Reports:

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Notice of Special Development Assessment Panel Meeting

Notice is hereby given in accordance with Section 56A of the Development Act 1993, that the meeting of the

Development Assessment Panel
of the

Light Regional Council

will be held in the Council Chamber
93 Main Street, Kapunda

on
Wednesday, 24 August 2016 at 5.30 p.m.

Lisa Sapio
Manager - Development Services 16 August 2016
MEMBERSHIP COMPOSITION
Mr Bruce Ballantyne (Presiding Member), Mr Robert Veitch, Mr Mike Canny, Mr Joel Taggart, Mrs Lynette Reichstein, Mr Peter Kennelly and Mr David Shannon.

1. MEETING OPENED
2. PRESENT
3. COMMENCEMENT AND WELCOME
4. APOLOGIES
5. CONFIRMATION OF PREVIOUS MINUTES
Recommendation
That the minutes of the meeting of the Development Assessment Panel held on Wednesday, 6 July 2016 be confirmed as a true and correct record of that meeting.

6. DECLARATION OF CONFLICT OF INTEREST
A Council Development Assessment Panel Member declaring an interest in a matter before the Panel shall make a disclosure clearly stating the nature of that interest in writing to the Presiding Member, in accordance with Clause 2.4 of the Minister’s Code of Conduct, and then in the meeting when the relevant agenda item is reached, makes a verbal disclosure to the Panel and removes themselves from the meeting in accordance with Section 56A(7)(b) of the Development Act 1993.

The following disclosures of interest have been made in relation to:-

Item: ___________________ Panel Member: ____________________________

7. DEVELOPMENT REPORT
7.1 Development Application – 313/348/2016 – Caltex Petroleum Australia Pty Ltd

8. NON-COMPLYING CONCURRENCES/APPEALS

9. OTHER BUSINESS

10. DEVELOPMENT PLAN AMENDMENT (DPA) POLICY REVIEW

11. NEXT MEETING

12. CLOSURE
7.0 DEVELOPMENT REPORT

7.1 Development Application Number 313/348/2016 – Caltex Petroleum Australia Pty Ltd

<table>
<thead>
<tr>
<th>Development Application Number</th>
<th>313/348/2016</th>
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</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Caltex Petroleum Australia Pty Ltd</td>
</tr>
<tr>
<td>Owner</td>
<td>R J Jarrett &amp; M C Jarrett</td>
</tr>
<tr>
<td>Subject Land and Location</td>
<td>174 Murray Street NURIOOTPA, Certificate of Title: Volume 5756 Folio 871 lot 289 FP: 173380</td>
</tr>
<tr>
<td>Zone/Policy Area/Precinct</td>
<td>Primary Production/Barossa Valley Region 2 / Nuriootpa Plains 15</td>
</tr>
<tr>
<td>Application Type/Category</td>
<td>Category 3</td>
</tr>
<tr>
<td>Representations</td>
<td>Seven (7) representations have been received. One representor wishes to be heard Name: Steve Kaesler - The Barossa Council</td>
</tr>
<tr>
<td>Referrals</td>
<td>Internal Engineering External DPTI</td>
</tr>
<tr>
<td>Development Plan</td>
<td>Consolidation Date: 12 May 2016</td>
</tr>
<tr>
<td>Recommendation</td>
<td>Approve subject to condition(s)</td>
</tr>
<tr>
<td>Assessing Officer</td>
<td>Lisa Sapio - Manager – Development Services</td>
</tr>
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</table>

Background

An application for the “Demolition of existing buildings and structures and construction of a retail fuel outlet with associated shop and diner, car parking, landscaping and advertising (non-complying)” was presented to the Council’s Development Assessment Panel (CDAP) at its 3 February 2016 meeting. In detail, the non-complying application comprised the following key elements:

- A retail fuel outlet for domestic, trucks and heavy vehicles (to be operated by Caltex);
- Car parking for 29 vehicles inclusive of truck and caravan parking;
• A diner approximately 98 m² offering pre-prepared food sales;
• A retail outlet inclusive of a service counter, utilities, storage, cool room, office and associated staff and customer amenities;
• Advertising in the form of a 9m high x 2.2m wide pylon sign and other secondary signage on the proposed buildings and within the site; and
• Landscaping.

The CDAP resolved that the application was not seriously at variance with the relevant provisions of the Light Regional Development Plan and that the Manager – Development Services be delegated to grant development plan consent upon receipt of support from the EPA and the concurrence of the Development Assessment Commission (required as the application was processed as a non-complying form of development).

Development Plan Consent was granted on 21 March 2016 with Development Approval being issued shortly thereafter on 4 April 2016. Development Approval was subject to 44 conditions in total - 22 general conditions, 14 Department of Planning Transport and Infrastructure (DPTI) conditions and 8 Environments Protection Authority (EPA) conditions. Of note, condition 22 sought:

“The existing crossover inverts (x2) that are located along Old Sturt Highway shall be removed and reinstated to verge area prior to the occupation of the facility to the reasonable satisfaction of the Council or its delegate. All costs shall be borne by the owner/applicant.”

This condition was placed on the consent to ensure that the sole access point into the service station complex would be from Murray Street. Upgrade treatment works for Murray Street and associated intersections on Sturt Highway and Old Sturt Highway were also required pursuant to Condition 23 as part of the development plan consent (to be approved by DPTI).

The service station complex is primarily constructed and Council is advised that subject to resolution of site access is ready for trading. The applicant advises that the detailed design and approval of the treatments works by DPTI has commenced but has taken longer than anticipated. Thus, the current proposal for temporary use of the existing crossovers has been submitted to allow commencement of operations.

It is understood that the applicant is progressing discussions with DPTI on two fronts:

1. approval for the treatment works in accordance with condition 23 of development plan consent 313/414/2015 for the permanent use of a new access point on Murray Street
2. a compromise position to allow temporary direct access onto Murray Street while this variation application for temporary use of the Old Sturt Highway crossovers is being considered.

In an email dated 10 August 2016, DPTI advised that they are prepared to allow temporary direct access onto Murray Street while the application to vary condition 22 is being considered by Council. In that same email DPTI seek formal agreement from Caltex committing to completion of the permanent access point on Murray Street by November 2016. The applicant’s traffic consultant MFY Pty Ltd has verbally advised that DPTI has approved the temporary Murray Street access and works will commence shortly.

Notwithstanding the above actions, the applicant still wishes Council to assess the application and reinforce their desire to commence operations as soon as possible.

**Proposed Development**

Caltex Petroleum Australia Pty Ltd (the applicant) seeks a variation to condition 22 of Development Plan Consent 313/414/2015.
The applicant seeks to vary condition 22 by allowing temporary use of the existing Old Sturt Highway crossovers for a period of three months from the date of issue of a development plan consent for the variation application. This is to facilitate the opening of the Caltex facility while the design of the required Murray Street road works are approved by DPTI and constructed completed (ostensibly also including works to remove the Old Sturt Highway crossovers as required by condition 22).

The applicant has requested condition 22 be amended to read as follows:

“The existing crossover inverts (x2) that are located along Old Sturt Highway shall be temporarily used to provide access to the facility for a period of three months from the date of issue of this consent, after which time the crossover inverts shall be removed and reinstated to verge area to the reasonable satisfaction of the Council or its delegate. All costs shall be borne by the owner/applicant.”

Details of the application form Appendix 7A.

**Subject Land and Locality**

The subject land is formally described in Allotment 289 in Filed Plan 173380 in the Area named Nuriootpa Hundred of Belvidere, in Certificate of Title Volume 5756 Folio 871.

The subject land is triangular in shape and has two road frontages which results in a frontage of 169.99 metres to Murray Street and 214.85 metres to Old Sturt Highway. The northern property boundary has a depth of 118.88 metres with the subject land totalling 1.164 hectares.

The subject land contains a newly completed Caltex Service station complex with much of the approved construction works being completed. Key elements not yet completed including the Murray Street permanent access point and closure of Old Sturt Highway crossovers.

Until recently, the site was a “Bridgestone Service Centre” which received trucks (including B-Doubles) and vehicles for tyre fitting and wheel alignment. The facility operated for many years with access via the crossover points from Old Sturt Highway that are the subject of this application.

A number of mature trees are located close to the Murray Street frontage and towards the Old Sturt Highway frontage.

Sturt Highway is located to the north of the subject land and is designated a primary arterial road whilst Murray Street is designated a secondary arterial road and Old Sturt Highway is designated a local road. The Sturt Highway forms a significant physical barrier in the form of infrastructure which divides primary production to the north from the more commercial activities to the south on the approach to Nuriootpa.

