A Taplin

Alterations and additions to an existing shopping centre

123 Belair Road and 10 Newark Road, Torrens Park

080/L016/16

TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>AGENDA REPORT</th>
<th>PAGE NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGENDA ITEM 2.2.4</td>
<td>2-28</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ATTACHMENTS</th>
<th>PAGE NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1: DEVELOPMENT PLAN PROVISIONS</td>
<td>29-67</td>
</tr>
<tr>
<td>2: MAPS &amp; PHOTOS</td>
<td>68-117</td>
</tr>
<tr>
<td>3: APPLICATION &amp; PLANS</td>
<td>118-293</td>
</tr>
<tr>
<td>a. DA form</td>
<td>119</td>
</tr>
<tr>
<td>b. Certificates of Title</td>
<td>120-136</td>
</tr>
<tr>
<td>c. URPS – Planning Reports and Original Plans</td>
<td>137-184</td>
</tr>
<tr>
<td>d. Loucas Zahos Architects – Final Plans</td>
<td>185-193</td>
</tr>
<tr>
<td>e. Phil Weaver &amp; Associates – Traffic Report</td>
<td>194-208</td>
</tr>
<tr>
<td>f. Resonate – Acoustic Report</td>
<td>209-222</td>
</tr>
<tr>
<td>g. Tonkin – Flood Impact Assessment</td>
<td>223-238</td>
</tr>
<tr>
<td>h. Tree Environs – Tree Report</td>
<td>239-290</td>
</tr>
<tr>
<td>i. Schneider Electric – Lighting Design Layout</td>
<td>291</td>
</tr>
<tr>
<td>j. LCS Landscapes - Landscape Concept Plan</td>
<td>292-293</td>
</tr>
<tr>
<td>4: AGENCY COMMENTS AND APPLICANT RESPONSE</td>
<td>294-306</td>
</tr>
<tr>
<td>5: COUNCIL COMMENTS</td>
<td>307-309</td>
</tr>
<tr>
<td>6: REPRESENTATIONS</td>
<td>310-322</td>
</tr>
<tr>
<td>7: RESPONSE TO REPRESENTATIONS</td>
<td>323-348</td>
</tr>
</tbody>
</table>
OVERVIEW

<table>
<thead>
<tr>
<th>Application No</th>
<th>081/L016/16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unique ID/KNET ID</td>
<td>APPIAN ID 1366 / KNET ID 2016/13271/01</td>
</tr>
<tr>
<td>Applicant</td>
<td>A Taplin</td>
</tr>
<tr>
<td>Proposal</td>
<td>Alterations and additions to an existing shopping centre (Mitcham Square), including demolition of existing motor repair station, relocation of an existing petrol filling station, expansion of an existing supermarket (Woolworths), expansion of the existing shopping centre, new car parking area at 10 Newark Road, removal of two (2) regulated trees, construction of a 2.4m high blockwork wall, and associated site works and landscaping.</td>
</tr>
<tr>
<td>Subject Land</td>
<td>123 Belair Road and 10 Newark Road, Torrens Park</td>
</tr>
<tr>
<td>Zone/Policy Area</td>
<td>District Centre Zone and Residential (Central Plains) Zone, Residential (Central Plains) Policy Area 8, Maps Mit/5 &amp; 29</td>
</tr>
<tr>
<td>Relevant Authority</td>
<td>DAC pursuant to Section 34(1)(b)(iii) of the Development Act 1993 – Council conflict of interest</td>
</tr>
<tr>
<td>Lodgement Date</td>
<td>26 July 2016</td>
</tr>
<tr>
<td>Council</td>
<td>City of Mitcham</td>
</tr>
<tr>
<td>Development Plan</td>
<td>21 April 2016</td>
</tr>
<tr>
<td>Type of Development</td>
<td>Non-complying</td>
</tr>
<tr>
<td>Public Notification</td>
<td>Category 3</td>
</tr>
<tr>
<td>Representations</td>
<td>6 received; 3 to be heard</td>
</tr>
<tr>
<td>Referral Agencies</td>
<td>DPTI SSD, DEWNR State Heritage Unit, NRM Board</td>
</tr>
<tr>
<td>Report Author</td>
<td>Nitsan Taylor, Senior Planning Officer</td>
</tr>
<tr>
<td>RECOMMENDATION</td>
<td>Development Plan Consent subject to conditions and Minister’s concurrence</td>
</tr>
</tbody>
</table>

EXECUTIVE SUMMARY

The application seeks planning consent for alterations and additions to the existing Mitcham Square Shopping Centre at Torrens Park.

The subject land is located in the District Centre Zone and the Residential (Central Plains) Zone. A shop or group of shops with a gross leasable floor area of greater than 50 square metres is a non-complying form of development in the Residential (Central Plains) Zone. The DAC delegate resolved to proceed with an assessment of the application pursuant to Regulation 17(3) on 5 August 2016. A Statement of Effect pursuant to Regulation 17(5) was received on 12 October 2016.

The application underwent Category 3 public notification from 2-16 November 2016, with six (6) representations received. Three (3) representors wish to be heard.

Mandatory referrals were required to the State Heritage Unit of DEWNR and the Safety and Service Division (SSD) of DPTI. The State Heritage Unit has no objection to the proposed development. The SSD has advised that it is prepared to support the application provided modifications are made to two of the existing crossovers to Belair Road and Newark Road. The applicant has not agreed to undertake these modifications.

Mitcham Council has provided technical advice and is generally supportive of the application.
The application has been assessed against the Mitcham (City) Development Plan and generally satisfies relevant provisions in relation to land use, residential interface, design and appearance, flood risk, traffic impact, and heritage impact.

An inspection of the site has been undertaken, with photographs contained in the attachments.

On balance, the application is considered to have sufficient merit to warrant consent.

**ASSESSMENT REPORT**

1. **BACKGROUND**

   1.1 **RELEVANT AUTHORITY**

   On 2 June 2016, the City of Mitcham requested that the Minister for Planning appoint the DAC as the relevant authority due to Council having a conflict of interest relating to the future realignment of Newark Road and subsequent reconfiguration of the Grange Road/Belair Road/Newark Road intersection.

   On 30 June 2016, the delegate of the Minister for Planning appointed the Development Assessment Commission as the relevant authority pursuant to Section 34(1)(b)(iii) of the *Development Act 1993*.

   1.2 **NON-COMPLYING DEVELOPMENT**

   The development application has been assessed as non-complying on the basis that a shop or group of shops with a gross leasable floor area of greater than 50 square metres is a non-complying form of development in the Residential (Central Plains) Zone. Although the only development within the Residential (Central Plains) Zone will be the construction of a new car parking area, it is considered that the new car parking area is integral to the proposed alterations and additions to the existing shopping centre, which will result in a greater than 50 square metre increase in gross leasable floor area.

