policies contains a comprehensive suite of Performance Outcomes to ensure that the built form is contextual, durable, inclusive and sustainable. Consistent with this Desired Outcome and range of Performance Outcomes, the proposal is of a contemporary, high-quality design that is both functional and visually appealing. The articulated building facades incorporate a range of materials, colours and finishes, supported by landscaping areas that create an active street frontage.

The proposed main control room is of a contemporary, high quality design that is both functional and visually appealing. The articulated building facades incorporate a range of materials, colours and finishes, supported by landscaping areas that create an active street frontage. Feature brick tiles, barestone cladding, painted panels and extensive glassed areas will feature on the Stebonheath Road and Petherton Road frontages with a range of wall heights providing a source of visual interest and clearly perceptible entrance point ensure ease of access from the main forecourt and car parking areas.

The main control building is to be sited approximately 4.6 metres from the northern boundary and 47.6 metres from the eastern boundary, with the forecourt canopy located 5.8 metres from the northern boundary. The main facades of the control room will contain a wall height of 5.85 metres with the feature parapet extending up to 6.413 metres, with the foreshore canopy containing an overall height of 6.5 metres.

The carwash facility is to be sited 11.0 metres from the northern boundary and 18.4 metres from the eastern boundary and contain a maximum height of 5.5 metres. The vacuum bays, dog wash facilities and bin storage areas are to be setback 5.4 metres from the northern boundary (bin enclosure) and 6.8 metres from the eastern boundary.

Although there are no quantitative setback requirements for non-residential land uses within the Zone or Subzone, it is considered that the proposed setbacks and heights of the main control room, forecourt and ancillary structures are considered to be appropriate given the separation provided from each allotment boundary. It is also acknowledged that residential development is supported to a maximum height of 3 building levels or 12 metres and substantially closer setbacks than that proposed (Performance Outcomes 5.1, 6.1, 7.1, 9.1, 10.1 of the Zone).

The proposal seeks to incorporate wide areas of landscaping along the northern and eastern boundaries to further assist in providing screening to the adjoining residential allotments. Landscaping is also proposed along the Petherton Road and Stebonheath Road frontages to provide an improved appropriate entry statement to the development.

The submitted landscaping plan details the plant species, growing heights and spacings between chosen plants. It is considered that the proposal provides an appropriate provision of landscaping that will assist to minimise the visual impact upon the proposed built form and achieves the desired outcomes of the Design in Urban Areas provisions of Planning and Design Code.

In regard to the extent of signage proposed as part of the development, a 6.2 metre high freestanding pylon sign is proposed along the Petherton Road frontage and a 3.0 metre high pylon sign on the Stebonheath Road frontage. It is acknowledged that Performance Outcome 2.1 of the Advertisements General Provisions seeks to avoid visual clutter and untidiness by restricting signage to one freestanding advertisement.

This departure is considered to be acceptable as the subject site contains wide frontages to both Stebonheath Road and Petherton Road, with the visual impact of second sign being reduced due to its minimal overall height. It is considered to be reasonable outcome for a commercial operation within frontages to two collector roads, with the proposal providing a consistent theme and design that will not have a detrimental impact on the amenity of the locality.

This ensures consistency with both the relevant Advertisement General provisions and the Performance Outcomes 3.1 and 3.2 of the Emerging Activity Centre Subzone.

Combined, the main control building, forecourt canopy, car wash facilities and signage are all considered to have a reduced visual impact and have been sited to minimise visual impacts upon adjoining residential allotments.

### **7.3 Interface Between Land Uses**

The Interface between Land Uses General Development section of the Planning and Design Code contains a suite of provisions that are considered applicable to the proposed development. The key issues identified for consideration relate to air quality from the fuel bowzers, odours from the refuse area, noise and light spill. Each of these matters are considered under the following headings:

#### *Air Quality*

It is proposed that the proposed forecourt canopy will contain 16 fuel bowzers in 4 rows. The proposed fuel bowzers are to be located the following distances from adjoining residential property boundaries:

- Northern boundary – 8.2 metres
- Eastern boundary – 58 metres
- Southern boundary – 29 metres
- Western boundary – 32 metres.

A Stage 1 vapour recovery system is to be fitted to all underground storage tanks, including underground storage tank vent pipes being fitted within a pressure vacuum relief valve, to ensure that air quality is not compromised during the delivery of fuel from tankers into the on-site storage tanks.

Furthermore, Stage 2 vapour recovery system be fitted to the fuel bowzers to reduce petrol emissions into the atmosphere during fuel dispensing.

The Environment Protection Authority considers that given the siting of the proposed bowzers and underground tanks, along with the installation of both a Stage 1 and Stage 2 vapour recovery system, that the petroleum storage and dispensing would not result in unacceptable air quality impacts. A number of Conditions have been provided to ensure that appropriate controls are undertaken.

### *Noise*

An Environmental Noise Assessment has also been undertaken by Sonus for the proposed development with the potential on-site vehicle movements, drive thru activity, car parking activities, fuel deliveries, rubbish collection, operating hours, car wash and dog wash, vacuum area and mechanical plants operations being assessed.

The Environmental Noise Assessment considered that the proposal, subject to a number of noise attenuation measures, has been designed to ensure that it will not cause unreasonable interference or detrimentally affect the amenity of the locality and ensures consistency with the intent of the Planning and Design Code.

A number of measures to minimise noise impacts including:

- Acoustic fencing along the eastern boundary ranging from 2.4 metres to 2.7 metres
- Fencing along the northern boundary to a height of 2.4 metres
- Enclosure of the northern side of the drive-thru canopy
- Install acoustic absorption material to the underside of the car wash bays
- Restrict the height of manual wash bay walls to no more than 3.0 metres
- Restrictions on the hours of rubbish collection, fuel deliveries and car wash activities (including dog wash and vacuuming)

The applicant has advised that they are amenable to a Condition of Approval consistent with the recommendations contained within the Sonus Environmental Noise Assessment should the Panel determine to grant Planning Consent for the proposal.

### *Lighting*

The application indicates that lighting of the site would only occur between 5am till midnight, 7 days a week.

All proposed lighting and illumination within the site will be designed to conform with Australian Standards AS 4282 – Control of the obtrusive effects of outdoor lighting. This will ensure that all lighting will be directed downwards into the site and not into adjoining residential allotments. Lighting can be fitted with shields and baffles to assist in satisfying the above Australian Standard.

The applicant has advised that they are amenable to a Condition of Approval that reinforces this requirement should the Panel determine to grant Planning Consent for the proposal.

### *Odours*

A refuse area is located to the east of the main control building and adjoining the dog wash area. Rubbish collection is proposed to be restricted between the hours of 9am and 7pm on Sundays and Public Holidays and 7am to 7am on any other days (as per Sonus recommendations).

It is however recognised that the refuse area is not shown to be enclosed or screened to minimise both odour or visual impacts. Should the Panel support this application, a condition is contained within the Recommendation Section that proposes the refuse area be enclosed by a fenced structure to match the adjoining built form to improve the visual amenity of this area. All waste and rubbish should also be stored in covered containers to reduce the potential impact of odours. The Applicant has confirmed that they are accepting of such a condition.

In summary, it is considered that the proposed development has satisfactorily addressed the interface between land uses requirements in respect to air quality, noise, light spill and odour subject to the inclusion of a number of conditions of consent.

#### **7.4 Traffic, Access and Car Parking**

CIRQA were engaged to undertake a Traffic and Parking Report of the proposed development and have had regard to the anticipated transport implications, car parking demand and layout, traffic generation, access and egress and the potential impact on the surrounding road network whilst considering the relevant requirements and Australian Standards.