The immediate locality is characterised by a range of land uses due to its siting at the junction of a number of zone boundaries and a primary and secondary arterial road. Primary production land uses are the predominant land use to the north of the Sturt Highway which includes broad acre cropping, grazing and vineyards.

The south eastern boundary of the subject land forms the zone boundary between the Primary Production Zone of the Light Regional Council area and the Commercial and Residential Zones of The Barossa Council. Immediately to the north-east of the subject land is vacant land which is also located within the Primary Production Zone.
The closest residential dwelling is located 30 metres to the south-east of the subject land; this property is located in the Commercial Zone. The closest dwelling located in a Residential Zone is approximately 47 metres from the subject land boundary to the north-east. This residential zone is situated within The Barossa Council. On the western side of Murray Street there is a cleared portion of land which contains a dwelling and appears to be utilised for hobby farm activities which are ancillary to the dwelling. “Barossa Valley Hire” is located to the south-east of the subject land. A Home Industry Zone sits behind the Commercial Zone, surrounded by Residential land uses all within the adjacent Barossa Council area.

Aerial photography illustrating the subject land and surrounds forms Appendix 7B and zone map forms Appendix 7C.

**Public Notification and Categorisation**

The application has been identified and processed as a Category 3 form of development pursuant to Section 38 and Schedule 9 of the Development Act and Regulations and the Primary Production Zone. Accordingly, public notification has been undertaken.

A total of seven (7) representations were received in response to the public notification, a copy or copies of which form Appendix 7D. Furthermore, the Applicant’s response to the representation forms Appendix 7E.

<table>
<thead>
<tr>
<th>Representors Issues</th>
<th>Applicants Response</th>
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<tbody>
<tr>
<td>• Mr Steve Kaesler advises that The Barossa Council has not approved (temporary including construction or permanent) access from Old Sturt Highway. Formalised sealed access onto Old Sturt Highway has also not been approved.</td>
<td>• Applicant’s planning consultant emphasises that the applications seeks temporary access for a period of 3 months only while roadworks for the Murray Street access is finalised with DPTI.</td>
</tr>
<tr>
<td>• The Barossa Council opposes the application as the intersection is not appropriate for anticipated vehicles, Old Sturt Highway road surface not constructed for additional traffic and the existing design of the Old Sturt Highway and pavements not suitable for commercial traffic (including B-Doubles).</td>
<td>• Delays have occurred with the approval of the final designs necessitating the application.</td>
</tr>
<tr>
<td>• Old Sturt Highway is classified as a rural local access road and consent is required from The Barossa Council to access the site. Caltex should not operate until Murray St access is finished.</td>
<td>• In response, the applicant’s planning consultant notes that the intersection and crossovers on Old Sturt Highway were used for many years by the Bridgestone Tyre Centre (including B Doubles). Temporary access, while not ideal, would benefit from upgraded crossovers during the 3 month use.</td>
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<tr>
<td>• Brian and Virginia Waples note that no access from Old Sturt Highway formed part of the approved application. They also note that Old Sturt Highway has been used throughout the construction process and line marking and other works (including landscaping) is not completed.</td>
<td>• Acknowledges that Old Sturt Highway is not a gazetted B Double access route and therefore will not permit B-Double access from these access points during their temporary use.</td>
</tr>
<tr>
<td>• Concerned that approval would allow long term access (possibly 24/7). Road upgrade is also required and this would be expected if Council approved the application.</td>
<td>• Will complete closure of the Old Sturt Highway access points in accordance with DA 313/414/2015 condition 22 of temporary period.</td>
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<tr>
<td>• Objection overcome if no access allowed.</td>
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</table>
- Ms Jill Oldfield is an adjoining land owner and supports the application.
- Mr Andrew Koch is an owner of land in the vicinity and notes that the road surface at the Old Sturt Highway/Murray Street intersection is already very bad and the road is a dead end. If there is accident or road closure then no alternative access from residents. An additional access to Old Sturt Highway should be made somewhere else or they are made to wait.
- Mr Mark Burton an owner of an adjoining business opposes the proposal as there will be an increased safety risk for his trucks waiting to enter his yard (electric gates) due to increased number of trucks using the intersection.
- Ms Daphney Pink is an owner of land in the vicinity and opposes the proposal due to potential for serious accident by having access points onto the narrow Old Sturt Highway. If incident occurs there is no alternative access for residents.
- Ms Margaret Jarrett is owner of the land and supports the proposal.

Name and Address of Representor

<table>
<thead>
<tr>
<th>Name and Address of Representor</th>
<th>Wish to be heard</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Steve Kaesler – The Barossa Council PO Box 867, Nuriootpa, SA, 5355</td>
<td>Yes</td>
</tr>
<tr>
<td>2. Brian and Virginia Waples – 12-16 Old Sturt Highway, Nuriootpa</td>
<td>No</td>
</tr>
<tr>
<td>3. Jill Oldfield – 43 Magill Road, Stepney, SA, 5069</td>
<td>No</td>
</tr>
<tr>
<td>4. Andrew Koch – 6 Old Sturt Highway, Nuriootpa, SA, 5355</td>
<td>No</td>
</tr>
<tr>
<td>5. Mark Burton (Barossa Valley Hire)</td>
<td>No</td>
</tr>
<tr>
<td>6. Daphney Pink – 20 Old Sturt Highway, Nuriootpa, SA, 5355</td>
<td>No</td>
</tr>
<tr>
<td>7. Margaret Jarrett – Cheltenham Crescent, Salisbury East, SA, 5109</td>
<td>No</td>
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</tbody>
</table>

Planning Officer’s Response

The purpose of condition 22 was to ensure permanent closure of the existing crossovers onto Old Sturt Highway. This is primarily intended to limit access options onto the site with benefits for long term road safety and residential amenity (noting that B-Doubles will access the service station). At this time, the service station is ready to open but the approvals and construction for a new Murray Street access point have not been completed.
It is considered that local people would expect these crossovers to be closed prior to commencement of operation. However, this has not been possible and Council has been asked to allow site access via Old Sturt Highway for a three month period (or less). DPTI advises that the use of this temporary access is the safest option and it is satisfied that vehicles (excluding B-Doubles) can access Old Sturt Highway from Murray Street. The impact on residential or commercial properties should not be negated, however, will be for a limited period only and is not expected to be unreasonable in the context of the locality (including commercial activities and zoning on land within The Barossa Council), current road and traffic conditions and past history of the land.

**Referrals**

Pursuant to Schedule 8 of the Development Regulations, Council is required to consult with DPTI as a State Government Agency. The comments from DPTI are referenced within the body of this report.

**Assessment**

The subject land is located within the Primary Production Zone as described in the Light Regional Council Development Plan. The main provisions of the Development Plan which relate to the proposed development are as follows:-

<table>
<thead>
<tr>
<th>General Section</th>
<th>Objective(s)</th>
<th>PDC(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infrastructure</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Interface between land uses</td>
<td>1 and 2</td>
<td>1, 2, 3, 5, 9, 10 and 11</td>
</tr>
<tr>
<td>Orderly and sustainable development</td>
<td>1, 2, 3, 4, 5 and 6</td>
<td>1, 2, 3, 5, 7 and 9</td>
</tr>
<tr>
<td>Transportation and access</td>
<td>1, 2 and 6</td>
<td>1, 2, 3, 5, 6, 8, 9, 10, 13, 14, 18, 23, 24, 26, 27, 28, 29, 30, 32</td>
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</tbody>
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<thead>
<tr>
<th>Zone: Primary Production</th>
<th>1, 2 and 6</th>
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</thead>
<tbody>
<tr>
<td>Principles of Development Control</td>
<td>9, 11</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>Barossa Valley Region Policy Area 2</th>
<th>1, 4 and 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principles of Development Control</td>
<td>1, 10, 12, 13,</td>
</tr>
</tbody>
</table>

| Precinct 15 Nuriootpa Plains: |  |
Objectives | Nil applicable  
--- | ---  
Principles of Development Control | Nil applicable

### Land Use and Zoning

Objectives 1, 2 and 4 and the Desired Character Statement for the Zone, together with Objective 4 of the Policy Area describe the long term continuation and preservation of primary production on large properties and in “appropriate areas”. The applicability of this zoning for the site and adjoining properties and appropriateness of the service station complex on the subject land was assessed in detail as part of DA 313/415/2015.

It was identified that the subject land had a long standing history of non primary production activity including utilisation of the site as a Bridgestone Service Centre since 2000. During this period, access to the subject land was taken from the Old Sturt Highway via an ‘in’ and ‘out’ arrangement similar to what is now proposed for temporary access to the Caltex site. On balance, the land use was considered appropriate in context of the isolated and non primary production use of the land, site’s commercial history, location adjacent to the Sturt Highway and acceptable access, design and amenity impacts.