   On 5 August 2016, the DAC delegate resolved to proceed with an assessment of the application pursuant to Regulation 17(3).

2. **DESCRIPTION OF PROPOSAL**

   Application details are contained in the ATTACHMENTS.

   The application seeks planning consent for alterations and additions to the existing Mitcham Square Shopping Centre and the change of use of residential land at 10 Newark Road to a car parking area associated with the shopping centre.

**Existing Development**

The existing shopping centre comprises a multi-level building, disposed as:

- Two (2) supermarkets (Woolworths and Foodland)
- Seven-screen Wallis Cinema Complex
- 60 specialty shops including cafes and restaurants, clothing and homewares shops
- Consulting rooms (dental clinic and optometrist)
The shopping centre site also comprises a Woolworths +Plus petrol filling station and associated motor repair station, and approximately 570 car parking spaces (at grade and two basement levels).

10 Newark Avenue is currently vacant following demolition of the dwelling on the land by the applicant.

Refer to Figure 1 below.

**Figure 1 – Existing**

The subject site is serviced by six (6) existing crossovers to public roads as described below and denoted in Figure 1:

- **A** – southern Belair Road access point; two-way traffic movements
- **B** – northern Belair Road access; egress-only to Belair Road
- **C** - Newark Road access point adjacent Belair Road intersection; egress only
- **D & E** - two-way crossovers to Newark Road servicing the shopping centre car park
- **F** - residential crossover servicing 10 Newark Road

**Proposed Development**

The proposed development involves:

**Shopping Centre Expansion**
- Expansion of the existing Woolworths supermarket along the southern side of the existing building (increase in gross leasable floor area of 350m²).
• Construction of a new southern entry structure to match the existing entry structures.
• Internal modifications to widen the mall adjacent the new southern entry (not development – will not result in an increase in gross leasable floor area).

Petrol Station Redevelopment
• Demolition of the building comprising the motor repair station and petrol station pay point and amenities.
• Demolition of the existing fuel canopy (fuel storage tanks to remain).
• Construction of a new petrol filling station control building and 6.6 m high fuel canopy (different location/footprint to existing) and installation of new fuel bowsers (8 refuelling positions).
• Modifications to the northern crossover to Belair Road (crossover A) to make it ingress-only.
• Retention of all other existing crossovers.

New Car Parking Area
• Construction of a new car parking area at 10 Newark Road providing 59 car parking spaces and an informal seating area (reduced from 65 spaces).
• Alterations to the existing car parking layout resulting in a loss of 22 car parking spaces (the new car parking area will result in an overall increase of 37 spaces).
• Construction of a 2.4m high split face blockwork wall and a 2.0m high brush fence along the common boundary between 10 and 12 Newark Road.
• Closure of the crossover to 10 Newark Road (crossover F).
• Removal of two (2) regulated trees. (Several other trees – including 1 significant tree - are to be retained)
• Landscaping and site works.

Figure 2 – Proposed
The proposed petrol filling station will be located on the Newark Road boundary, to the immediate east of the existing crossover to Newark Road. The new building will be of single storey construction (4 metres in height) and will have a floor area of approximately 125 square metres. The building will feature articulated precast wall panels in grey with a glazed shopfront. The rear/Newark Road elevation will consist of grey precast wall panels with dark grey aluminium vertical fins located at regular intervals. A 5.1 metre high annex will be attached along the shopfront to provide shelter to patrons moving between the fuel canopy and the building. Refer to Figure 3 below.

**Figure 3 – Belair Road Perspective**

### 3. SITE AND LOCALITY

#### 3.1 Site Description

The site consists of six (6) allotments, described as follows:

<table>
<thead>
<tr>
<th>Lot No</th>
<th>Street</th>
<th>Suburb</th>
<th>Hundred</th>
<th>Title Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>701 in DP 56857</td>
<td>Belair Road</td>
<td>Torrens Park</td>
<td>Adelaide</td>
<td>6125/200</td>
</tr>
<tr>
<td>702 in DP 56857</td>
<td>Belair Road</td>
<td>Torrens Park</td>
<td>Adelaide</td>
<td>6126/199</td>
</tr>
<tr>
<td>Pieces 703 &amp; 704 in DP</td>
<td>Belair Road</td>
<td>Torrens Park</td>
<td>Adelaide</td>
<td>5870/982</td>
</tr>
<tr>
<td>205 in FP 12732</td>
<td>Belair Road</td>
<td>Torrens Park</td>
<td>Adelaide</td>
<td>FP 12732</td>
</tr>
<tr>
<td>213 in FP 12732</td>
<td>Newark Road</td>
<td>Torrens Park</td>
<td>Adelaide</td>
<td>5671/155</td>
</tr>
<tr>
<td>218 in FP 12732</td>
<td>Belair Road</td>
<td>Torrens Park</td>
<td>Adelaide</td>
<td>5703/183</td>
</tr>
</tbody>
</table>

The existing Mitcham Square Shopping Centre comprises land bound by Belair Road to the west, Princes Road to the north-east, and Newark Road to the south (outlined in red in Figure 4 below). Belair Road is a secondary arterial road and Princes Road and Newark Road are local roads.

The application proposes to expand the shopping centre to include a parcel of residential land at 10 Newark Road (depicted in blue in Figure 4), which is currently vacant following demolition of the dwelling on the land. The subject site (the land affected by the proposed development) is shown outlined in yellow. The balance of the shopping centre will remain unchanged.

The northern boundary of 10 Newark Road is located within Brownhill Creek, with the creek directly accessible from the land. The northern-most section of 10 Newark Road (approximately one-third) is located within the 1:100 floodplain and is
identified in Development Plan Figure WC/3 as ‘Residential land within the vicinity of a watercourse’. To the west of 10 Newark Road, the creek passes under the shopping centre. To the east, the creek extends along the rear of a number of other residential properties along Newark Road.

Refer to Figure 4 – Locality Map.

Figure 4 – Locality Map

3.2 Locality

Land in the immediate vicinity of the shopping centre is zoned District Centre and Residential (Central Plains) and comprises a mix of commercial, civic and residential uses.

Land to the immediate east, north-east, north and south-east is zoned Residential (Central Plains) and comprises a range of dwelling types. Land to the immediate north (18A Prince Road) contains eight (8) strata units, five (5) of which are located behind the proposed car park area.
Land to the immediate south (on the other side of Newark Road) is zoned District Centre and comprises the Mitcham Council offices (including the State heritage listed Council chambers on the corner of Belair Road) and associated car parking area.

Land to the west on the other side of Belair Road is zoned District Centre and comprises the Mitcham Community Centre. Land to the north-west comprises several fast food outlets.

4. COUNCIL COMMENTS

Notwithstanding that Mitcham Council has a conflict of interest, the application was referred to Council for technical advice.