The Traffic and Parking Report concluded that:

- the proposed car parking layout complies with the relevant Australian Standards
- the proposed access arrangements comply with the relevant Australian Standards
- the proposed fuel bowers are sited to ensure that vehicles can access the subject site without being restricted by queuing vehicles
- the site contains adequate turning circles to accommodate semi-trailer fuel tanker deliveries and smaller vehicle movements for waste collection and deliveries to the loading area
- the traffic generated by the proposed development will not have an adverse impact on the safety or operation of the adjacent road network

##### *Car and Bicycle Parking*

Table 1 – General Off-Street Car Parking Requirements of the Transport, Access and Parking General Development provisions prescribes a car parking rate for a retail fuel outlet of 3 spaces per 100m<sup>2</sup> of gross leasable floor area.

In this instance, the proposed development provides 13 on-site car parking space, including one disabled car and satisfies the minimum requirements prescribed by the Planning and Design Code.

CIRQA has reviewed the allocation car parking spaces and have indicated that they satisfy the relevant Australian Standards for parking facilities.

It is recognised that Table 3 – Off-Street Bicycle Parking Requirements of Transport, Access and Parking General Development provisions does not prescribe a bicycle parking rate for a retail fuel outlet, however, prescribes a minimum 1 bicycle park per 300m<sup>2</sup> of 'shop' or retail.

As the proposed development provides 2 bicycles racks to accommodate the parking of 4 bicycles, it is considered that this satisfies the intent to provide suitable numbers of bicycle parking on-site.

##### *Access*

The proposed development seeks to create two main access points into the subject land, with a third access allowing vehicles to only exit left onto Petheron Road.

CIRQA's assessment has confirmed that the proposed fuel bowers are sited to ensure that vehicles can access the subject site without being restricted by queuing vehicles. Furthermore, multiple vehicles can queue in the drive-thru area without restricting vehicular access to and from the subject land.



CIRQA's assessment has confirmed that the site contains adequate turning circles to accommodate semi-trailer fuel tanker deliveries and smaller vehicle movements for waste collection and deliveries to the loading area.

Through the assessment process, Council's engineers have sought a number of amendments to the proposed access arrangements to improve potential traffic safety. Due to the proximity to the existing roundabout, the proposed access onto Stebonheath Road is to only provide left-in and left-out movements. A solid median on Stebonheath Road will be constructed to assist to control these vehicle movements.

A raised medium with pedestrian refuge is also proposed to be constructed along Petherton Road adjoining the left-out only access. This will ensure that vehicles exiting the site will not attempt to make right hand turns as this is located within close proximity to the intersection with Stapleton Street.

A separate Infrastructure Deed has been prepared that requires the applicant to undertake the necessary improvements prior to the commencement of the development. A copy of the extent of works is contained within the Attachments.

#### *Traffic Management*

It is estimated that the proposed development will generate 159 morning and 154 afternoon trips during the peak hour periods (combined petrol filling station, drive-thru facility, car wash, vacuum and dog wash activities), with 70% of these related to passing trade (ie – the vehicles using the proposed development are already on the road network).

The forecast numbers of movements at the subject land's access points are considered to be within the capacities for collector road access points. It is acknowledged that there will be some slowing of drivers travelling behind vehicles turning into the site, however CIRQA's assessment has indicated that vehicles will be able to enter and exit the site with minimal disruption to the overall traffic flows.

Adequate site lines are provided from all access points for vehicles exiting the site, with the forecast number of vehicular movements likely to have minimal impacts on the adjoining traffic network, including the adjacent intersection of Stebonheath Road and Petherton Road) and can be readily accommodated by the existing road network.

As a summary, it is considered that the proposed development provides appropriate levels of on-site car parking, suitable access and egress, and minimal impacts upon the adjoining road network. As such, it is considered that the proposal satisfies the relevant traffic, access and car parking provisions of the Planning and Design Code.

## **8. Conclusion**

It is recognised that the proposed development is a finely balanced assessment. Although the proposal is located outside of a designated Activity Centre, it is considered that the proposed retail fuel outlet, will in part, support the intent of the Master Planned Neighbourhood Zone and Emerging Activity Centre Subzone as it provides a level of service to the local community.

However, the proposed design and interface with adjoining residential allotments are key matters that require consideration to determine if the proposal is an appropriate form of development and if it poses any unreasonable impacts on the locality

It is considered that the proposal is of a contemporary, high-quality design that is both functional and visually appealing. The articulated building facades incorporate a range of materials, colours and finishes, supported by landscaping areas that create an active street frontage. The proposed built form setbacks from adjoining residential allotments and heights

of the main control room, forecourt canopy and ancillary structures are considered to be appropriate given the separation provided from each allotment boundary.

The applicant has, in my opinion, demonstrated that the proposed development can operate without having a detrimental impact upon adjoining residential allotments. A number of technical experts, including an assessment undertaken by the Environment Protection Authority, have identified that various design treatments can be implemented to ensure that the proposal meets the relevant Australian Standards and minimum requirements of the Environment Protection Act.

As such, it is considered that the proposal satisfies the overall intent of the Planning and Design Code, and on balance, is recommended for approval.

## 9. Recommendation

### STAFF RECOMMENDATION

That pursuant to the authority delegated to the Council Assessment Panel by the Council, it is recommended that the Council Assessment Panel:

- a) DETERMINES that the proposed development is not seriously at variance with the policies in the Planning and Design Code; and
- b) GRANTS Planning Consent to the application by Mark Kwiatkowski for a Retail Fuel Outlet, Advertising and Fence at Lot 2000 Petherton Road, Davoren Park as detailed in Development Application ID 21022282 subject to conditions:

#### Environment Protection Authority Conditions:

1. Prior to operation, all fuel storage tanks (apart from diesel and LPG) must be fitted with a Stage 1 vapour recovery system (which includes underground storage tank vent pipes being fitted with a pressure vacuum relief valve) that directs the displaced vapours back into the tank during filling.
2. 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.
3. Prior to operation, all underground fuel storage tanks must be double-walled and fitted with a leak detection system designed and installed in accordance with clause 4.5 of *Australian Standard 4897-2008 The design, installation and operation of underground petroleum storage systems*.
4. Prior to operation, all fuel lines between the underground storage tanks and fuel dispensers must be double contained and fitted with a leak detection system, designed and installed in accordance with clause 4.5 of *Australian Standard 4897-2008 The design, installation and operation of underground petroleum storage systems*.
5. Stormwater runoff from all hardstand areas of the petrol station (including the refuelling and fuel delivery areas) must be managed in accordance with 'Grading Plan and Details', Project No. SA200084, Drawing No. C02, Issue B, Feb 2021, 'Stormwater Plan, Notes, Legend and Schedule', Project No. SA200084, Drawing No. C01, Issue B, Feb 2021 and must be directed via grates and grade changes to the SPEL Purceptor full retention oil/water separator (no bypass function) that:

- a) has a minimum spill capture capacity of 10,000 litres

- b) reduces oil content in the outlet to less than 5mg/L at all times (as confirmed by independent third party scientific testing.
- c) operates effectively in the event of a power failure

Council Conditions:

6. The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in this Application.
7. All recommendations contained within the Noise Assessment Report by Sonus Document Reference S6952C2 dated July 2021 and updated email correspondence and Treatment Summary Plan, shall be implemented prior to occupation of the site and complied with at all times.
8. The operating hours herein approved are as follows:  
  