The proposed variation to condition 22 seeks temporary site access to enable commencement of operation. Therefore the full achievement of condition 22 (i.e. Old Sturt Highway crossovers being closed) is offset by up to 3 months. The applicant has made clear their intention of satisfying the requirements of this condition after this period has ended. While not desirable, the altered access arrangements are for a relatively short time and do not unduly change the inherent land use nature of the approved development as a service station complex.

### Appearance, Streetscape, Character and Built Form

The proposed variation to condition 22 will not result in permanent change to the design, layout, general streetscape appearance of the approved service station complex.

### Transportation/Access, Carparking/Manoeuvring

The approved service station complex incorporates:

- A single access point from Murray Street (designed to accommodate a 26 metre B-Double and 19 metre fuel tanker).
- Internal layout to enable all vehicles to enter and exit in a forward direction.
- Closure of existing crossovers onto Old Sturt Highway.
- No direct access onto Sturt Highway.
- Road and intersection treatments on Murray Street and at junctions with Sturt Highway and Old Sturt highway.

The proposed temporary access will not alter the permanent access, car park and internal movement arrangements of the approved service station complex.

The application was referred to DPTI and comments have been provided which forms Appendix 7F. In a letter dated 28 July, DPTI confirm that the applicant has discussed options for access to the site during the period of construction and necessary road works. DPTI advises that if the site is to trade prior to the works on Murray Street then temporary access to Old Sturt highway is the safest available option. On this basis, DPTI stated that they supported the proposal subject to minor improvements being undertaken to the Murray Street / Old Sturt Highway intersection to cater for simultaneous movement of largest vehicle. This condition was based on B-doubles being able to access the subject land.
DPTI provided additional advice on 9 August (Appendix 7G) in respect of this application that the request for condition is not required as no B-doubles would access the site during the temporary use of the Old Sturt Highway crossovers. This amended advice was based on turning profiles (prepared by MFY Pty Ltd and attached at Appendix 7H) showing that a 19.0 metres semi-trailer turning left into the Old Sturt Highway and a smaller vehicle (a car) waiting to exit onto Murray Street could make these movements at the same time.

As part of the assessment process, the application was internally referred to Council’s engineer and an independent traffic engineer (Frank Siow and Associates). Comments are summarised as follows:

Council’s engineer

- Old Sturt Highway is not a gazetted B-Double road.
- Considers potential need for substantial road widening works to enable simultaneous vehicle entry (for B-Doubles). If commercial vehicles intend to use intersection more regularly then upgrade to meet relevant Austroad standard is required.
- Notes that previous use of B-Doubles along Old Sturt Highway to access the previous Bridgestone was unlawful.
- Concerned regarding safety of using existing crossovers in Old Sturt Highway and potential for road deterioration / failure is high. Road should be upgraded to meet commercial road standards.
- Caltex crossover/entrances onto Old Sturt Highway should be upgraded to accommodate B-Doubles without conflict to other vehicles.

Frank Siow and Associates

- Does not agree with design assessment using a semi-trailer and small vehicle (noting this was specified by DPTI). Considers assessment should be for simultaneous semi trailer or large commercial movements at the same time.
- Considers that the Old Sturt Highway / Murray Street intersection would need to be widened to accommodate a semi trailer undertaking a left turn movement onto Murray Street (with the vehicle most likely needing to crossover the centre of the road).
- As the de-facto entrance it should operate to the same standard as the permanent (future) access onto Murray Street.
- Recommends that DPTI should take responsibility for approving, managing and legal matters of inadequate intersection design.
- Also recommends that DPTI should initiate a road safety audit for this intersection.

Where necessary comment has been sought from the applicant and MFY Pty Ltd in response to queries raised by these two referrals. These are summarised below:

- The applicant confirmed that no B-Doubles will access the site during temporary use of the Old Sturt Highway crossovers.
- Access into the site will be restricted to ingress (western crossover) and egress (eastern crossover). There will be no two way movement in either crossover (Appendix 7I).
- MFY advise that the Old Sturt Highway / Murray Street intersection can accommodate a simultaneous semi trailer and small vehicle movement and provided a swept path analysis illustrating this manoeuvre (Appendix 7H as previously mentioned). MFY further advises “that the temporary solution only seeks to maintain the previous access arrangements for the subject land. Accordingly, the design that needs to be considered for DPTI’s intersection is the standard it wishes to adopt for an intersection with the arterial road the design vehicles are same as the design vehicles for the previous use of the site and the same used by other land uses in Old Sturt Highway. DPTI’s specified design standard of simultaneous movements for a semi-trailer and a car is consistent with many similar intersections.”
• MFY then state that “Given the above guidelines, the fact that the semi-trailer can turn without encroaching the centreline on Murray Street and can execute the turn with a car at the intersection means it exceeds the design criteria recommended in Austroads. Given that DPTI requires that Austroads design criteria are met on its roads and that the intersection is under the care and control of DPTI, I would suggest that these criteria are the relevant standards to adopt rather than an assumed design criteria based on the comparison of a proposed driveway access.”

• In response to the question of legal responsibility raised by Frank Siow, MFY advised that “The subject intersection is in the care and control of the Department of Planning Transport and Infrastructure (DPTI). This intersection, therefore, is the responsibility of DPTI (and as such it has responsibility for its configuration, maintenance and operation). I would therefore suggest that it is the only Agency which could have legal responsibility for the intersection.”

• In relation to the operation of the intersection and the specific left turn movement mentioned of a semi trailer onto Murray Street, MFY advise that a semi-trailer can execute this turn. MFY prepared a turn path analysis (Appendix 7J) that shows a semi-trailer turning left to Murray Street based on the current intersection survey. MFY consider that a semi-trailer would not cross the centreline.

• MFY also reiterate that the proposed line marking at the intersection (as part of the temporary access onto Murray Street separately sought by the applicant) will result in a painted median at the intersection which will provide a separation in Murray Street.

The Transportation and Access module of the General Section of Council’s Development Plan contains provisions providing guidance on the assessment of access for development. They are listed below in full:

General Section Transportation and Access Principles of Development Control

22 Development should have direct access from an all-weather public road.

24 Development should be provided with safe and convenient access which:
   (a) avoids unreasonable interference with the flow of traffic on adjoining roads
   (b) provides appropriate separation distances from existing roads or level crossings
   (c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision
   (d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties
   (e) provides adequate access within the site to the rear of the allotment or development site.

30 Driveways, access tracks and parking areas should be designed and constructed to:
   (a) follow the natural contours of the land
   (b) minimise excavation and/or fill
   (c) minimise the potential for erosion from run-off
   (d) avoid the removal of existing vegetation
   (e) be consistent with Australian Standard AS 2890 Parking facilities
   (f) be consistent with Australian Standard AS 2890.2 Commercial Vehicle Facilities.

In considering this application, the following matters are noted:

• Murray Street is a road under the care and control of DPTI.
• The intersection of Murray Street and Old Sturt Highway is under the care and control of DPTI.
• Old Sturt Highway lies within The Barossa Council and is a local (not gazetted for B Doubles but can be legally used by semi trailers).
• No direct vehicle access is permitted onto the Sturt Highway.
• The applicant is progressing design works with DPTI for the permanent Murray Street access. DPTI has sought confirmation that the permanent access will be completed by November 2016.
• DPTI has agreed to both the design standards for the temporary access application and the use of the intersection during this temporary period.
• Semi trailers can legally access Old Sturt Highway without permission of The Barossa Council.

The proposed temporary access will connect to an all-weather public road in accordance with General Section Transportation and Access module PDC 22.

DPTI has agreed to the temporary proposal and set a design standard for vehicle access that has been shown by MFY to be achievable under current road conditions (i.e. carriageway width and new line marking). DPTI consider this to be the safest option. It is therefore construed that DPTI do not consider that the proposed temporary access will cause unreasonable interference with traffic flow on Murray Street or the Murray Street / Old Sturt Highway intersection in accordance with PDC 24 (a). This position of DPTI has been subject of alternative comment from Council’s engineer and Frank Siow, however, this intersection is ultimately under DPTI control and their responsibility. On this basis, it is considered that the intersection will function as required for the duration of the temporary approval.

The crossovers are existing and located a significant distance from the existing intersection. No traffic engineer has raised concern with the location of the existing crossovers (General Section Transportation and Access module PDC 24(b)).