Council considered the proposal at its meeting on 13 December 2016 and resolved to advise the Commission that it supports the proposal on the basis that it will have economic, social and environmental benefits for the District Centre; and the building scale, form and function of the proposed expansion are considered appropriate.

Council has recommended a number of ‘enhancements’ and conditions of approval, summarised below along with the applicant’s response and planning commentary where relevant:

<table>
<thead>
<tr>
<th>Council comments</th>
<th>Applicant’s Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 The western façade wall of the petrol station should incorporate articulated elements and/or fenestration.</td>
<td>Detailed elevation plans have now been submitted (Dwg No. A107 Rev P1 14/12/16).</td>
</tr>
<tr>
<td>2 The development should provide an appropriate number of disabled car parking spaces in accordance with the relevant Australian Standards.</td>
<td>Agreed. <strong>This can be addressed as a condition of consent.</strong></td>
</tr>
<tr>
<td>3 An amended plan should be provided for the new car park which shows that the depth of a 1:100 year ARI storm event does not exceed 0.3m or 72.1m (AHD). This may require the loss of 6-8 car parking spaces at the northern end of the car park.</td>
<td>Amended car park plan has been submitted (Dwg. No. A104 Rev P11 18/01/17).</td>
</tr>
<tr>
<td>4 The proposed sandstone seating area should be relocated further to the south away from the main channel of the watercourse.</td>
<td>Agreed. New location shown on the amended car park plan.</td>
</tr>
<tr>
<td>5 The proposed furniture should be securely fixed to the ground to ensure it cannot be swept away into the creek during flood events.</td>
<td>Agreed. The car park plan has been amended so that the furniture is now located further south away from the creek. <strong>This can be reinforced with a condition of consent.</strong></td>
</tr>
<tr>
<td>6 The proposed acoustic fence to straddle the watercourse should provide a minimum freeboard of 0.3m above the determined 1:100 year ARI flood event resulting in the underside of the acoustic fence being 72.4m (AHD) + 0.3m (freeboard) + 72.7m (AHD) as a minimum.</td>
<td>This fence has been removed from the plans.</td>
</tr>
<tr>
<td>7 Stormwater runoff should be treated by an appropriate oil/grease arrestor before being discharged into the creek.</td>
<td>Agreed. <strong>This will be required as a condition of consent.</strong></td>
</tr>
</tbody>
</table>
AGENDA ITEM 2.2.4

8 The existing crossover servicing 10 Newark Road is to be removed and reinstated back to kerb and gutter.

Agreed.

This will be required as a condition of consent.

9 A CMP should be provided.

This will be required as a condition of consent.

10 The design of the new car park area should include a stormwater quality improvement system such as bio-filtration

Agreed.

This will be required as a condition of consent.

11 A detailed landscaping plan should be provided.

It will be a condition of consent that a detailed landscaping plan is provided prior to development approval.

12 The applicant is encouraged to install a 1.8m high tubular security fence within the subject land (10 Newark Road) on the southern side of the creek to prevent entry to the creek.

The amended car park plan shows a 1.8m high tubular fence located on the southern side of the creek. The applicant is agreeable to a condition of consent requiring the fence to be 1.8m spear-top security fence with a locked access gate for maintenance purposes.

Council’s comments and the applicant’s response are contained in the ATTACHMENTS.

5. STATUTORY REFERRAL BODY COMMENTS

Referral responses are contained in the ATTACHMENTS.

5.1 Safety and Services Division, DPTI

The application was referred to the Safety and Service Division (SSD) of DPTI pursuant to Schedule 8 of the Development Regulations 2008 as the proposed development will change an existing access to a secondary arterial road (Belair Road). The SSD’s advice is for regard only.

The SSD has advised that the southern Belair Road crossover and the western Newark Road crossover do not comply with AS/NZ S2890.1:2004, Figure 3, ‘Prohibited Location of Access Driveways’ and therefore increase the risk of vehicular conflict in this location.

To address this, the SSD has advised that the southern Belair Road crossover should be narrowed to 4.5m and angled 70 degrees to the road to restrict movements to egress only; and the western Newark Road crossover should be relocated approximately 25 metres to the east (away from the junction with Belair Road) to improve the safety of vehicles turning right onto Newark Road from the subject site.

In the event that the applicant does not agree to undertake the modifications, SSD has advised that the application should be refused.

The SSD has also recommended a number of conditions of planning consent. These conditions have mostly been adopted in the recommendation where appropriate. Conditions pertaining to the existing pylon sign have been omitted as no changes are proposed to the sign as part of the application.
The applicant’s traffic engineer, Phil Weaver, has responded to SSD’s report, summarised as follows:

- Narrowing the southern Belair Road crossover will not allow petrol tankers to exit onto Belair Road, as currently occurs.
- The access onto Newark Road is an exit only, not a two-way access point as suggested in DPTI’s advice. The nature of this access will not change as a result of the development, i.e. it will remain exit only, which should reduce the concern raised in relation to the proximity of this access point to the Belair Road intersection.
- The opportunity to relocate the Newark Road access is limited unless there is a reduction in on-site car parking or the control building is relocated to the south west corner of the site, which would affect views to the State heritage place.
- The proposed redevelopment of the service station will not result in a fundamental change to the current facility.

Mr Weaver advises that the proposed development is acceptable as it will:

- Reconfigure the fuel pumps to provide a ‘starter gate’ arrangement (a single row of 4 double-sided fuel dispensers), which will reduce delay to drivers as compared to the current design.
- Not change the nature of the two existing access points to Belair Road.
- Result in minimal increase in the volume of traffic accessing the petrol filling station.
- No longer generate traffic associated with the motor repair station.
- Allow refuelling vehicles to continue to enter and exit the site from Belair Road, as currently occurs.

With regard to road safety, Mr Weaver has advised that data collected between 2011 and 2015 indicates that of the reported crashes, none have related to traffic exiting the service station onto Belair Road.

In light of the above advice, the applicant is of the view that the crossovers should remain unchanged.

5.2 State Heritage Unit, DEWNR

The application was referred to the State Heritage Unit of DEWNR pursuant to Schedule 8 of the Development Regulations 2008 as the proposed development will directly affect a State heritage place, namely the City of Mitcham Council Chambers, 1934-1954, located at 131 Belair Road Torrens Park.

The State Heritage Unit has advised that the proposed development is acceptable for the following reasons:

- The proposed extension to the shopping centre building will not affect views of heritage significance associated with the State heritage place.
- The footprint of the extension is not substantial and sufficient open space will remain between the shopping centre and heritage place to maintain the existing views of the place from the Belair Road streetscape.
- Proposed signage on the new south façade is less in area and therefore will have less visual impact on the setting of the State heritage place.
- The proposed changes to the petrol station will reduce the size of the canopy and building area of the station. The relationship between canopy and views of the State heritage place from Belair Road will remain unaffected.