The operating hours of the control room and fuel pumping activities shall not exceed the following times:
  - 5am to midnight, seven days a week  
The operating hours of the car wash, vacuum facility and dog wash shall not exceed the following times:
  - 7am to 10pm, seven days a week
9. The external finishes to the building or structure herein approved shall be in accordance with the materials as specified in the application now approved.
10. Landscaping shown on the plans herein approved shall be established to the reasonable satisfaction Council prior to the operation of the development and shall be maintained and nurtured at all times with any diseased or dying plants being replaced.
11. All waste and rubbish shall be stored in covered containers prior to removal and shall be screened from public view.
12. Air conditioning or air extraction plant or ducting shall be screened such that noise emanating from the land is contained within the EPA's Noise Protection Policy.
13. All external lighting of the site, including, but not limited to car parking areas, advertising signs, the car wash, the sitting area and all buildings shall be designed and constructed to conform with Australian Standards and must be located, directed and shielded and of such limited intensity so as to not, in the opinion of Council, create unreasonable overspill onto any adjoining property or roadway which may create a nuisance to any neighbour or road user.
14. The nominated on-site car parks are available at all times for customer or staff car parking.
15. All vehicle car parks, driveways and vehicle entry and manoeuvring areas shall be designed and constructed in accordance with the relevant Australian Standards and be constructed, drained and paved with bitumen, concrete or paving bricks in accordance with sound engineering practice and appropriately line marked to the reasonable satisfaction of Council prior to the occupation or use of the development.
16. Car parking areas, driveways and vehicle manoeuvring areas shall be maintained at all times to the reasonable satisfaction of Council.

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

18. All storm-water drainage shall discharge so that it does not flow or discharge onto land of adjoining owners or, in the opinion of Council, detrimentally affect structures on this site, any adjoining land or public road.

Council Assessment Panel

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25 January 2022

**5.1 RETAIL FUEL OUTLET AND ASSOCIATED ADVERTISING AND FENCE****Snapshot**

**Author:** Danni Biar  
**Proposal:** Retail Fuel Outlet, Advertising and Fence  
**Development Number:** 21022282  
**Date of Lodgement:** 10 September 2021  
**Owner:** Eyre Convenience Pty Ltd  
**Applicant:** Mark Kwiatkowski  
**Location:** Lot 2000 Petherton Road, Davoren Park  
**Zone:** Master Planned Neighbourhood Zone  
**Classification:** Performance Assessed  
**Public Notification:** Yes  
**Representation Received:** Yes  
**Request for Additional Information Made?** Yes  
**Recommendation:** To Grant Planning Consent

**Attachments:**

1. Application Documents
2. Planning Report
3. Noise Assessment Report
4. Copy of CAP Report 20 Dec 2021

**1. Background**

The application was included in the agenda of the Council Assessment Panel (CAP) meeting of 20 December 2021. The Applicant withdrew this application, Item 5.2 and placed the application on hold, to resolve an outstanding acoustic matter that was raised following the Panel's review of the report and supporting documents. The minutes from this Panel Meeting are as follows:

**5.2 RETAIL FUEL OUTLET, ADVERTISING AND FENCE (ID21022282)**

The applicant requested that the item be withdrawn from the agenda and placed on hold. This request was accepted and the matter not considered.

The outstanding acoustic matter was identified in the submitted Sonus Report which indicated that the land directly to the east is 'vacant residential land'. However, the latest aerial imagery shows that there are currently dwellings under construction, with some being occupied.

The Applicant has engaged their consultant Sonus to provide an updated Noise Assessment Report (Attachment 3) and updated plans (Attachment 1) that reflect the required treatment

changes and current land uses. The elements remain the same and there is no increase in overall height of any of the fencing.

## 2. Planning Assessment

For assessment purposes, the planning report provided as part of the previous Panel meeting remains relevant as no other aspects of the proposal have been altered. This report is provided within the attachments of this report as Attachment 4 and should be read in conjunction with this report, which focuses on an assessment of the revised acoustic information that has been provided.

The Environmental Noise Assessment considered that the proposal, subject to a number of noise attenuation measures, has been designed to ensure that it will not cause unreasonable interference or detrimentally affect the amenity of the locality and ensures consistency with the intent of the Planning and Design Code.

The closest sensitive receivers are the dwellings to the immediate east, the dwellings on the opposite side of Petherton Road to the south, on the opposite side of Stebonheath Road to the west and the vacant residential land to the north.

To address the potential noise generating activities on site, the Applicant has provided an Environmental Noise Impact Assessment dated December 2021 prepared by Sonus. This provides an assessment and consideration against noise generation from the following activities in the proposal:

- Mechanical plant and equipment serving the control building
- Drive through activity
- Car Park and re-fuelling activity
- Use of the automatic and manual car washes, associated plant rooms, dog wash and vacuum units
- Deliveries; and
- Rubbish collection,

The Sonus Report assess the impacts of the above activities on the residential land and residential dwellings. The report recommends the following treatments (with surface treatment referenced in the Figure below, as extracted from the Sonus Report), to minimise the noise impacts associated with the proposal:

- Acoustic fencing on the:
  - eastern boundary to a height of 2.7 metres on the boundary (shown in red) and cantilevered to a total height of 3 metres with a minimum of 0.48mm BMT double skinned sheet metal
  - northern boundary to a height of 2.4 metres from a minimum of 0.42 BMT sheet steel ("Colorbond" or similar) or the same or greater surface density (shown in pink)
- Restrictions to hours of operation of the following activities:
  - rubbish collection and deliveries to between 9am and 7pm on Sundays and public holidays and 7am until 7pm any other day
  - fuel delivery to between 7am and 10pm
  - automatic and manual car wash, dog wash and vacuum units to the hours of 7 am to 10 pm
- Enclosure of the northern side of the drive through canopy (orange indicates canopy and green represents the fence used to enclose the ordering station)

- Treatment to the rooftop mechanical plant equipment (blue indicates the location of the screen and yellow represents the location of plant equipment on building)
- Installation of roller doors on the eastern side of the car wash that automatically close in use and acoustic absorption treatment to the eastern façade of the car wash (purple)

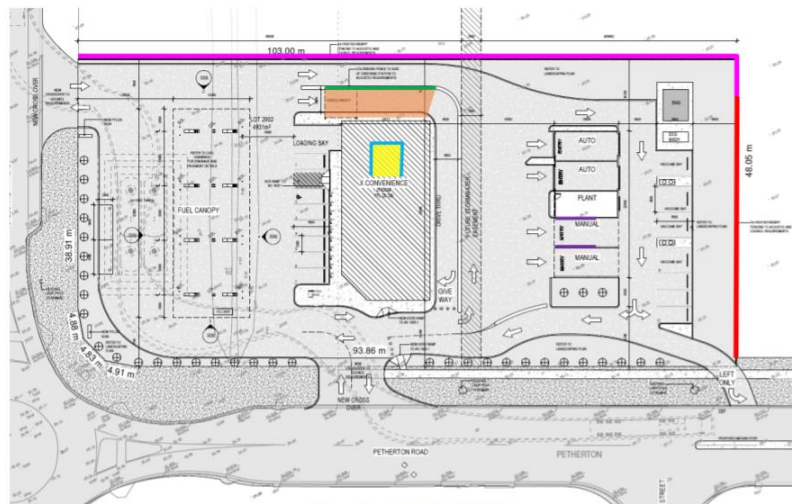


FIGURE 1: Treatment Summary

It is considered that Interface Between Land Uses Desired Outcome 1 is able to be achieved based on the implementation of the recommended treatments above and as contained within the Sonus Report. The restriction to hours of certain activities, location and designation of the car wash bay and drive through areas and the construction of an acoustic fence all serve to mitigate adverse effects of the proposal on neighbouring and proximate land uses. Should the Panel determine to grant Planning Consent for the proposal, the applicant has indicated that they are accepting of a condition that reinforces the recommendations contained within the Sonus Environmental Noise Assessment. This condition is contained within the recommendation section of this report.