MFY consider that there is potential for 6 semi-trailers using the Caltex site per hour based on available traffic data. This equates to 1 semi trailer every ten minutes (based on a 24 hour average for vehicles). Based on the proposed access arrangements allocating ‘in’ and ‘out’ only crossovers, the proposed access into the site from Old Sturt Highway is considered workable as part of a temporary solution only. The crossovers functioned for many years as part of the Bridgestone Service Centre and it is considered reasonable to allow a short term use as requested by the applicant. While there will be an increased in traffic along Old Sturt Highway this will be for a short period of time and is expected to cease in November 2016. This accords with General Section Transportation and Access module PDC 24 (c).

Old Sturt Highway contains a mix of residential, commercial and light industrial uses. It is acknowledged that the two closest residential properties will experience greater than anticipated traffic volumes over a daily period. However, these properties are already in close proximity to Murray Street and sit in a mixed use area (including truck movement associated with Barossa Valley Hire) with some commercial traffic and a past history of larger vehicles accessing the site when it was a Bridgestone Service Centre. The temporary nature of the approval means that any impacts will be short term and more than likely accommodated on the

Council’s engineer has identified a need to improve pavement quality at these access points. A site check identifies that the crossovers are paved until they meet the Old Sturt Highway (outside of Council’s boundary). The surfaces are slightly dilapidated, however, given the short term nature of the use and requirement to remove all surfacing after temporary access has ceased (to satisfy condition 22) no works are considered necessary to the access points

The need for a road audit report is at the discretion of DPTI for the intersection. They have not sought an audit report as part of their assessment report. It is noted that the drawings submitted to DPTI for the temporary Murray Street access identify a “trailer mounted light pole” adjacent the temporary access. It is considered appropriate that a similar light pole is positioned adjacent each of the crossovers during the temporary period (ensuring that the light source is directed away from properties on the eastern side of Old Sturt Highway. This should be placed as a condition.
Interface – Noise

The subject land is located at the interface between the Primary Production Zone (Light Regional Council) on the north-western side of the Old Sturt Highway and the Residential Zone and Commercial Zone (both The Barossa Council) on the south-eastern side of the Old Sturt Highway.

An assessment of interface matters was undertaken as part of the service station complex application. An acoustic engineer’s report was submitted as part of the application documents for that application. In summary, the acoustic engineer’s assessment identified that the equivalent noise level for a low speed truck movement through the site is predicted to be approximately 58dB(A). This is less than background high speed vehicle noise levels from the nearby Sturt Highway (67 dB(A) – 73 dB(A). The assessment concluded that satisfactory noise conditions could be achieved for residential properties. Restricted hours for LPG deliveries and rubbish collection were applied by condition. These conditions will apply irrespective of the proposed temporary access using Old Sturt Highway crossovers.

There may be some altered noise conditions due to the proposed temporary use of the Old Sturt Highway. Arguably, this road has had a long standing history of use by trucks and other larger vehicles (accessing Bridgestone Service Centre or Barossa Valley Hire). Given the short term nature of the proposal, Council has not sought additional noise assessment.

Barossa Valley Character Preservation District

The subject land is not located within the Barossa Valley Character Preservation District and an assessment against the objectives of the Character Preservation (Barossa Valley) Act 2012 is therefore not required.

Conclusion

It is considered that on balance that the proposed development is not considered to be seriously at variance with the relevant provisions of the Development Plan.

The fundamental premise of this application departs from the original intent of condition 22 to close access from Old Sturt Highway prior to commencement of operations. The applicant has advised that design work and negotiations are proceeding quickly with DPTI to resolve all matters to allow the opening of a Murry Street access point as soon as possible (DPTI seek November 2016). As a road controlled by DPTI it is their responsibility to agree both the permanent access point and any other temporary access arrangements. DPTI has clearly supported the proposal and is satisfied that semi trailers (not B Doubles for variation application can safely access Old Sturt Highway and the service station complex.

It is acknowledged that the small cluster of dwellings and non-residential development will experience higher changed amenity conditions during temporary use of Old Sturt Highway.

The short term nature of the application has been a fundamental consideration of this assessment. DPTI have agreed the design standard for the intersection which has been met, no road widening is required, new line marking will occur and remain as part of the temporary Murray Street access with positive benefit for intersection safety and the site can become operational.

Recommendation

1. Reason for Decision

Having considered all the relevant planning matters in relation to the development application 313/348/2016, the Panel has read and considered the report prepared by the Development Officer – Planning.
2. That pursuant to section 35 (2) of the Development Act 1993, the proposal is not considered to be seriously at variance with the relevant provision of the Light Regional Council Development Plan (consolidated) 12 May 2016.

3. That pursuant to Section 33 of the Development Act 1993, Development Application number 313/348/2016 be **granted** Development Plan Consent subject to the following conditions:

**Conditions**

(1) Except where varied by this approval, all other conditions, plans and details relating to Development Application 313/414/2015 continue to apply to this amended application.

(2) The existing crossover inverts (x2) that are located along Old Sturt Highway shall be temporarily used to provide access to the facility for a period of three months from the date of issue of this consent, after which time the crossover inverts shall be removed and reinstated to verge area to the reasonable satisfaction of the Council or its delegate. All costs shall be borne by the owner/applicant.

(3) All vehicles shall enter the site via the western crossover and exit via the eastern crossover as shown on MFY drawing no. 16-0095_02 dated 29 June 2016.

(4) A trailer mounted light pole shall be positioned adjacent each crossover invert to provide additional illumination outside of daylight hours during the temporary use period. The position of the trailer and level of illumination shall be to the reasonable satisfaction of the Council or its delegate at all times.

**Notes**

(1) The granting of this consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation. The Applicant’s attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.

(2) The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council’s Work’s Department and Technical Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council’s Work’s Department on 8525 3200. All works on Council owned land required as part of this development are likely to be at the Applicant’s cost.

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

(4) The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.

(5) The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.
27 June 2016

Light Regional Council
PO Box 72
KAPUNDA SA 5373

Attention: Ms Lisa Sapio

Dear Ms Sapio

Re: Variation to Condition of Consent
DA 313/414/2015
Lot 280 Nuriootpa

We write on behalf of our client, Caltex Petroleum Australia Pty Ltd for variation to a condition of Development Plan Consent in Development Application 313/414/2015.

Following detailed conversations with Melissa Mellen of MFY Traffic Consultants, who provided the Traffic Assessment Report which accompanied the application, it is considered necessary to seek a variation to Condition 22 of Development Plan Consent 313/414/2015. Condition 22 states:

“22 The existing crossover inverts (x2) that are located along Old Sturt Highway shall be removed and reinstated to verge area prior to the occupation of the facility to the reasonable satisfaction of the Council or its delegate. All costs shall be borne by the owner/applicant.”

It is proposed to vary Condition 22 to read as follows:

“22 The existing crossover inverts (x2) that are located along Old Sturt Highway shall be temporarily used to provide access to the facility for a period of 3 months from the date of issue of this consent, after which time the crossover inverts shall be removed and reinstated to verge area to the reasonable satisfaction of the Council or its delegate. All costs shall be borne by the owner/applicant.”
A plan detailing the location of the existing access points with reference to the proposed retail fuel outlet operation is enclosed.

This temporary access is requested by the applicant to facilitate the movement of vehicles into and out of the site whilst the new access to the site and associated road upgrades are completed to the satisfaction of the Department of Planning Transport and Infrastructure. Current timelines for completion of the new integrated retail fuel outlet will mean that the facility will be constructed and capable of operation but without the Murray Street access and road upgrades being complete. The variation to Condition 22 allows for temporary access to the facility whilst these works are completed.

It is considered that the proposed change to the wording of Condition 22 does not alter the intent of the condition and will still enable the proposed development to meet the relevant Australian Standards.

We are seeking that this variation be considered at your earliest convenience to ensure access temporary access to the facility can occur by 11 July 2016 simultaneous to the forecast opening date.

Please do not hesitate to contact the undersigned or Chelsea Salagaras on 8193 5600 should you require any further information.

Yours sincerely

Greg Vincent

MasterPlan SA Pty Ltd

enc: Documents as Listed.
LOCATION PLAN
313/348/2016
CALTEX PETROLEUM AUSTRALIA

Note that: The location of features displayed by the Geographical Information System are for information only and should not be relied upon for absolute position or measurement purposes.