The State Heritage Unit recommended a condition of consent to attach in the event the existing pylon sign will be altered as part of the application. The applicant has
confirmed that the pylon sign will remain unchanged; therefore the condition is not warranted.

### 5.3 Adelaide & Mount Lofty Ranges Natural Resource Management Board

The application was informally referred to the Adelaide and Mount Lofty Ranges Natural Resource Management Board due to the proximity of the subject site to Brownhill Creek.

The NRM Board comments and applicant’s response are summarised below, planning commentary provided where necessary.

<table>
<thead>
<tr>
<th>NRM Board comments</th>
<th>Applicant’s response / Planning comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 The northern driveway into the new car park will be constructed at a level of 72.3m AHD, which is within the 100 year ARI floodplain of 72.4m AHD. This could expose the car park and shopping centre to an increased risk of flooding.</td>
<td>This has been addressed in Tonkins ‘Flood Impact Assessment’. The levels have been designed to minimise filling in the floodplain and to direct any overflows back towards the culvert entrance.</td>
</tr>
<tr>
<td>2 The proposed 1.5m fencing on either side of the creek will be elevated above ground level, with an underside level of 72.6m AHD. An assessment needs to be undertaken of the risk that the space under the fences could become blocked in a flood event, causing flood damage.</td>
<td>This fence has now been removed from the plans.</td>
</tr>
<tr>
<td>3 Limited information has been provided in relation to the proposed works within the watercourse, such as construction of the retaining walls.</td>
<td>All references to ‘future embankment stabilisation’ have now been removed from the plans. An advisory note will be attached to the planning consent advising the applicant to consult the NRM Board prior to undertaking any works within the watercourse.</td>
</tr>
<tr>
<td>4 Development should meet the requirements set out by the Brown Hill Keswick Creek Catchment Stormwater Management Plan.</td>
<td>Compliance with the SMP will be a condition of consent.</td>
</tr>
<tr>
<td>5 The car park should be designed to include WSUD methods.</td>
<td>Noted.</td>
</tr>
<tr>
<td>6 Stormwater management should include opportunities for upstream water quality treatment options, i.e. capture and transfer of small rainfall events with swales.</td>
<td>Noted. This will be addressed as a condition of consent.</td>
</tr>
<tr>
<td>7 The watercourse should be accessible for maintenance needs.</td>
<td>This will be addressed as a condition of consent.</td>
</tr>
</tbody>
</table>

6. **PUBLIC NOTIFICATION**

The application underwent Category 3 notification from 2 to 16 November 2016. At the conclusion of the notification period, six (6) representations were received, summarised below.

<table>
<thead>
<tr>
<th>Rep ID</th>
<th>Issue Raised</th>
<th>Applicant’s Response/Planning staff commentary</th>
</tr>
</thead>
<tbody>
<tr>
<td>R1*</td>
<td>-Acoustic report incorrectly assessed 10 Newark Rd as being within the District Centre Zone.</td>
<td>An amended car park plan has been provided that: -removes the 6 northern-most car parking spaces</td>
</tr>
<tr>
<td>Rep ID</td>
<td>Issue Raised</td>
<td>Applicant’s Response/Planning staff commentary</td>
</tr>
<tr>
<td>--------</td>
<td>--------------</td>
<td>-----------------------------------------------</td>
</tr>
</tbody>
</table>
|        | the creek and representor’s property.  
-Safety concerns re. public access to the creek.  
-Hydrologist’s report should be sought to address water overflow and impact on creek.  
-Object to proposed 1.5m fence on representor’s land.  
-Swimming pool type fence should be erected on the applicant’s land to prevent access to the creek.  
-Screening trees should be planted to mitigate noise and light generated by car park.  
-Object to seating area, which will encourage people to linger and create noise. | -locates the seating area further south of the creek (in the location of the 6 removed spaces)  
-includes a new 1.8m high tubular security fence along the northern boundary of the car park.  
-removes the 1.5m fence from representor’s land.  
Access to the car park will be restricted to between 7am and 10pm. |
| R2*    | -Noisy construction works should take place outside of business hours or on weekends. | Construction will be undertaken in accordance with the EPA Environmental Noise Policy. |
| R3*    | -New car park not justified  
-Seriously at variance with the Residential Zone  
-Will not improve residential interface  
-Acoustic report based on the land being located in the District Centre Zone, which is incorrect.  
-Increased risk of flooding | While the use is not expressly envisaged in the Residential Zone, it is considered acceptable on the basis that it supports the expansion of the centre and provides an orderly and logical link to it. |
| R4     | -A car park is not appropriate in a Residential Zone.  
-Sufficient car parking already available.  
-Development will result in increased flooding.  
-Car park will impair the locality.  
-Increased truck movements down Newark Road. | Tonkin has advised that the proposed development will not create an unreasonable flood risk to users of the car park nor properties in the vicinity of the site.  
Phil Weaver has advised that the proposed development will not result in an increase in the number of truck movements down Newark Road, with trucks capable of exiting the site directly onto Belair Road. |
| R5     | -Noise and dust mitigation required during construction  
-Increased flood risk. | Comment: A CEMP will be required as a condition of consent. Construction will need to comply with the EPA Environmental Noise Policy. |
| R6     | Would like the proposed 2.4m boundary wall to be erected as soon as possible to provide security and privacy to their property. | No response necessary |

* Representors wishing to be heard by the Commission

Representor R1 has since advised that the amendments to the car park plan adequately respond to their concerns (refer to the attachments).
Refer to Figure 5 for the location of the representor’s properties.

A copy of each representation and the applicant’s response is contained in the ATTACHMENTS.

**Figure 5 – Representation Map**

7. **POLICY OVERVIEW**

The subject site is located within the District Centre Zone and the Residential (Central Plains) Zone, Residential (Central Plains) Policy Area 8, as described within the Mitcham (City) Development Plan Consolidated 21 April 2016.

Relevant planning policies are contained in ATTACHMENT 1 and summarised below.

7.1 **Residential (Central Plains) Policy Area 8**

Land comprised in Policy Area 8 is a low-density area characterised by predominately single storey dwellings built between 1920 and 1970 located on spacious allotments. The policy area is silent on the matter of non-residential uses in the zone.

Refer to Figure 6 for Policy Area map.
7.2 Residential (Central Plains) Zone

The Residential (Central Plains) Zone is primarily intended to accommodate detached dwellings at low density. The zone is silent on the matter of non-residential uses in the zone. A Shop or Group of Shops with a gross leasable floor area greater than 50 square metres is listed as a non-complying form of development in the zone. A standalone car park is not listed as a non-complying form of development in the zone.

Refer to Figure 7 for Zone map.