### 3. Conclusion

The proposed interface with the adjoining residential dwellings and allotments is a key issue which is fundamental to determine if the proposal is an appropriate form of development. Development within proximity to residential land uses should seek to avoid unreasonable impacts to the amenity of a locality. Based on the amended Noise Assessment Report, a number of treatments reflected in the updated plans have been included within the proposal. A condition reinforcing this is contained within the recommendation section of this report.

The applicant has demonstrated that the proposed development can operate without having a detrimental impact upon adjoining residential allotments. The amended design of the acoustic fence, restricted hours for some activities, and treatments to the car wash and drive through areas will appropriately mitigate the noise generated from the development to an acceptable level.

It is recognised that the proposed development is a finely balanced planning assessment within the subject site. Overall reading the original report dated Council Assessment Panel meeting of 20 December 2021 (Item 5.2) in conjunction with the assessment contained in section 2, it is considered that the proposal satisfies the intent of the Planning and Design Code. On a balanced assessment of the additional information provided in support of the application, appropriate mitigation measures to protect residential amenity are demonstrated. As such, the



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Council Assessment Panel

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25 January 2022

recommendation of approval contained within the original report is recommended, subject to conditions contained within the recommendation.

#### **4. Recommendation**

**STAFF RECOMMENDATION**

That pursuant to the authority delegated to the Council Assessment Panel by the Council, it is recommended that the Council Assessment Panel:

- a) DETERMINES that the proposed development is not seriously at variance with the policies in the Planning and Design Code; and
- b) GRANTS Planning Consent to the application by Mark Kwiatkowski for a Retail Fuel Outlet, Advertising and Fence at Lot 2000 Petherton Road, Davoren Park as detailed in Development Application ID 21022282 subject to conditions:

Environment Protection Authority Conditions:

1. Prior to operation, all fuel storage tanks (apart from diesel and LPG) must be fitted with a Stage 1 vapour recovery system (which includes underground storage tank vent pipes being fitted with a pressure vacuum relief valve) that directs the displaced vapours back into the tank during filling.
2. 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.
3. Prior to operation, all underground fuel storage tanks must be double-walled and fitted with a leak detection system designed and installed in accordance with clause 4.5 of *Australian Standard 4897-2008 The design, installation and operation of underground petroleum storage systems*.
4. Prior to operation, all fuel lines between the underground storage tanks and fuel dispensers must be double contained and fitted with a leak detection system, designed and installed in accordance with clause 4.5 of *Australian Standard 4897-2008 The design, installation and operation of underground petroleum storage systems*.
5. Stormwater runoff from all hardstand areas of the petrol station (including the refuelling and fuel delivery areas) must be managed in accordance with 'Grading Plan and Details', Project No. SA200084, Drawing No. C02, Issue B, Feb 2021, 'Stormwater Plan, Notes, Legend and Schedule', Project No. SA200084, Drawing No. C01, Issue B, Feb 2021 and must be directed via grates and grade changes to the SPEL Puraceptor full retention oil/water separator (no bypass function) that:
  - a) has a minimum spill capture capacity of 10,000 litres
  - b) reduces oil content in the outlet to less than 5mg/L at all times (as confirmed by independent third party scientific testing.
  - c) operates effectively in the event of a power failure

Council Conditions:

6. The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in this Application except where varied by any condition(s) listed below.
7. All recommendations contained within the Noise Assessment Report by Sonus Document Reference S6952C2 dated July 2021 and updated email correspondence and Treatment Summary Plan, shall be implemented prior to occupation of the site and complied with at all times.
8. The operating hours herein approved are as follows:

The operating hours of the control room and fuel pumping activities shall not exceed the following times:

- 5am to midnight, seven days a week

The operating hours of the car wash, vacuum facility and dog wash shall not exceed the following times:

- 7am to 10pm, seven days a week

9. The number of seats within the Dining Area shown on Hodge Collard Preston Architects Floor Plan, Drawing S03 Revision B shall not exceed 19, unless otherwise approved in writing by the Relevant Authority.
10. The external finishes to the building or structure herein approved shall be in accordance with the materials as specified in the application now approved.
11. Landscaping shown on the plans herein approved shall be established to the reasonable satisfaction Council prior to the operation of the development and shall be maintained and nurtured at all times with any diseased or dying plants being replaced.
12. All waste and rubbish shall be stored in covered containers prior to removal and shall be screened from public view.
13. Air conditioning or air extraction plant or ducting shall be screened such that noise emanating from the land is contained within the EPA's Noise Protection Policy.
14. All external lighting of the site, including, but not limited to car parking areas, advertising signs, the car wash, the sitting area and all buildings shall be designed and constructed to conform with Australian Standards and must be located, directed and shielded and of such limited intensity so as to not, in the opinion of Council, create unreasonable overspill onto any adjoining property or roadway which may create a nuisance to any neighbour or road user.
15. The nominated on-site car parks are available at all times for customer or staff car parking.
16. All vehicle car parks, driveways and vehicle entry and manoeuvring areas shall be designed and constructed in accordance with the relevant Australian Standards and be constructed, drained and paved with bitumen, concrete or paving bricks in accordance with sound engineering practice and appropriately line marked to the reasonable satisfaction of Council prior to the occupation or use of the development.
17. Car parking areas, driveways and vehicle manoeuvring areas shall be maintained at all times to the reasonable satisfaction of Council.
18. All vehicles shall enter and exit the site in a forward direction.
19. All storm-water drainage shall discharge so that it does not flow or discharge onto land of adjoining owners or, in the opinion of Council, detrimentally affect structures on this site, any adjoining land or public road.

**STAFF RECOMMENDATION**

That pursuant to the authority delegated to the Council Assessment Panel by the Council, it is recommended that the Council Assessment Panel:

- c) DETERMINES that the proposed development is not seriously at variance with the policies in the Planning and Design Code; and
- d) GRANTS Planning Consent to the application by Mark Kwiatkowski for a Retail Fuel Outlet, Advertising and Fence at Lot 2000 Petherton Road, Davoren Park as detailed in Development Application ID 21022282 subject to conditions:

Environment Protection Authority Conditions:

- 20. 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.
- 21. 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.
- 22. Prior to operation, all underground fuel storage tanks must be double-walled and fitted with a leak detection system designed and installed in accordance with clause 4.5 of *Australian Standard 4897-2008 The design, installation and operation of underground petroleum storage systems*.
- 23. Prior to operation, all fuel lines between the underground storage tanks and fuel dispensers must be double contained and fitted with a leak detection system, designed and installed in accordance with clause 4.5 of *Australian Standard 4897-2008 The design, installation and operation of underground petroleum storage systems*.
- 24. Stormwater runoff from all hardstand areas of the petrol station (including the refuelling and fuel delivery areas) must be managed in accordance with 'Grading Plan and Details', Project No. SA200084, Drawing No. C02, Issue B, Feb 2021, 'Stormwater Plan, Notes, Legend and Schedule', Project No. SA200084, Drawing No. C01, Issue B, Feb 2021 and must be directed via grates and grade changes to the SPEL Puraceptor full retention oil/water separator (no bypass function) that:
  - d) has a minimum spill capture capacity of 10,000 litres
  - e) reduces oil content in the outlet to less than 5mg/L at all times (as confirmed by independent third party scientific testing.
  - f) operates effectively in the event of a power failure

Council Conditions:

- 25. The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in this Application except where varied by any condition(s) listed below.
- 26. All recommendations contained within the Noise Assessment Report by Sonus Document Reference S6952C2 dated July 2021 and updated email correspondence and Treatment Summary Plan, shall be implemented prior to occupation of the site and complied with at all times.
- 27. The operating hours herein approved are as follows:

The operating hours of the control room and fuel pumping activities shall not exceed the following times:

- 5am to midnight, seven days a week

The operating hours of the car wash, vacuum facility and dog wash shall not exceed the following times:

- 7am to 10pm, seven days a week

28. The number of seats within the Dining Area shown on Hodge Collard Preston Architects Floor Plan, Drawing S03 Revision B shall not exceed 19, unless otherwise approved in writing by the Relevant Authority.
29. The external finishes to the building or structure herein approved shall be in accordance with the materials as specified in the application now approved.
30. Landscaping shown on the plans herein approved shall be established to the reasonable satisfaction Council prior to the operation of the development and shall be maintained and nurtured at all times with any diseased or dying plants being replaced.
31. All waste and rubbish shall be stored in covered containers prior to removal and shall be screened from public view.
32. Air conditioning or air extraction plant or ducting shall be screened such that noise emanating from the land is contained within the EPA's Noise Protection Policy.
33. All external lighting of the site, including, but not limited to car parking areas, advertising signs, the car wash, the sitting area and all buildings shall be designed and constructed to conform with Australian Standards and must be located, directed and shielded and of such limited intensity so as to not, in the opinion of Council, create unreasonable overspill onto any adjoining property or roadway which may create a nuisance to any neighbour or road user.
34. The nominated on-site car parks are available at all times for customer or staff car parking.
35. All vehicle car parks, driveways and vehicle entry and manoeuvring areas shall be designed and constructed in accordance with the relevant Australian Standards and be constructed, drained and paved with bitumen, concrete or paving bricks in accordance with sound engineering practice and appropriately line marked to the reasonable satisfaction of Council prior to the occupation or use of the development.
36. Car parking areas, driveways and vehicle manoeuvring areas shall be maintained at all times to the reasonable satisfaction of Council.
37. All vehicles shall enter and exit the site in a forward direction.
38. All storm-water drainage shall discharge so that it does not flow or discharge onto land of adjoining owners or, in the opinion of Council, detrimentally affect structures on this site, any adjoining land or public road.

# X-Convenience

Davoren Park

Environmental Noise Assessment

S6952C4

December 2021

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**Document Title** : X-Convenience Davoren Park  
Environmental Noise Assessment

**Document Reference** : S6952C4

**Date** : December 2021

**Prepared By** : Chris Turnbull, MAAS

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## INTRODUCTION

An environmental noise assessment has been made of the proposed integrated service station development at the corner of Petherton Road and Stebonheath Road, Davoren Park.

The proposed development consists of a petrol filling forecourt, a control building, two automatic car washes, two manual car washes, two vacuum units, a dog wash, a plant room and a drive through.

The assessment considers noise levels at the nearest residences from:

- Mechanical plant and equipment serving the control building;
- Drive through activity;
- Car Park and re-fuelling activity;
- Use of the automatic and manual car washes, associated plant rooms, dog wash and vacuum units;
- Deliveries; and
- Rubbish collection;

The closest residences to the site are located to the immediate east, to the west across Stebonheath Road and to the south across Petherton Road as well as vacant land located to the immediate north. The locations of the residences and vacant land relative to the site are shown in Appendix A.

The assessment has been based on:

- *Hodge Collard Preston Architects* drawings under the "project no:128.20", drawing no: \_revision: S01\_A to S06\_A dated 2.08.2021;
- The potential for the site to operate at any time of the day or night, 7 days per week;
- The site having no LPG facilities; and,
- Previous noise measurements and manufacturers noise data for plant and equipment, car parking activity, and fuel delivery related activities at similar sites;

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## CRITERIA

### Planning and Design Code

The subject site is located within the City of Playford and subject to the provisions of the *Planning and Design Code* (the Code).

In accordance with the Code, the proposed facility and nearby noise sensitive locations are located within the “Master Planned Neighbourhood” zone.

The Code has been reviewed and particular regard has been given to the following provisions:

### Part 4 – General Development Policies

#### Interface between Land Uses

#### DESIRED OUTCOME

DO 1: Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
<b>General Land Use Compatibility</b>	
PO 1.2 Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.	DTS/DPF 1.2 None are applicable

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Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature								
<b>Hours of Operation</b>									
<p>PO 2.1</p> <p>Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:</p> <ul style="list-style-type: none"> <li>a) the nature of the development</li> <li>b) measures to mitigate off-site impacts</li> <li>c) the extent to which the development is desired in the zone</li> <li>d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.</li> </ul>	<p>DTS/DPF 2.1</p> <p>Development operating within the following hours:</p> <table border="1"> <thead> <tr> <th>Class of Development</th><th>Hours of operation</th></tr> </thead> <tbody> <tr> <td>Consulting room</td><td>7am to 9pm, Monday to Friday 8am to 5pm, Saturday</td></tr> <tr> <td>Office</td><td>7am to 9pm, Monday to Friday 8am to 5pm, Saturday</td></tr> <tr> <td>Shop, other than any one or combination of the following: (a) restaurant (b) cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone</td><td>7am to 9pm, Monday to Friday 8am to 5pm, Saturday and Sunday</td></tr> </tbody> </table>	Class of Development	Hours of operation	Consulting room	7am to 9pm, Monday to Friday 8am to 5pm, Saturday	Office	7am to 9pm, Monday to Friday 8am to 5pm, Saturday	Shop, other than any one or combination of the following: (a) restaurant (b) cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone	7am to 9pm, Monday to Friday 8am to 5pm, Saturday and Sunday
Class of Development	Hours of operation								
Consulting room	7am to 9pm, Monday to Friday 8am to 5pm, Saturday								
Office	7am to 9pm, Monday to Friday 8am to 5pm, Saturday								
Shop, other than any one or combination of the following: (a) restaurant (b) cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone	7am to 9pm, Monday to Friday 8am to 5pm, Saturday and Sunday								

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Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
<b>Activities Generating Noise or Vibration</b>	
<p>PO 4.1 Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).</p>	<p>DTS/DPF 4.1 Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria.</p>
<p>PO 4.2 Areas for the on-site manoeuvring of service and delivery vehicles, plant and equipment, outdoor work spaces (and the like) are designed and sited to not unreasonably impact the amenity of adjacent sensitive receivers (or lawfully approved sensitive receivers) and zones primarily intended to accommodate sensitive receivers due to noise and vibration by adopting techniques including:</p> <ul style="list-style-type: none"> <li>a) locating openings of buildings and associated services away from the interface with the adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers</li> <li>b) when sited outdoors, locating such areas as far as practicable from adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers</li> <li>c) housing plant and equipment within an enclosed structure or acoustic enclosure</li> <li>d) providing a suitable acoustic barrier between the plant and / or equipment and the adjacent sensitive receiver boundary or zone.</li> </ul>	<p>DTS/DPF 4.2 None are applicable</p>

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#### **Environment Protection (Noise) Policy 2007**

Deemed-to-Satisfy Criteria / Designated Performance Feature 4.1 references the *Environment Protection (Noise) Policy*. The Policy is based on preventing adverse impacts on the amenity of a locality and it is therefore considered that where the noise from general activity and other activity at the facility achieve the Policy, other Performance Outcomes are also achieved.

#### Rubbish Collection

The Policy deals with rubbish collection by effectively limiting the hours to the least sensitive period of the day. Division 3 of the Policy requires rubbish collection to only occur between the hours of 9am and 7pm on Sundays or public holidays, and between 7am and 7pm on any other day, except where it can be shown that the maximum ( $L_{max}$ ) noise level from such activity is less than 60 dB(A).