Data Acknowledgements: Cadastral information from Department for Environment, Water & Natural Resources

APPENDIX 7B
PAGE 1
AGENDA ITEM 7.1
From: Steve Kaesler [mailto:skaesler@barossa.sa.gov.au]
Sent: Tuesday, 26 July 2016 3:33 PM
To: Light Regional Council
Cc: Louis Monteduro; Gary Mavrinac
Subject: Representation - Development No. 313/348/2016

Attention:
Manager - Development Services
Light Regional Council

Dear Lisa,

We refer to the ‘Caltex Service Station’ development at 174 Murray Street, Nuriootpa, which is situated along the boundary with the Barossa Council. In respect of this development we advise that:

- The Barossa Council has not approved (temporary or permanent) access from Old Sturt Highway.
- Construction access from Old Sturt Highway has been undertaken however has not been approved.
- Formalised sealed access ways have been constructed to Old Sturt Highway which have not been approved.

The Barossa Council opposes the proposed temporary change to access for the Caltex Service Station development for the following reasons:

- The Old Sturt Highway / Murray Street intersection is not appropriate for the volumes of traffic or the vehicle types anticipated for the Caltex site.
- The Old Sturt Highway / Murray Street pavement has not been constructed to accept additional vehicle access without accelerated damage.
- Local road safety concerns are significant as the design and layout of existing pavements, access points, roads and thoroughfares, are not suitable for commercial traffic, including B-Double vehicles.

Old Sturt Highway is classified as a rural local access road and the formal consent of the Barossa Council is required for any access to the Caltex site from Old Sturt Highway and such consent cannot be anticipated.

The Caltex site should not operate until access to Murray Street occurs in accord with existing conditions of consent as no access is permitted to occur from Old Sturt Highway.

The Barossa Council wish to be heard by the Development Assessment Panel by way of representation.

Sincerely,

Steve Kaesler OAM
Manager, Engineering Services
T: 08 8563 8473
DEVELOPMENT NO.: 313/348/2016

REPRESENTATION CLOSING DATE: no later than 26 July 2016.

1. NAME OF PERSON(S) MAKING REPRESENTATION: Brian & Virginia Naples

2. ADDRESS: 12-18 Old Street Highway, NuriestPA

3. MY REPRESENTATION:
   - [ ] Supports the proposed development
   - [ ] Opposes the proposed development

   (tick whichever box applies)

4. NATURE OF INTEREST AFFECTED BY DEVELOPMENT
   (e.g. adjoining resident, owner of land in vicinity, or on behalf of an organisation or company)
   [ Please See Attached. ]

5. REASONS FOR REPRESENTATION
   (attach additional sheets, if required)
   [ Received: 7.6. Jul. 2016 ]

6. MY REPRESENTATION WOULD BE OVERCOME BY
   (state action/amendments to the proposal sought)

7. Please indicate in the appropriate box whether or not you wish to be heard by Council’s Development Assessment Panel (DAP) in respect to this submission:
   - [ ] I DO NOT WISH TO BE HEARD BY THE DAP
   - [x] I DESIRE TO BE HEARD PERSONALLY BY THE DAP
   - [ ] A REPRESENTATIVE WILL SPEAK ON MY BEHALF AT THE DAP

   I WILL BE REPRESENTED BY: (Please specify)

Signed: [Signature]
Date: 25/07/2016

Please note that your representation will be forwarded to the applicant for a written response following the closure of the notification period.
Develo merit Number 313/348/2016 – Caltex Petroleum Australia Pty Ltd

Brian and Virginia Waples, Swingbridge Pty Ltd

POSTAL: PO Box 555 TANUNDA, 5352

PROPERTY: 12 – 14 and 16 Old Sturt Highway Nuriootpa

Nature of interest affected by Development

We are the owner of land directly across Old Sturt Highway from the proposed entry and exit points in this application.

Reasons for Representation

We have been engaged with ongoing conversation from the original application notification in relation to matters pertaining to this development.

The original representation clearly indicated that there was to be no access to this development/facility onto Old Sturt Highway. No access at any time. The developers have however used Old Sturt highway as the only access to the site throughout the construction period contrary to the approval terms & conditions.

The original representation clearly required correct road markings be identified on the Murray Street/Old Sturt Highway intersection to allow legal traffic movement both left and right while both entering & exiting Old Sturt Highway. These traffic lanes & clear marking form part of the development as did the Murray Street & Sturt Highway intersection and the entry/exit to the development site off Murray Street.

Please note that this will mean that large commercial vehicles will be entering Old Sturt Highway 24/7 with associated noise, headlights and safety factors, which is inappropriate. The original approval did not allow this.

We are unsure as to who is responsible for not having the road work in place which denies the developer correct access to the site as originally approved. This development was approved several months ago and being that a completed construction can be erected since approval, we find it concerning that the road markings have not been attended to and why Old Sturt Highway should need be used because of an inadequacy of someone or a system issue, red tape or whatever.

No doubt the developer/business operator wants to commence business!

Why cannot the roadwork be done within a week or two?

Is it really that hard to get this done?

Additionally we are still concerned that landscaping as approved was to incorporate larger species of plants (trees) to provide amenity and buffering for the Old Sturt Highway residents and businesses, has not been completed. We suggest that the land between the property boundary and the road verge needs to be appropriately landscaped in line with the approved development plan, before final approvals are granted.
The present car park provision on Old Sturt Highway between the entry and exit to the Caltex development should be retained, as requested and agreed to.

Our representation would be overcome by not allowing access to or from this development via Old Sturt Highway.

However this has already been ignored by their use of Old Sturt Highway during the building phase. This was not indicated in the original proposal, not supported by us and we believe not approved by council in the terms & conditions of approving the development. We have already raised this by email with Light Council.

This business plans to operate 24 hours 7 days a week.

We are concerned that if council was to approve this application it may well create a precedent that will allow this access to continue long term. We would expect Light Council to put in place all paperwork to protect our rights in this matter so this cannot occur.

We believe the road surface on Old Sturt Highway has been damaged during the building of this premises. The road generally is in need of an upgrade/maintenance and maybe both adjacent councils could work in a bipartisan approach to achieve this.

We would expect in the event of approval being granted that a substantial upgrading of the road, and road markings and road edges would be essential.

We would not expect access to be 24/7.

This project (road upgrade) would be expedited and not be a matter that could be linked to future budgets or schedules, as this would leave the public using the Caltex service station and the local business & residents without satisfactory or safe exit and access from Old Sturt Highway.

The upgrade of the road will be required if the perceived rezoning of the Light Council area adjacent to Caltex will see similar business (such as McDonalds or similar fast food and Beaurepairs go ahead). It is interesting to note that similar land is limited by planning constraints on the opposite (Barossa Council) side of the Old Sturt Highway which would allow none of the above on land zoned Commercial, and interesting inconsistency!

Please note we do not wish to be heard by the DAB, but provide this Statement of Representation.

Signed

Brian and Virginia Waples
DEVELOPMENT NO.: 313/348/2016

REPRESENTATION CLOSING DATE: no later than 26 July 2016.

1. NAME OF PERSON(S) MAKING REPRESENTATION: JILL OLDFIELD

2. ADDRESS: c/o 43 MCGILL RD, STEFNEY, SA 5069

3. MY REPRESENTATION:
   - [ ] Supports the proposed development
   - [x] Opposes the proposed development
     (tick whichever box applies)

4. NATURE OF INTEREST AFFECTED BY DEVELOPMENT:
   (e.g. adjoining resident, owner of land in vicinity, or on behalf of an organisation or company)
   [ ] JOINING LANDOWNER

5. REASONS FOR REPRESENTATION:
   (attach additional sheets, if required)

6. MY REPRESENTATION WOULD BE OVERCOME BY:
   (state action/amendments to the proposal sought)

7. Please indicate in the appropriate box whether or not you wish to be heard by Council's Development Assessment Panel (DAP) in respect to this submission:
   - [ ] I DO NOT WISH TO BE HEARD BY THE DAP
   - [ ] I DESIRE TO BE HEARD PERSONALLY BY THE DAP
   - [ ] A REPRESENTATIVE WILL SPEAK ON MY BEHALF AT THE DAP

I WILL BE REPRESENTED BY: (Please specify)

Signed: JILL OLDFIELD
Date: 21/7/16

Please note that your representation will be forwarded to the applicant for a written response following the closure of the notification period.
STATEMENT OF REPRESENTATION
Pursuant to Section 38 of the Development Act, 1993

DEVELOPMENT NO.: 313/348/2016

REPRESENTATION CLOSING DATE: no later than 26 July 2016.