7.3 District Centre Zone

The District Centre Zone is intended to accommodate a range of non-residential uses including shopping, administrative, cultural, community, office, entertainment, educational, religious and recreational facilities.

Brownhill Creek should not be further enclosed and areas of open banks should be highlighted and enhanced.

7.4 Council Wide

7.4.1 Development within Centre Zones

A shop or group of shops with a gross leasable floor area of greater than 250 square metre should be located in a centre zone. Development should integrate existing and future facilities so as to promote ease of pedestrian movement and sharing of facilities. Development should preserve and enhance localities and utilise and adapt existing building stock in preference to new buildings. Public entrances to buildings and pedestrian access within centres should be screened and sheltered from south-westerly and northerly winds.

Development within Centre Zones should provide safe and convenient access for all vehicles, cyclists and pedestrians. Access points onto public roads should be designed and located to minimise traffic hazards, queuing on roads, and intrusion into residential areas.

Sufficient off-street car parking should be provided, with a minimum of one (1) designated disabled parking space per 25 spaces within close proximity of entry points to buildings. Car parking areas should be designed to ensure safe pedestrian access to and from vehicles. Car parking areas should be designed to allow vehicle movement between them without the use of public roads.

In the District Centre Zone, a car parking rate of 3 spaces per 100 square metres of gross leasable floor area is required where the subject land is located in a Designated Area as shown in Table Mit/9 (e.g. land in the District Centre Zone located in a ‘Go Zone’). No car parking rate is provided for development in the Residential Zone.

7.4.2 Non-residential Development in Residential Zones

Non-residential development adjacent to residential development should be designed, sited, constructed, landscaped and operated in such a way as to minimise impact on the adjacent residential development and its occupants.
7.4.3 Heritage Places

Development that materially affects the context of a heritage place should be compatible with the heritage place in terms of scale and bulk, set-back, width of frontage and design elements.

7.4.4 Appearance of Land and Buildings

The appearance of land, buildings and objects should be designed and sited to not impair the amenity or desired character of the surrounding locality. Landscaping should be incorporated as an integral part of the design and existing landscaping should be retained wherever practicable.

7.4.5 Movement of People and Goods

Access points onto arterial roads should be designed and located to minimise traffic hazards, queuing onto roads and interference with the function of intersections, junctions and traffic control devices. Development adjacent to an intersection should not create an obstruction or impair the visibility of drivers entering an arterial road.

Car parking areas should be landscaped to screen, shade and enhance the appearance of the car parking area. Car parking spaces should not be located any closer than two metres from any adjacent street frontage to enable landscaping to occur.

7.4.6 Stormwater Management

Development should be designed and located to protect stormwater from pollution and to minimise flooding. Stormwater management systems should be designed to improve the quality of stormwater and minimise pollutant transfer to receiving waters.

7.4.7 Regulated Trees, Vegetation and Landscaping

Regulated and significant trees should be retained and protected where such trees provide important aesthetic and/or environmental benefit. Development should minimise the need to remove exiting vegetation and provide appropriate replacement of any vegetation that is removed. Landscaping should be incorporated that enhances the appearance and amenity of the site and complements the desired character of the locality.

7.4.8 Advertisements

Advertisements should be designed, sited and constructed from suitable materials to complement and enhance the predominant character of the locality.
Figure 6 – Policy Area Map
Figure 7 – Zone Map

NOTE: For Policy Areas see MAP Mit/29

DCe  District Centre
HCP(MV)  Historic Conservation – Mitcham Village
LCe  Local Centre
MU(BR)  Mixed Use (Seabird Road)
RCD  Residential (Central District)
R(E)  Residential (East Main)
R(F)  Residential (Forestville)
SU  Special Uses (Kingswood Oval)

Zone Boundary
Development Plan Boundary

M itcham (city) Zones
MAP Mit/5

Scale 1:10000
0 500meters

Consolidated - 21 April 2016

17
8. PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Mitcham (City) Development Plan Consolidated 21 April 2016, contained in ATTACHMENT 1.

8.1 Land Use and Character

Shopping centre expansion and petrol filling station
The expansion of the existing shopping centre and redevelopment of the petrol filling station are generally consistent with the objectives and principles of development control of the District Centre Zone, with the zone anticipating a range of non-residential uses.

Car park – 10 Newark Road
The new car parking area will be located on land zoned Residential (Central Plains). A standalone car park is an ‘on merit’ use in the zone however in this instance it has been assessed as non-complying as the car park is directly related to the proposed expansion of the shopping centre, with a shop or group of shops with a gross leasable floor area of greater than 50 square metres being non-complying in the Residential (Central Plains) Zone.

The proposed car park will be located across the road from the existing Mitcham Council car park (zoned District Centre) and therefore will not be introducing a new non-residential use to the area. As such, it is considered unlikely that the new car parking area will adversely affect the character (existing or desired) of the area, which currently presents as a mixture of residential and non-residential uses.

The new car park is intended to support the ongoing operation of the District Centre Zone and the proposed expansion of the shopping centre by providing a net increase of 37 car parking spaces (22 spaces removed as a result of the expansion; 59 spaces provided in the new car park). The Development Plan requires the provision of 10 spaces to meet the needs of the expansion therefore the proposed car park will exceed this requirement.

It has been suggested in the representations that the number of proposed car parking spaces is inappropriate given the residential zoning. It is considered that the proposed car park has been appropriately designed to minimise any impacts on adjoining land and therefore the number of car parking spaces is acceptable.

Although not envisaged in the Residential (Central Plains) Zone, it is considered that the use of the land as a car park is generally acceptable as it will support the continued function of the District Centre Zone and shopping centre and the development has been appropriately designed to minimise impact on adjacent residential land (discussed in more detail below).

8.2 Interface

8.2.1 Noise
The residents most likely to be affected by noise from the proposed car park are those located at 12 Newark Road to the east and 18A Princes Road to the north. To address possible noise disturbance of the residents at 12 Newark Road, the applicant proposes to erect a 2.4 metre stone wall along the majority of the common boundary. It is understood that the owner of the property is agreeable to this.
To address possible noise disturbance of the residents at 18A, the applicant’s acoustic consultant initially recommended the installation of a 1.5 metre high Colorbond fence along the existing retaining wall within 18A’s property. As discussed in the Public Notification section of the report, the residents at 18A did not agree to this.

The applicant subsequently amended the car park plan to remove the six (6) car parking spaces closest to the residents at 18A and advised that use of the car park will be restricted to the hours between 7am and 10pm (reinforced by way of condition requiring the placement of a chain across the car park entrance). The applicant’s acoustic consultant has advised that without the 1.5m high Colorbond fence, the noise generated by the car park will exceed the environmental noise criteria by 1 to 2dB(A) during the peak hour of operation, however this exceedance is considered to be minor as it will not be perceptible and will only occur during peak usage of the car park when other ambient noises will also be apparent.