#### General activity

The Policy provides goal noise levels to be achieved at noise sensitive locations based on the principally promoted land uses of the Planning and Design Code zones in which the noise source (the development) and the noise receivers (residences and vacant residential land) are located. In this instance, the Policy provides the following goal noise levels:

##### A) Residences:

- An average ( $L_{eq}$ ) noise level of 47 dB(A) during the day time (7am to 10pm);
- An average ( $L_{eq}$ ) noise level of 40 dB(A) during the night time (10pm to 7am); and,
- A maximum ( $L_{max}$ ) noise level of 60 dB(A) during the night time.

##### B) Vacant Residential Land:

- An average ( $L_{eq}$ ) noise level of 52 dB(A) during the day time (7am to 10pm);
- An average ( $L_{eq}$ ) noise level of 45 dB(A) during the night time (10pm to 7am); and,
- A maximum ( $L_{max}$ ) noise level of 60 dB(A) during the night time.

When measuring or predicting noise levels for comparison with the Policy, adjustments may be made to the average goal noise levels for each “annoying” characteristic of tone, impulse, low frequency, and modulation of the noise source. The characteristic must be dominant in the existing acoustic environment and therefore the application of a penalty varies depending on the assessment location, time of day, the noise source being considered and the predicted noise level. The application of penalties is discussed further in the Assessment section of this report.

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## ASSESSMENT

### Rubbish Collection and Fuel Delivery

In order for rubbish collection and fuel delivery to achieve the requirements of the *Environment Protection (Noise) Policy 2007*, the hours should be restricted to that of Division 3 of the Policy. That is, collection and access to the area shall only occur between 9am and 7pm on a Sunday or public holiday, and 7am and 7pm on other days.

These hours correspond to the least sensitive period of the day and night times when the background noise level from other activity in the environment will be highest.

### Activities Other than Rubbish Collection

The noise levels from activity at the site, other than rubbish collection, have been predicted based on a range of previous measurements and observations at similar facilities. These include:

- car park activity such as people talking as they vacate or approach their vehicles, the opening and closing of vehicle doors, vehicles starting, vehicles idling, and vehicles moving into and accelerating away from their parked position;
- drive through activity such as order units and collection areas;
- general vehicle movements on site;
- fuel delivery trucks;
- manual and automatic car wash including the associated plant room operation, dog wash and vacuum bay activity; and,
- mechanical plant serving the control building;

At the Development Application stage of a project, it is usual practice that the mechanical plant is not yet designed or selected. Therefore, the assessment has considered typical air conditioning, refrigeration and exhaust fans operating at other similar facilities to provide an indicative assessment.

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The predictions have been made based on the following indicative equipment, located on the roof of the control building:

- 1 x Cool room;
- 1 x Freezer;
- 2 x air conditioning condenser units;
- 1 x Evaporative Cooler;
- 2 x Kitchen exhaust fans with attenuators; and,
- 1 x Amenity exhaust fan;

The noise level and any acoustic treatment associated with the mechanical plant should be reviewed during the detailed design phase, should the final equipment selections have different sound power levels or should a different number of units be proposed to those specified within this report.

Sound power levels for the activities and equipment described above are provided in Appendix B.

The predictions of noise from use of the facility have also been based on the following operational assumptions for the level of activity in any 15-minute<sup>1</sup> period:

- Day Time (7am to 10pm)
  - Continuous operation of all mechanical plant on the building roof;
  - 10 vehicle movements through the site using the petrol filling stations, dog wash, vacuum bays or car park bays;
  - 10 vehicle movements through the drive through;
  - A vehicle idling continuously at the order unit and another at the pick-up area;
  - A car continuously idling in between the pick-up area and the order unit;
  - Two stationary vehicles idling near the refuelling bay (while waiting to use the filling station);
  - 3 vehicle movements through the auto or manual washes;
  - Auto wash and associated plant room operating for the whole of assessment;
  - Manual washes operating with high water pressure for 5 minutes each;
  - Continuous operation of the dog wash;
  - Continuous operation of vacuum units; and,
  - A single fuel delivery;

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<sup>1</sup> Default assessment period of the Policy.

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- Night Time (before 7am or after 10pm)
  - Continuous operation of all mechanical plant on the building roof;
  - 5 vehicle movements through the site using the petrol filling stations or car park bays;
  - 5 vehicle movements through the drive through; and,
  - A vehicle idling continuously at the order unit and another at the pick-up area;

Based on the above, the following acoustic treatments are recommended to achieve the requirements of the Policy:

Dog Wash,

- Restrict use of the dog wash to the hours of 7am to 10pm only;

Vacuum Bays

- Use low noise vacuum units which achieve the sound power levels as shown in Appendix B;
- Restrict use of the vacuum units to the hours of 7am to 10pm only;

Automatic Car Wash

- Restrict use of the automatic car wash to the hours of 7am to 10pm only;
- Install glass doors to the entry and exit of the automatic car wash which automatically close during operation (i.e., close before the start of the wash cycle, and do not open until the wash cycle, including any drying, has ceased). The doors should be constructed from a minimum of 10.38mm thick laminated glass (or doors with an equivalent acoustic performance) and be sealed as close to airtight as possible at all junctions when closed;
- Incorporate a layer of 6mm thick fibre cement sheet (or equivalent material with a surface density of at least  $8\text{kg/m}^2$ ) to the underside of the roof structure and include insulation (with a density of at least  $11\text{ kg/m}^3$ ) in the resulting cavity. In addition, incorporate acoustic absorption to the underside of the fibre cement sheet (such as 50mm thick insulation with a minimum density of  $32\text{kg/m}^3$ ), generally in accordance with Detail 1;



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#### Manual Car Wash

- Restrict use of the manual car wash to the hours of 7am to 10pm only;
- Incorporate a layer of 6mm thick fibre cement sheet (or equivalent material with a surface density of at least  $8\text{kg/m}^2$ ) to the underside of the roof structure and include insulation (with a density of at least  $11\text{ kg/m}^3$ ) in the resulting cavity. In addition, incorporate acoustic absorption to the underside of the fibre cement sheet (such as 50mm thick insulation with a minimum density of  $32\text{kg/m}^3$ ), generally in accordance with Detail 1;
- Install 50mm thick acoustic insulation with a minimum density of  $32\text{ kg/m}^3$  to the extent shown as **PURPLE** in figure 1, in accordance with detail 2. The insulation should extend for the full practicable height;
- Install rapid roller doors to the exit of the manual car wash which automatically close during operation. The rapid roller should achieve a minimum transmission loss as follows:

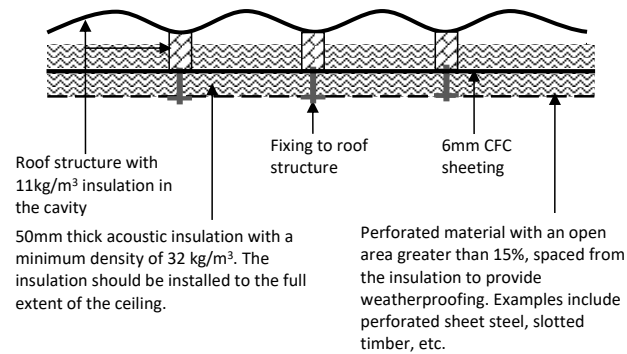
Octave Band Centre Frequency (Hz)	125Hz	250Hz	500Hz	1000Hz	2000Hz	4000Hz
Minimum Transmission Loss (dB)	5	5	7	8	10	13