1. NAME OF PERSON(S) MAKING REPRESENTATION
   ANDREW KOCH

2. ADDRESS
   6 OLD STUART HIGHWAY
   NORTOPA

3. MY REPRESENTATION:
   □ Supports the proposed development
   □ Opposes the proposed development
   (tick whichever box applies)

4. NATURE OF INTEREST AFFECTED BY DEVELOPMENT
   (e.g. adjoining resident, owner of land in vicinity, or on behalf of an organisation or company)
   OWNER OF LAND IN VICINITY

5. REASONS FOR REPRESENTATION
   (attach additional sheets, if required)
   ROAD SURFACE AT INTERSECTION AHEAD OF GS DEBAD AND THE ONLY WAY IN IS A GATE FOR LOCAL PEOPLE. SHOULD THERE BE AN ACCIDENT OR ROAD CLOSURE AT THE MUNBURR STREET INTERSECTION, HOW DO PEOPLE GET IN/OUT. THERE SHOULP BE ANOTHER ACCESS TO GS START HIGHWAY SOMEWHERE OR THEY WILL WAIT UNTIL EVERYTHING IS IN PLACE & READY TO GO. AND AS YOU KNOW 3 MONTHS WILL TURN INTO 6 MONTHS

6. MY REPRESENTATION WOULD BE OVERCOME BY
   (state action/amendments to the proposal sought)

7. Please indicate in the appropriate box whether or not you wish to be heard by Council's Development Assessment Panel (DAP) in respect to this submission:
   □ I DO NOT WISH TO BE HEARD BY THE DAP
   □ I DESIRE TO BE HEARD PERSONALLY BY THE DAP
   □ A REPRESENTATIVE WILL SPEAK ON MY BEHALF AT THE DAP

   I WILL BE REPRESENTED BY .............. (Please specify)

Signed: ANDREW KOCH

Date: 23/7/16

Please note that your representation will be forwarded to the applicant for a written response following the closure of the notification period.
LIGHT REGIONAL COUNCIL

STATEMENT OF REPRESENTATION
Pursuant to Section 38 of the Development Act, 1993

DEVELOPMENT NO.: 313/348/2016

REPRESENTATION CLOSING DATE: no later than 26 July 2016.

1. NAME OF PERSON(S) MAKING REPRESENTATION: Kase. Burnett (Camaro Barron Valley Hire)

2. ADDRESS: ...............................................................

3. MY REPRESENTATION:-
   ☐ Supports the proposed development
   ☐ Opposes the proposed development (tick whichever box applies)

4. NATURE OF INTEREST AFFECTED BY DEVELOPMENT:
   (e.g. adjoining resident, owner of land in vicinity, or on behalf of an organisation or company)
   Adjusting business: ...............................................
   Barron Valley Hire: .............................................

5. REASONS FOR REPRESENTATION (attach additional sheets, if required):
   We have secured a minimum of $200,000 per day, realising the $450,000 per day that we undertake, good at the just off the time to invest and the electrical grid to open.
   With the increase in traffic from the new interchange at the intersection of Carpa and Young.
   Safety risk to their tracks wanting to use our yard.

6. MY REPRESENTATION WOULD BE OVERCOME BY (state action/amendments to the proposal sought):
   .......................... .............................................
   .......................... .............................................

7. Please indicate in the appropriate box whether or not you wish to be heard by Council's Development Assessment Panel (DAP) in respect to this submission:
   ☐ I DO NOT WISH TO BE HEARD BY THE DAP
   ☐ I DESIRE TO BE HEARD PERSONALLY BY THE DAP
   ☐ A REPRESENTATIVE WILL SPEAK ON MY BEHALF AT THE DAP

I WILL BE REPRESENTED BY: ........................................ (Please specify)

Signed: ...............................................................

Date: 21/7/16

Please note that your representation will be forwarded to the applicant for a written response following the closure of the notification period.
DEVELOPMENT NO.: 313/348/2016

REPRESENTATION CLOSING DATE: no later than 26 July 2016.

1. NAME OF PERSON(S) MAKING REPRESENTATION: [Insert Name]

2. ADDRESS: [Insert Address]

3. MY REPRESENTATION:
   - ☐ Supports the proposed development
   - ☑ Opposes the proposed development
     (tick whichever box applies)

4. NATURE OF INTEREST AFFECTED BY DEVELOPMENT:
   (e.g. adjoining resident, owner of land in vicinity, or on behalf of an organisation or company)

5. REASONS FOR REPRESENTATION:
   (attach additional sheets, if required)
   
6. MY REPRESENTATION WOULD BE OVERCOME BY:
   (state action/amendments to the proposal sought)

7. Please indicate in the appropriate box whether or not you wish to be heard by Council's Development Assessment Panel (DAP) in respect to this submission:
   - ☑ I DO NOT WISH TO BE HEARD BY THE DAP
   - ☐ I DESIRE TO BE HEARD PERSONALLY BY THE DAP
   - ☐ A REPRESENTATIVE WILL SPEAK ON MY BEHALF AT THE DAP

   I WILL BE REPRESENTED BY: [Insert Name]
   (Please specify)

Signed: [Signature]

Date: 18-7-16

Please note that your representation will be forwarded to the applicant for a written response following the closure of the notification period.
DEVELOPMENT NO.: 313/348/2016

REPRESENTATION CLOSING DATE: no later than 26 July 2016.

1. NAME OF PERSON(S) MAKING REPRESENTATION: 
   MARGARET JAMES

2. ADDRESS: 
   37, CHURCH ROAD, CLEW, SALEM, NSW, SA 5154

3. MY REPRESENTATION: 
   [ ] Supports the proposed development
   [ ] Opposes the proposed development
   (tick whichever box applies)

4. NATURE OF INTEREST AFFECTED BY DEVELOPMENT: 
   [ ] Adjoining resident
   [ ] Owner of land in vicinity
   (e.g. adjoining resident, owner of land in vicinity, or on behalf of an organisation or company)

5. REASONS FOR REPRESENTATION: 
   (attach additional sheets, if required)

6. MY REPRESENTATION WOULD BE OVERCOME BY 
   (state action/amendments to the proposal sought)

7. Please indicate in the appropriate box whether or not you wish to be heard by Council's Development Assessment Panel (DAP) in respect to this submission:
   [ ] I DO NOT WISH TO BE HEARD BY THE DAP
   [ ] I DESIRE TO BE HEARD PERSONALLY BY THE DAP
   [ ] A REPRESENTATIVE WILL SPEAK ON MY BEHALF AT THE DAP

   I WILL BE REPRESENTED BY ..................................................
   (Please specify)

Signed: ..........................................................

Date: 14/7/16

Please note that your representation will be forwarded to the applicant for a written response following the closure of the notification period.
29 July 2016

Light Regional Council
PO Box 72
KAPUNDA SA 5373

Attention: Ms Lisa Sapio

Dear Ms Sapio

Re: Response to Representations
DA 313/348/2016

MasterPlan SA Pty Ltd has been engaged by Caltex Australia Petroleum Pty Ltd, the proponent of the proposed development to vary a condition of previously authorised consent (DA 313/414/15) to temporarily change the access arrangements from Murray Street to the Old Sturt Highway for a period of three months.

We have been asked to examine and respond as required to the representations received following notification of the Category 3 development application.

First and foremost, it is important to note that this variation application is seeking temporary access via the Old Sturt Highway through two crossovers which already exist to the Old Sturt Highway. The time period of three months only for use of these crossovers is to facilitate access to the site while the roadworks for the approved Murray Street access are completed to the satisfaction of the Department of Planning, Transport and Infrastructure.

Delays in processing the final design and layout of the Murray Street crossovers and intersection upgrades to facilitate access to this facility have meant that the retail building has been successfully constructed with the access upgrades yet to be completed. These delays have occurred while our client, their builder and the Department of Transport, Planning and Infrastructure finalise a design for the Murray Street crossovers and upgrade to the intersection which realises a best case scenario for safety and accounts for the vehicle types and volumes anticipated to arise as a result of this approved development.
The variation sought in this application is solely to accommodate temporary access and should be considered by all representors and Council as a temporary solution to facilitate access to the approved development.

Having reviewed the documentation forwarded by Council following the notification of the proposed development we note that there were seven valid representations received.

The matters raised in the representations can be summarised as follows:

1. the Old Sturt Highway intersection not being 'appropriate' for the volumes or types of vehicles proposed and the existing condition of the Old Sturt Highway; and
2. safety concerns arising due to vehicle conflict.

In support of the temporary use of the Old Sturt Highway road and intersection, we note that the intersection and the existing crossovers were used for many years by the Bridgestone Tyre Centre for the servicing of heavy vehicles (including B-Doubles) for tyre change. The proposal to use the existing crossovers (albeit, upgraded to better accommodate the anticipated vehicle types and movements) is not ideal, but given the temporary three-month time constraint, will allow for the facility to operate at reduced capacity whilst the Murray Street road upgrades are underway.