In light of the above, it is considered that the noise generated by the proposed car parking area will not have an unreasonable impact on adjoining land and is therefore generally acceptable.

### 8.2.2 Safety and Security

The proposed car parking area will be located furthermost from the shopping centre and therefore will be less open to passive surveillance. Residents from adjoining land have raised the concern that providing a seating area within the car park and adjacent the creek may encourage loitering and anti-social behaviour. It is also of concern that public access to the creek could lead to trespass of adjacent land, posing a security risk.

To counteract this, the applicant has agreed to restrict access to the creek by installing a 1.8 metre high spear-top fence along the northern boundary of the car park area. This will allow the public to view the creek without being able to access it. It will be a condition of planning consent that the fence include a lockable access gate to enable maintenance of the creek and banks to occur (as requested by the NRM Board).

The applicant has also advised that the car park will be patrolled by shopping centre security personnel as currently occurs within the existing car park area.

It is considered that safety and security have been adequately addressed by the applicant.

### 8.2.3 Lighting

Standard lighting will be installed within the new car parking areas. Such lighting will be designed to minimise light spill into adjoining land. The applicant has advised that the lighting will be switched off within the new car parking area at 10 Newark Road at 10pm. It will also be a condition of consent that all external lighting shall be designed and constructed to conform to Australian Standards and located, directed and shielded and of such limited intensity to ensure no nuisance or loss of amenity is caused to any person beyond the site.

It is considered that the proposed external lighting of the site is appropriate, subject to conditions.
8.2.4 Visual Impact

Shopping centre expansion and petrol filling station
The proposed shopping centre expansion is minor in nature and will mirror the existing shopping centre building. It is therefore considered that the shopping centre expansion will have minimal visual impact on surrounding land.

The new petrol filling station and associated canopy will be a more modern representation of the existing service station and motor repair station currently on the site. The proposed structures will be of a similar bulk and scale as the existing structures and will achieve similar set-backs to Belair Road, Newark Road, and the State heritage listed Council Chambers. On balance it is considered that the proposed petrol filling station and associated canopy will improve the visual amenity of the site when viewed from the road and surrounding land.

Car park – 10 Newark Road
The proposed car parking area will have some visual impact on surrounding land, as can be expected of any change in land use. It is considered that the proposed car park will be most visible when viewed from adjoining land to the north, north-east and east and when heading east along Newark Road.

In order to minimise the visual impact of the car park and improve the amenity of the site, the application proposes to:

- Retain existing vegetation along Newark Road and Brown Hill Creek where possible and undertake additional landscaping.
- Erect a 2.4 metre high blockwork wall along the common boundary with the neighbouring property at 12 Newark Road. The owner of 12 Newark Road has submitted a representation in support of this.
- Erect a 2 metre high brush fence along a section of the north-eastern boundary to screen the car park from adjacent residences to the north-east. This was originally proposed to be a 1.5 metre high Colorbond fence located on either side of the creek. The proposed brush fence is considered to be a superior alternative and will be more in keeping with existing fencing in the area.

Provided these measures are undertaken, it is considered that the visual impact of the car park on surrounding land is generally acceptable.

8.3 Environmental Impact

8.3.1 Flooding
The northern-most portion of the land at 10 Newark Road is located within the floodplain. The application has been considered by Council and the Adelaide & Mount Lofty Ranges NRM Board in terms of flood risk, with both advising that the car parking spaces in this area may be subject to flooding. Council recommended the removal of the six northern-most car parking spaces, with the applicant submitting an amended plan accordingly. The applicant’s consultant has advised that the car park levels have been designed to minimise the need to fill in the floodplain and to direct overflows back towards the culvert entrance. The seating proposed at the northern end of the car park will be fixed to the ground to ensure it cannot be moved by flood waters. The applicant’s response to flooding concerns is considered to be acceptable.
8.3.2 Stormwater

In accordance with recommendations by the NRM Board and Council, the applicant has advised that the new car park at 10 Newark Road will incorporate a grease arrester and bio filtration system to improve the quality of stormwater leaving the site. Conditions will be attached to the planning consent to ensure this occurs.

8.4 Heritage Impact

The State Heritage Unit of DEWNR has advised that the impact on the Stage heritage listed City of Mitcham Council Chambers is acceptable as it will not affect views of the State heritage place from Belair Road and will retain appropriate separation distances between the shopping centre and heritage place.

8.5 Traffic Impact and Access

The existing crossovers to Belair Road and Newark Road will remain largely unchanged. Minor modifications are proposed to the northern Belair Road crossover to accommodate the expanded footprint of the shopping centre and to restrict traffic movements to ingress only. The nature of movements into the site will not change as a result of the proposed development, with refuelling vehicles to continue to enter and exit the site via Belair Road. The reorientation of the fuel canopy and the ‘starter gate’ positioning of the fuel dispensers will minimise on-site queuing, which can occur with the current configuration.

The Safety and Service Division has recommended that the southern crossover to Belair Road is narrowed to 4.5 metres and angled 70 degrees to the road in order to reinforce the egress-only nature of the crossover. The applicant is unwilling to do this as it will not allow refuelling vehicles to exit the site directly onto Belair Road (as currently occurs), resulting in all refuelling vehicles and vehicles larger than passenger vehicles being required to exit onto Newark Road. This is not considered to be an acceptable outcome as it will result in trucks utilising the surrounding local street network rather than Belair Road.

The Safety and Service Division has also recommended that the existing Newark Road access adjacent the intersection is relocated to the eastern side of the new control building to improve the safety of vehicles turning right onto Newark Road towards Belair Road. The applicant is not agreeable to this as the nature of the crossover will not change as a result of the proposed development. It is noted that if the crossover were to be relocated to the eastern side of the control building, it would be in close proximity to an existing crossover to the shopping centre car park, which may lead to other road safety issues.

Given that the nature of traffic movements through the existing crossovers will not change as a result of the proposed development, it is considered that the amendments required by the SSD are unwarranted and the crossovers can remain unchanged as proposed.

8.6 Signage

The existing pylon sign on the corner of Belair Road and Newark Road will remain in its current form. New ‘Mitcham Square’ signage and ‘Woolworths’ branding is proposed along the new southern elevation to match the existing signage at the shopping centre. The proposed level of signage is considered acceptable.
8. CONCLUSION

The proposed expansion of the existing shopping centre and relocation of the petrol filling station are considered to be generally consistent with the existing development on the site and with the relevant policies for the District Centre Zone.

With regard to the new car parking area at 10 Newark Road, it is acknowledged that a car park is not an anticipated use in a residential zone. However in this instance, it is considered generally acceptable as it will support the ongoing function of the District Centre Zone and existing shopping centre; is in keeping with the mixed use character of the locality; and has been appropriately designed to minimise impact on adjoining land. With regard to the latter, it is noted that the applicant has made a number of amendments to the new car parking area to address concerns raised by adjoining landowners through the public notification process.