#### Car Wash Plant Room

- The doors should incorporate acoustic seals which seal airtight when closed;
- Ensure that any other ventilation to the plant room is located away from the residences to the east and north, have no direct line of sight to the residences to the east and north and is acoustically treated by incorporating an acoustically lined duct or proprietary attenuator;
- Incorporate a layer of 6mm thick fibre cement sheet (or equivalent material with a surface density of at least  $8\text{kg/m}^2$ ) to the underside of the roof structure and include insulation (with a density of at least  $11\text{ kg/m}^3$ ) in the resulting cavity. In addition, incorporate acoustic absorption to the underside of the fibre cement sheet (such as 50mm thick insulation with a minimum density of  $32\text{kg/m}^3$ ), generally in accordance with Detail 1;

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**DETAIL 1: Underside of roof system (section view).**

#### Mechanical Plant

- Incorporate a proprietary in-line attenuator to the discharge side of any significant exhaust fan, such as those servicing kitchen areas;
- Locate mechanical plant on the control building roof, within the area shown as **YELLOW** in figure 1.
- Construct a solid screen around rooftop mechanical plant units, which is no less than 0.5m taller than the mechanical plant units, on three sides (marked as **BLUE** in figure 1). A suitable material is a minimum of 0.42 BMT sheet steel ("Colorbond" or similar) or a material with the same or greater surface density (kg/m<sup>2</sup>) and should be sealed airtight at all junctions. It is noted that a small gap may be included at the junction of the roof if required for drainage purposes;
- Install 50mm thick acoustic insulation with a minimum density of 32 kg/m<sup>3</sup> to the unit side of the mechanical plant barriers. The insulation should extend for the full practicable height of the screen and should be in accordance with the Detail 2;

#### Drive Through

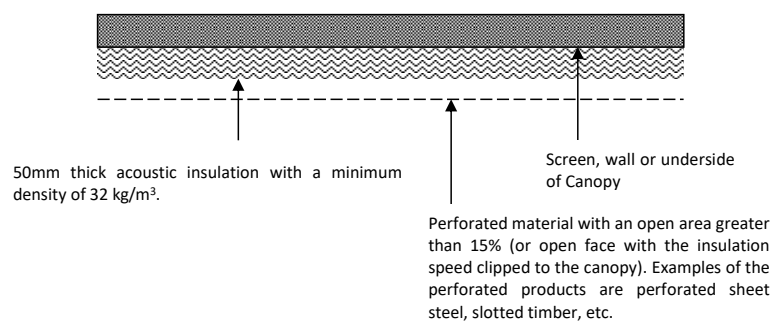
- Construct canopies over the order bay and cover no less than the extent shaded **ORANGE** shown in figure 1;
- Apply absorption to the underside of the canopy over the order unit in accordance with Detail 2;

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- Construct solid fences to the underside of the canopy over the order unit for the extent shown as **GREEN** in figure 1. A suitable material is a minimum of 0.42 BMT sheet steel ("Colorbond" or similar) or a material with the same or greater surface density ( $\text{kg/m}^2$ ) and should be sealed airtight to the ground and to the underside of the canopy;

*Detail 2: Absorption construction detail.*



#### Other Activities

- Ensure any amplified music is set at a level which is inaudible at residential property boundaries;
- Reduce the noise from any site equipment alarms, such as for compressed air, as far as practical and such that they are inaudible at any residence;
- Ensure there are no irregularities on the site and all inspection points, grated trenches, etc. are correctly fixed to remove the potential for impact noise being generated when driven over;
- Construct solid fences which are a minimum of 2.4m above the level of the site, for the extent shown in the figure 1 as **PINK**. Construct the fences from a minimum of 0.42 BMT sheet steel ("Colorbond" or similar) or a material with the same or greater surface density ( $\text{kg/m}^2$ );
- Construct cantilevered solid fences with a total height of 3.0m above the level of the site, for the extent shown in the figure 1 as **RED**. The fence should be cantilevered such that it is 2.7m high along the boundary and cantilevered to a height of 3m, in accordance with detail 3. Construct the fence from a minimum of 0.48mm BMT double skinned sheet metal in accordance with specification below:
  - Minimum 150mm thick steel structure.
  - 1 layer of 0.48 mm BMT sheet metal on both sides;
  - 50mm thick insulation with a minimum density of  $11\text{kg/m}^3$  installed within the cavity;
- An airtight seal should be achieved at all junctions of fences, including at the ground, joins to retaining walls and joins to other fences;

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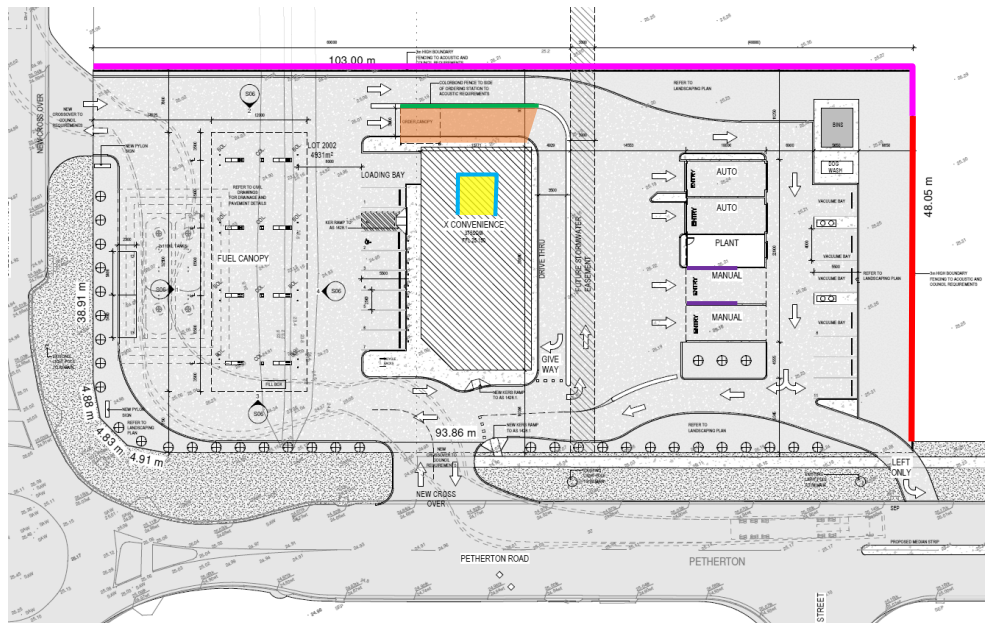
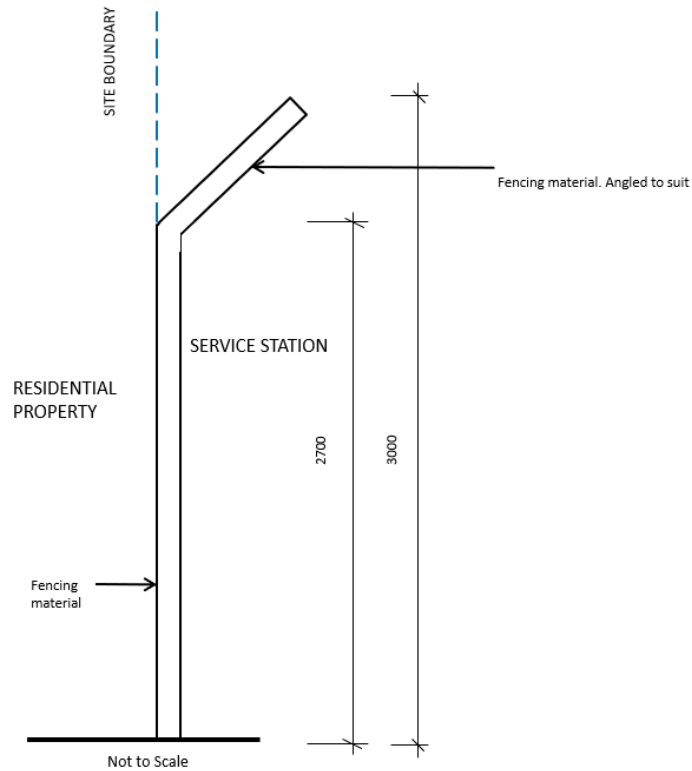


FIGURE 1: Treatment Summary

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**DETAIL 3: Cantilevered Design**



An assessment has been made of the application of a penalty for modulation associated with the car wash, dog wash, vehicle movements and drive through.