It is noted that despite the previous use of these crossovers to accommodate B-Double vehicle access to the Bridgestone Tyre Facility, Old Sturt Highway is not gazetted as a B-Double access route. Accordingly, our client acknowledges that the use of the exiting access points does not permit the access for B-Double vehicles during the temporary period sought through this temporary application.

Once the road upgrades are completed, the closure of these crossovers will occur and the kerbing reinstated as per the approved stamped plans for DA 313/414/2015 and compliance with the condition 22 of consent which states:

(22) The existing crossover inverts (x2) that are located along Old Sturt Highway shall be removed and reinstated to verge area prior to occupation of the facility to the reasonable satisfaction of the Council or its delegate. All costs shall be borne by the applicant.

We note that one representor desires to make verbal representation in support of their written representation.
Would you please advise us of the time and date of the meeting when this matter will be considered so that our client or their representative can be in attendance to respond to any representations made to the Development Assessment Panel in person.

Yours sincerely

Greg Vincent
MasterPlan SA Pty Ltd

cc:       Mr Dennis Delaney – Caltex Australia Petroleum Pty Ltd.
          Mr Dean Carson – Caltex Australia Petroleum Pty Ltd.
28/07/2016

Ms Lisa Sapio
Light Regional Council
PO Box 72
KAPUNDA SA 5373

Dear Ms Sapio,

SCHEDULE 8 - REFERRAL RESPONSE

<table>
<thead>
<tr>
<th>Development No.</th>
<th>313/348/16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Caltex Petroleum</td>
</tr>
<tr>
<td>Location</td>
<td>289 Old Sturt Highway, Nuriootpa</td>
</tr>
<tr>
<td>Proposal</td>
<td>Variation to condition of consent to facilitate temporary access</td>
</tr>
</tbody>
</table>

I refer to the above development application forwarded to the Safety and Service Division of the Department of Planning, Transport and Infrastructure (DPTI) in accordance with Section 37 of the Development Act 1993. The proposed development involves development adjacent a main road as described above.

The following response is provided in accordance with Section 37(4)(b) of the Development Act 1993 and Schedule 8 of the Development Regulations 2008.

THE PROPOSAL

The subject proposal is for the variation of a condition of approval to permit access to the petrol filling station approved under 313/414/15 from Old Sturt Highway on a temporary basis in order to enable the Murray Street access to be constructed.

CONSIDERATION

- The site is bounded by the Sturt Highway (a national highway), Murray Street (an arterial road) and Old Sturt Highway (a local road). Application 313/414/15 for a petrol filling station was approved in March 2016 with access to be gained via Murray Street. In order to achieve safe access via Murray Street, works were required at the Sturt Highway / Murray Street junction as well as at the access (to provide a right and left turn lane).

The petrol filling station has since been constructed but the access to Murray Street and the necessary road works have not been completed. Consequently, the applicant has sought to utilise the existing access points to Old Sturt Highway to enable the provision of safe access during the construction of the access and its treatments and to enable trading to commence onsite.
The applicant has discussed options for access to the site during the period of construction of the access and necessary road works. As part of this discussion the department agreed that the temporary use of Old Sturt Highway for access purposes would be the safest and most appropriate. However, it was noted that some minor improvements to the Murray Street / Old Sturt Highway junction may be required to ensure that the junction will be safe and that the traffic will not damage the pavement.

Consequently, the department is of the opinion that if the site is to commence trading prior to the works on Murray Street being completed, that temporary access to Old Sturt Highway would be the safest available option. Permitting the Murray Street access to be utilised whilst it and its associated treatments are being constructed would result in a high potential for conflict and would result in an increased risk to the safety of the public and construction crews during this time. Accordingly, the department supports the proposed use of the Old Sturt Highway for access on a temporary basis, i.e. until the works on Murray Street are completed. It is anticipated that the Old Sturt Highway access points would be closed on the opening of the Murray Street access.

CONCLUSION

The department supports the variation of the condition as proposed. However it is suggested that minor improvements to the Murray Street / Old Sturt Highway junction in order to ensure that it will cater for the simultaneous movement of largest vehicle to access the site and a passenger vehicle.

ADVICE

The planning authority is advised to attach the following condition to any approval:

1. Minor improvements shall be undertaken at the Murray Street / Old Sturt Highway junction to ensure that it will cater for the simultaneous movement of largest vehicle to access the site and a passenger vehicle. All works shall be undertaken to the satisfaction of DPTI and Council with all costs borne by the applicant.

Yours sincerely,

[Signature]

MANAGER, TRAFFIC OPERATIONS

For COMMISSIONER OF HIGHWAYS

A copy of the decision notification form should be forwarded to dpli.developmentapplications@sa.gov.au
Hi Melissa,

Thank you for your email. It is understood that while Caltex is ready to open to the public, it has been unable to deliver the necessary road works as required by their development approval within the time stipulated in that approval (i.e. prior to the development becoming operational). Accordingly, Caltex has applied to vary the development plan consent to permit temporary access via the 'existing' access points on Old Sturt Highway whilst the detailed design and subsequent construction of the Murray Street access arrangements are completed. Although the Light Regional Council’s planner has requested that a special Development Assessment Panel (DAP) meeting be held to consider the application, it is understood that Caltex wish to immediately open up for business and has requested temporary access to Murray Street at least until the Council’s DAP’s decision on the variation. Council has advised that a DAP meeting is being organised for 24 August 2016.

Whilst DPTL is extremely disappointed that Caltex has not appropriately managed the planning and execution of the required roadworks, the department is prepared to work with you and Caltex towards a temporary access solution that will enable the facility to open whilst the necessary works are being undertaken. As has been discussed previously, the department is concerned that utilising the Murray Street access during the period whilst it and its treatments are being constructed is highly undesirable and is likely to have a negative impact on safety, as well as resulting in the works being delayed.

Notwithstanding the above, the department is prepared to permit the use of the Murray Street access for a temporary period under the following conditions:

- All of the necessary traffic management to accommodate a temporary Murray Street access is put in place prior to the service station being opened. In addition to the proposed temporary lighting at the Murray Street access, temporary flag lighting will also be required at the Sturt Highway/Murray Street junction. MFY to supply DPTL with a Road Safety Audit of the temporary traffic management prior to their use. All the issues identified in the Road Safety Audit will need to be addressed before the Murray Street access is utilised.

- The opening of the access to Murray Street would be for a short period until the Old Sturt Highway access points can be opened. When the Old Sturt Highway access points are opened, the temporary access to Murray Street is to be closed for the duration of the remainder of the works period.

- Caltex to formally respond to DPTL confirming that they commit to completing the final construction within three months of the design approval and to make good any damage to DPTL assets. The target for final design approval should be the end of August 2016, with the construction being completed by the end of November 2016.

With regards to ‘DA 313/348/16 - variation to condition of consent to facilitate temporary access’, the following advice was provided to Council:

**ADVICE**

The planning authority is advised to attach the following condition to any approval:

1. Minor improvements shall be undertaken at the Murray Street / Old Sturt Highway junction to ensure that it will cater for the simultaneous movement of largest vehicle to access the site and a passenger vehicle. All works shall be undertaken to the satisfaction of DPTL and Council with all costs borne by the applicant.

The above condition was based on the understanding that the use of Old Sturt Highway by B-Doubles was being pursued. The above condition is not required if access to Old Sturt Highway is limited to 19.0 metres semi-trailers and smaller vehicles. The turning profiles provided show that the existing junction can cater for the simultaneous movements of a semi-trailer turning left into Old Sturt Highway, while a car is waiting to exit from Old Sturt Highway onto Murray Street.
Hi Tom,

Thankyou for meeting this morning at short notice to resolve the issue in relation to temporary access for the Caltex site at Nuriootpa. I appreciate that DPTI has attempted to escalate the approval for the permanent works and has been clear in its position that it would prefer to not accommodate temporary access on Murray Street. Separately Caltex is strongly encouraging the land owner, who is responsible for delivering the works to Murray Street, to expedite the design to DPTI satisfaction to enable plans to be approved and construction of the permanent traffic control treatment to occur on Murray Street.

An application to vary the development plan consent to permit temporary access via the ‘existing’ access points on Old Sturt Highway has been lodged with the Light Regional Council and the presiding member is considering a request by Council planner to arrange a special DAP meeting to consider the application. Given that there has been a number of objections, however, a notice period of no less than a week will be required for such a meeting. In reality, therefore, the meeting will not be able to occur next week.

Caltex completed construction on the site in early July and have received the certificate of practical completion for the works. While I understand that neither DPTI or Council have mislead the developer in respect to the expectations and requirements in relation to access, the delay in the completion of the works to facilitate the permanent access solution on Murray Street is significantly compromising the requirements for the business, given that the site has been ready to operate for some weeks and has not been able to open. I am advised that Caltex is in a position where it will need to escalate the matter to the Premier to seek a temporary access solution.