The State Heritage Unit has considered the proposed development in terms of impact on the State heritage listed City of Mitcham Council Chambers and has advised that the impact is acceptable.

The Adelaide & Mount Lofty Ranges NRM Board has advised that it has no objection to the application subject to conditions, which have been adopted in the recommendation.

Council has advised that it is generally supportive of the application.

The Safety and Service Division (SSD) of DPTI has recommended refusal unless the existing southern crossover to Belair Road is modified and the existing western crossover to Newark Road is relocated. The applicant is unwilling to undertake these changes on the basis that the nature of the crossovers will not change as a result of the proposed development. It is noted that if the southern Belair Road crossover is modified as suggested, refuelling vehicles will be required to exit the site onto Newark Road and utilise the local street network to get back on to Belair Road. This is not considered to be an acceptable outcome due to the likely impacts this will have on the surrounding residential area. On balance, it is considered acceptable for the existing crossovers to remain unchanged.

Notwithstanding the non-complying nature of the proposed development, having regard to the relevant provisions of the Development Plan, the application is considered to have sufficient merit to warrant planning consent, subject to conditions and the concurrence of the Minister for Planning.

9. RECOMMENDATION

It is recommended that the Development Assessment Commission:

1) RESOLVE that the proposed development is NOT seriously at variance with the policies in the Development Plan.

2) RESOLVE that the Development Assessment Commission is satisfied that the proposal generally meets the key objectives and principles of development control of the Mitcham (City) Development Plan.

3) RESOLVE to grant Development Plan Consent to the proposal by A Taplin for alterations and additions to an existing shopping centre (Mitcham Square), including demolition of existing motor repair station, relocation of an existing petrol filling station, expansion of an existing supermarket (Woolworths), expansion of the existing shopping centre, new car parking area at 10 Newark Road, removal of two (2) regulated trees, construction of a 2.4m high blockwork
Development Assessment Commission  
9 February 2017

AGENDA ITEM 2.2.4

wall, and associated site works and landscaping, at 123 Belair Road and 10 Newark Road, Torrens Park, subject to the following conditions of consent and the concurrence of the Minister for Planning:

**PLANNING CONDITIONS**

1. Except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the details and following plans submitted in Development Application No. 080/L016/16.

   Loucas Zahos Architects

<table>
<thead>
<tr>
<th>Location Plan</th>
<th>Dwg No. A102</th>
<th>Rev P2</th>
<th>22/03/16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing site plan</td>
<td>Dwg No. A103</td>
<td>Rev P7</td>
<td>1/09/16</td>
</tr>
<tr>
<td>Proposed site plan</td>
<td>Dwg No. A104</td>
<td>Rev P11</td>
<td>18/01/17</td>
</tr>
<tr>
<td>Elevations</td>
<td>Dwg No. A105</td>
<td>Rev P3</td>
<td>14/12/16</td>
</tr>
<tr>
<td>Perspectives</td>
<td>Dwg No. A106</td>
<td>Rev P3</td>
<td>14/12/16</td>
</tr>
<tr>
<td>Elevations 2</td>
<td>Dwg No. A107</td>
<td>Rev P1</td>
<td>22/12/16</td>
</tr>
<tr>
<td>Proposed driveway</td>
<td>Dwg No. A107</td>
<td>Rev P9</td>
<td>1/09/16</td>
</tr>
<tr>
<td>Fencing Plan</td>
<td>-</td>
<td>-</td>
<td>18/01/17</td>
</tr>
</tbody>
</table>

   URPS
   Statement of Effect, Mitcham Square Shopping Centre Redevelopment, ref. 2015-0297, October 2016
   Response to representations and referrals, ref. 2015-0297, 16/12/16

   Resonate Acoustics
   Planning Stage Acoustic Report, Ref. A16607RP1, Revision C, dated 16/12/16

   Phil Weaver & Associates
   - Traffic and Parking Assessment, File: 079-15, dated 30/09/16
   - Request for Further Information, File: 079-15, dated 20/12/16
   - Email and attachments from Phil Weaver to Nitsan Taylor (DPTI) on 22 December 2016, further information re. servicing of the existing petrol filling station by fuel delivery tankers.
   - Email from Phil Weaver to Nitsan Taylor (DPTI) on 11 January 2017 – response to DPTI SSD comments.

   Tree Environs Pty Ltd
   Mitcham Shopping Centre Car Park Development Tree Report, dated 16/03/16

   Tonkin Consulting
   Flood Impact Assessment, ref. 20160265L1B/KSS, dated 4/10/16

   LCS Landscapes
   Proposed Carpark Landscape Concept, Dwg No. LS 014 16 001, dated 18/05/16
   Proposed Carpark Landscape Planting+Elements, Dwg No. LS 014 16 002, dated 18/05/16

   Schneider Electric

2. The ‘Type B’ tubular fence to be located along the northern end of the new car park area at 10 Newark Road shall be of ‘spear top’ design to improve security and shall include a lockable access gate to enable maintenance of the creek to occur.
3. The hours of operation of the car parking area at 10 Newark Road shall be restricted to 7am to 10pm on any day through the installation of a chain, retractable bollards or similar to prevent access to the car park outside of these hours and by erecting signposts alerting users to the hours of operation.

4. The lighting within the car parking area at 10 Newark Road shall be turned off at 10pm every night in order to minimise nuisance of adjacent land owners.

5. All vehicle access points shall be signed/line marked to encourage the desired traffic flow through each access.

6. The largest vehicle permitted to access the petrol filling station site shall be restricted to a 19.0 metre articulated vehicle as per AS2890.2-2002, with all entry movements to be via the northern Belair Road access and all exit movements via the southern Belair Road access.

7. The northern Belair Road access shall cater for left turn in movements only and a ‘no exit’ sign shall be located at this access facing internal traffic to prohibit exit to Belair Road.

8. All commercial vehicle facilities shall be designed in accordance with AS2890.2-2002.

9. All obsolete crossovers (and any portion thereof) shall be reinstated to upright kerb and gutter to the satisfaction of Council/DPTI prior to operation of the development.

10. All servicing of the site by heavy vehicles shall be undertaken outside of the peak trading periods and peak traffic periods in order to minimise the potential for vehicular conflict.

11. 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 the Development Assessment Commission prior to the occupation or use of the development.

12. Designated car parking spaces for disabled persons shall be provided in accordance with the relevant Australian Standards.

13. Any seating and/or tables provided in the new car parking area shall be secured to the ground to ensure they cannot be moved by floodwaters.

14. The applicant shall submit a detailed landscaping plan to the Development Assessment Commission prior to the commencement of site works. The landscaping shown on that approved plan shall be established prior to the operation of the development and shall be maintained and nurtured at all times with any diseased or dying plants being replaced.