Future residences on the vacant land to the north and recently constructed single storey houses to the east will be shielded from the noise of vehicles on Petherton and Stebonheath Roads. As there is the potential for the variation in any noise from the site to be prominent, a 5 dB(A) penalty has been applied to all predictions of noise to the vacant land and recently constructed houses. Residences fronting Petherton and Stebonheath Roads are already exposed to significant variation in noise associated with existing vehicle movements on public roads. The noise during a 15 minute period at approximately 2:00pm on a weekday was measured at an equivalent position to the facade of a residence on Petherton Road. The noise varied between a background

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( $L_{90}$ ) level of 52 dB(A) and a maximum ( $L_{max}$ ) level of 90 dB(A) associated with a very loud vehicle. The average ( $L_{eq}$ ) noise level was 63 dB(A). Typical vehicle passbys were in the order of 60 to 70 dB(A). The noise from the proposed development during the day (including the car wash component) will be well below these existing levels with a predicted level of less than 47 dB(A). A penalty at existing residences during the day is therefore not warranted. At night, the noise from the site will predominantly be from vehicle movements. As vehicle movements on the site at night will be fewer, further away and at slower speeds than vehicles on the public roads, the noise levels will be lower and no penalties are therefore warranted.

With the inclusion of the acoustic treatments described above, the assumed level of activity at the site, and the application of the penalty for future residences, the average ( $L_{eq}$ ) noise levels predicted are as follows:

- At Residences:
  - No more than 47 dB(A) during the day time (7am to 10pm);
  - No more than 40 dB(A) during the night time (10pm to 7am); and,
- At Vacant Residential Land:
  - No more than 50 dB(A) during the day time (7am to 10pm);
  - No more than 45 dB(A) during the night time (10pm to 7am);

Based on the above, the goal average noise levels of the Policy will be achieved at all residences.

The instantaneous maximum noise levels have also been predicted for all residences within the vicinity of the development. Predicted maximum noise levels have been based on measurements at a variety of different similar sites and include noise sources such as car doors slamming and vehicles accelerating.

The maximum noise levels at the residences are predicted to be no more than 57 dB(A), from vehicles accelerating. That is, the Policy criterion of 60 dB(A) is predicted to be achieved at the residences with the above treatments implemented at the site.

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## CONCLUSION

An environmental noise assessment has been made of the proposed service station facility at the corner of Petherton Road and Stebonheath Road, Davoren Park.

The assessment considers noise levels at the surrounding residences from vehicle movements, drive through and car park activity, fuel deliveries, car wash, vacuum and dog wash activity, rubbish collection and mechanical plant servicing the facility.

The predicted noise levels from the development will achieve the relevant requirements of the *Environment Protection (Noise) Policy 2007* subject to the treatments in this report, comprising;

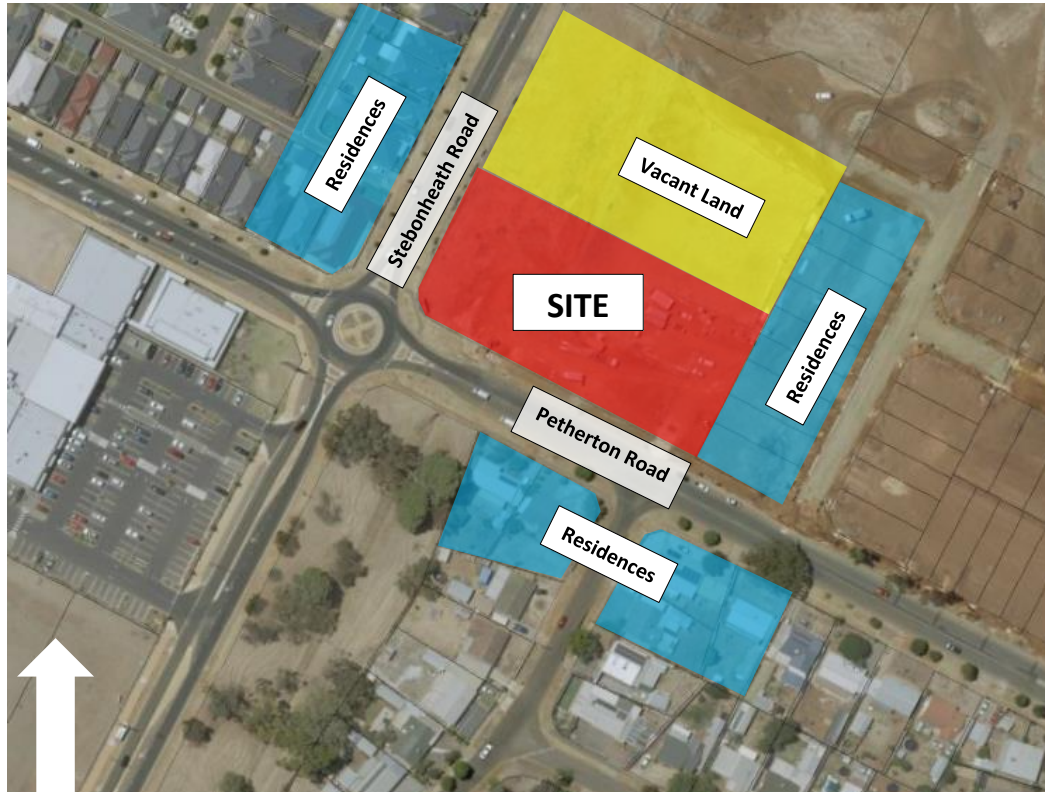
- specific fence heights and constructions;
- incorporating absorption materials;
- reducing the noise from any alarms as far as practical;
- ensuring all inspection points, grated trenches, etc. are correctly fixed;
- restricting the times for rubbish collection and fuel deliveries;
- restricting the use of car wash, dog wash and vacuum bay facilities to day time period only;
- Upgrading the construction of the car wash bays and plant room;
- incorporating in-line attenuators to the discharge side of any significant exhaust fan/s; and,
- specific location and screening of the mechanical plant;

Based on the above, it is considered that the development has been designed to mitigate adverse impacts on neighbouring and proximate land uses, thereby achieving all relevant provisions of the Planning and Design Code related to environmental noise.

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**APPENDIX A:** Site locality and nearby residences.





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**APPENDIX B:** Noise level data.

Equipment/Activity		Noise Level
General activity	General activity	83 dB(A)
	Idling car	75 dB(A)
	Moving car	82 dB(A)
	Moving fuel truck	96 dB(A)
Drive Through	Order unit	78 dB(A)
	Collection Window	76 dB(A)
Mechanical Plant	AC condenser unit	76 dB(A)
	Freezer	75 dB(A)
	Cool room	81 dB(A)
	Kitchen Exhaust Fan with Attenuator	71 dB(A)
	Amenity exhaust fan	67 dB(A)
	Evaporative Cooler	80 dB(A)
Car Wash	Automatic Wash	92 dB(A)
	Manual Wash	96 dB(A)
	Plant Room	78 dB(A)
Vacuum	Loaded	75 dB(A)
	Unloaded	76 dB(A)
Dog Wash	Dryer High	84 dB(A)
	Dryer Low	80 dB(A)