15. Any air conditioning or air extraction plant or ducting shall be screened such that no nuisance or loss of amenity is caused to residents and users of properties in the locality to the reasonable satisfaction of the Development Assessment Commission.

16. All external lighting of the site, including car parking areas and buildings, shall be designed and constructed to conform with Australian Standards and must be located, directed and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site.
17. All stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices and the Brown Hill Keswick Creek Catchment Stormwater Management Plan to ensure that stormwater does not adversely affect any adjoining property, public road or Brownhill Creek.

18. A proprietary stormwater treatment device (i.e. Gross Pollutant Trap) shall be installed to the car park in accordance with Council and EPA Water Quality Guidelines. This system shall be regularly inspected, cleaned and maintained in good working order, with gross pollutants, sediments, oil and grease removed by the facility operator (at regular intervals) for the life of the development.

19. An appropriate Construction Environment Management Plan (CEMP) which addresses the mitigation or minimisation of impacts (especially from noise and dust) during the construction phase shall be prepared and implemented prior to the commencement of site works. Dust generated by machinery and vehicular movement during site works, and any open stockpiling of soil or building materials at the site, must be suppressed to ensure that dust generation does not become a nuisance off-site. Site development machinery should generally not be operated outside the hours of 7 AM to 6 PM daily.

20. An appropriate Soil Erosion and Drainage Management Plan (SEDMP) (as described in the “Stormwater Pollution Control, General Code of Practice for Local, State and Federal Government”) shall be prepared and implemented which includes a range of strategies to collect, treat, store and dispose of stormwater during construction and from the final form of the development (i.e. from roofs, driveways, parking areas, lawns, etc) while minimising disposal into the environment.

21. Semi-mature native tree species (>1m in height) indigenous to the local area shall be planted on a 2 for 1 basis to compensate for the removal of each regulated tree and on a 3 for 1 basis for each significant tree. The replacement tree planting shall occur within three months of a tree’s removal.

ADVISORY NOTES

a. The development must be substantially commenced within 12 months of the date of this Notification, unless this period has been extended by the Development Assessment Commission.

b. The authorisation will lapse if not commenced within 12 months of the date of this Notification.

c. The applicant is also advised that any act or work authorised or required by this Notification must be completed within 3 years of the date of the Notification unless this period is extended by the Commission.

d. The applicant has no right of appeal against the conditions which have been imposed on this Development Plan Consent or Development Approval.

e. The applicant is reminded of the following requirements of the Heritage Places Act 1993:
   - If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.
   - Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit under Section
27 of the *Heritage Places Act 1993* is required prior to commencing excavation works.

- For further information contact the State Heritage Unit (Department of Environment, Water and Natural Resources) on 8124 4960.

f. The Applicant is reminded of the following requirements of the Aboriginal *Heritage Act 1988*:
   - If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the Aboriginal Heritage Act 1988.

The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.

h. The emission of noise from the premises is subject to control under the Environment Protection Act and Regulations, 1993 and the applicant (or person with the benefit of this consent) should comply with those requirements.

i. The *Environment Protection (Water Quality) Policy 2003* requires any person who is undertaking an activity, or is an occupier of land to take all reasonable and practicable measures to avoid the discharge or deposit of waste from that activity or land into any waters or onto land in a place from which it is likely to enter any waters (including the stormwater system).

The policy also creates offences that can result in on-the-spot fines or legal proceedings. The following information is provided to assist with compliance with this legislation:

   i  Building and construction must follow sediment control principles outlined in the "Stormwater Pollution Prevention – Code of Practice for the Building and Construction Industry” (EPA, 1999). Specifically, the applicant must ensure:

   - During construction no sediment should leave the building and construction site. Appropriate exclusion devices must be installed at entry points to stormwater systems and waterways.

   - A stabilised entry/exit point should be constructed to minimise the tracking of sand, soil and clay off site. However, should tracking occur, regular clean-ups are advised.

   ii  Litter from construction sites is an environmental concern. All efforts should be made to keep all litter on site. The applicant should ensure that bins with securely fitted lids, capable of receiving all waste from building and construction activities, are placed on site.

   iii  All building and construction wastewaters are listed pollutants under the *Environment Protection (Water Quality) Policy 2003* and as such must be contained on site.
AGENDA ITEM 2.2.4

It is important that the applicant familiarise themselves with the terms of the Policy and ensure that all contractors engaged by the applicant are aware of the obligations arising under it. For further information the applicant may contact the Environment Protection Authority on telephone (08) 8204 2004.

EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following website: http://www.epa.sa.gov.au.

j. If regulated or significant trees are to be retained, the applicant is advised to consult Australian Standard AS 4970 – 2009 Protection of Trees on Development Sites to ensure the incorporation of protective fencing, mulch and appropriate remedial treatments.

Requirements of the standard include:

- The establishment of Tree Protection Zones to restrict activities including the dumping of waste, machine excavation, storage and preparation of chemicals, and physical damage to trees;
- The erection of protective fencing around a Tree Protection Zone prior to machinery or materials brought onto the site;
- The use of approved signs to identify the Tree Protection Zone;
- Mulching, watering and weed removal recommendations to maintain the tree protection zone.

Regular monitoring of tree protection measures should be undertaken throughout the development and construction process to ensure that any trees to be retained on the site are carefully managed to ensure their long-term survival and growth.

k. The applicant is encouraged to select native tree species of local provenance that are considered suitable replacements for the tree(s) to be removed (i.e. amenity / shade trees, provision of habitat etc). For information on appropriate species to be planted, contact your local Council or State Flora within Belair National Park on telephone 8278 7777, at Murray Bridge on telephone 8539 2105, or visit www.stateflora.sa.gov.au. Replacement trees should also be selected on the basis of their intended location and longer-term growth / maturity level (i.e. suitability for a school playground or activity area, not close to buildings or other infrastructure etc).

l. All Council, utility or state-agency maintained infrastructure (i.e. roads, kerbs, drains, crossovers, footpaths etc) that is demolished, altered, removed or damaged during the construction of the development shall be reinstated to Council, utility or state agency specifications. All costs associated with these works shall be met by the proponent.

m. The applicant is advised to contact the Adelaide & Mount Lofty Ranges Natural Resource Management Board prior to undertaking any work within Brown Hill Creek as such works may require a permit under the Natural Resources Management Act 2004.

n. The applicant is advised that Trailer Mounted Variable Message Displays constitute development and therefore are not permitted on the land unless Development Approval has first been obtained from the relevant planning authority.
Nitsan Taylor
SENIOR PLANNING OFFICER
DEVELOPMENT DIVISION
DEPARTMENT OF PLANNING, TRANSPORT and INFRASTRUCTURE