Given this, I very much appreciate that DPTI has considered a compromise position whereby a temporary access arrangement to Murray Street could be provided until such time as the amended DA can be considered to allow for
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Given this, I very much appreciate that DPTI has considered a compromise position whereby a temporary access arrangement to Murray Street could be provided until such time as the amended DA can be considered to allow for temporary use of the ‘existing’ access points on Old Sturt Highway. These access points would then be closed once the works associated with the permanent access on Murray Street are completed to DPTI satisfaction (as per the requirements of the DA). As per our discussions, I attach a traffic management plan (160095 04 SH01A) which identifies the following:

- A right turn lane and associated painted median developed using temporary linemarking;
- An edgeline on the northern side of Murray Street;
- Linemarking and bollards to define the high-angle left turn lane at the Sturt Highway intersection;
- Temporary signage as required by AS1742;
- VMS on both Sturt Highway approaches to the intersection with Murray Street and on Murray Street, west of the temporary access;
- The location of the temporary access;
- A centreline and edgeline to the TP in Old Sturt Highway at its intersection with Murray Street; and
- Trailer mounted lightpoles adjacent the temporary access.

I believe that the plan identifies the traffic management discussed at our meeting this morning plus additional signage requirements identified in AS1742. I have also included the linemarking and bollards to effect the high angle...
left turn lane (which is consistent with the ultimate treatment) to reduce the speed of vehicles turning left to Murray Street. The traffic management works would be implemented by a DPTI accredited contractor.

In regard to the swept path movements to Old Sturt Highway, the attached plan indicates simultaneous swept path movements of a semi-trailer and a car on the most recent survey (blue lines represent existing edge of bitumen as this is difficult to see on the survey). The proposed centreline and edgeline (to the TP) in Old Sturt Highway (identified in the traffic management plan) will provide delineation for drivers given that the simultaneous turns have minimum clearance. While these simultaneous turns are tight, they can be achieved (with minimum clearance) and the additional delineation will assist an existing vehicle being positioned in the correct location within the outbound lane. The short term nature of the temporary access on Old Sturt Highway (which would desirably be approved at a DAP meeting in August or early September) should not necessitate works to the intersection. The linemarking will be included as part of the traffic management works on Murray Street.

In light of the extenuating circumstances that relate to this matter, it would be most appreciated if DPTI would review the proposed traffic management plan (attached) with a view to endorsing the works and the creation of the temporary access at your earliest possible convenience.

I appreciate your understanding and assistance in resolving this issue and would be pleased to provide any additional information that you may require.

Many thanks,

Melissa Mellen | Director | MFY Pty Ltd

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CALTEx NURIOOTP A
Murray Street
Old Sturt Highway Intersection

APPENDIX 7H
PAGE 3
AGENDA ITEM 7.1
Hi Lisa,

As promised, please see attached the most recent plan prepared in discussions with DPTI in relation to the proposed temporary access arrangements to Old Sturt Highway at Nuriootpa.

It is proposed that the existing crossovers (previously used to access the Bridgestone development on the subject land) be utilised while the permanent access and associated roadworks (as approved by DPTI) on Murray Street are constructed. The western crossover will be nominated as the ingress and the eastern crossover will be nominated as the egress, as identified on the attached plan.

The Old Sturt Highway crossovers would need to be reinstated following completion of the Murray Street final access (as per the approval requirements).

Regards,

Melissa Mellen | Director | MFY Pty Ltd

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Hi Paul,

It is not intended to widen Old Sturt Highway for the short term access solution. The design criteria relates to the intersection of DPTI's arterial road with a local road. This requires that the intersection is suitable for general access vehicles which can lawfully use the road. The subject intersection is in the care and control of the Department of Planning Transport and Infrastructure (DPTI). This intersection, therefore, is the responsibility of DPTI (and as such it has responsibility for its configuration, maintenance and operation). I would therefore suggest that it is the only Agency which could have legal responsibility for the intersection.

Old Sturt Highway is not acting as a "defacto" access. It is the public road network to which the subject site has frontage. It will be used as part of the traffic route to and from the site but the separate ingress and egress will be from Old Sturt Highway. While the permanent access solution for the site is via the arterial road, the temporary solution only seeks to maintain the previous access arrangements for the subject land. Accordingly, the design that needs to be considered for DPTI's intersection is the standard it wishes to adopt for an intersection with the arterial road. The design vehicles for the subject matter are the same as the design vehicles for the previous use of the site and the same used by other land uses in Old Sturt Highway. DPTI's specified design standard of simultaneous movements for a semi-trailer and a car is consistent with many similar intersections.

Austroads Design Vehicles and turning path templates guide indicates the following:

The prime mover and semi-trailer vehicle should be used for intersections involving two or more arterial roads. However, for other intersections on arterial roads such as with a collector road/street, the single unit truck/bus will generally be more appropriate. Intersections between arterial roads and local roads should be designed using the service vehicle.

The above advice is reinforced in Table 4.2 of the Austroads Guideline which identifies a service vehicle as the design vehicle and a single unit truck as the checking vehicle for an arterial road/local street intersection.

Accordingly, the appropriate design vehicle for the subject intersection would be the service vehicle. The attached plans show simultaneous movements of two service vehicles at the intersection (which meet the design criteria) and a service vehicle and anb HRV (which exceeds the design criteria).

Austroads also specifies the following:

Whilst the road network hierarchy has both functional and descriptive definitions, it is important that the land use, and hence the vehicle types that will be negotiating the intersections, be considered when determining appropriate design vehicles. For example, some local and collector roads service residential, industrial and bus routes, hence the design vehicle and turning radii need to be appropriate for such cases; and

Where the single unit truck/bus has been used to set up the intersection geometry, it is necessary to check the layout using the prime mover and semi-trailer template to ensure that occasional use by these vehicles is viable. Similarly, with the layout of major arterial roads (e.g. designated freight routes), the design is based on the prime mover and semi-trailer, and in some locations may need to be checked using the appropriate template to ensure that these larger vehicles are catered for where necessary.
In this case, it is relevant to check that the semi-trailer can negotiate the intersection, given that the subject development would generate such vehicles. The intersection, however, is not akin to the intersection of two arterial roads which is the only situation where a semi-trailer is considered the design vehicle in the Austroads Guide.

In regard to assessing a ‘check vehicle’, Austroads provides the following advice:

The design vehicle for a particular case is not necessarily the largest of the vehicles that may operate at that location. The design vehicle is intended to represent the majority of the vehicles allowed to operate at that location. The design vehicles are hypothetical vehicles whose dimensions and operating characteristics are used to establish lane widths and road geometry intersection layouts. A larger vehicle may not be precluded from using the road, but may need to operate with reduced clearances or encroach into adjacent lanes. While this may inconvenience some road users, the low frequency of such occurrences makes this acceptable.

Further, the section relating to applying Turning Path Templates in the guidelines identifies the following; The design vehicle should be able to turn (left or right) from a marked lane without crossing adjacent marked lanes. Checking vehicles may straddle the lane markings in order to be able to perform the manoeuvre as allowed by the road rules in each jurisdiction.

Given the above guidelines, the fact that the semi-trailer can turn without encroaching the centreline on Murray Street and can execute the turn with a car at the intersection means it exceeds the design criteria recommended in Austroads. Given that DPTI requires that Austroads design criteria are met on its roads and that the intersection is under the care and control of DPTI, I would suggest that these criteria are the relevant standards to adopt rather than an assumed design criteria based on the comparison of a proposed driveway access.

In regard to volumes, traffic data available on Murray Street and Sturt Highway identify that 120 and 310 (respectively) Class 6 to 9 vehicles per day use these roads, with a Class 9 being a 19.0m semi-trailer. This equates to approximately 12 and 31 such vehicles during the peak hour. For the purpose of assessment, we can consider that half of the vehicles are 19.0m semi-trailers (which means that 50% would be Class 9 and the remaining 50% would be Class 6, 7 or 8 – so probably an overestimate of semi-trailers). Should this occur, there would be 6 semi-trailers on Murray Street in an hour and 15 semi-trailers on Sturt Highway. Should 30% of those drivers use the site to refuel, there would be 2 semi-trailer on Murray Street and 5 semi-trailers on Sturt Highway. The 2 semi-trailers on Murray Street are probably also recorded within the volumes on Murray Street (ie the semi-trailer recorded turns at the Murray Street/Sturt Highway intersection), but if I consider that one could have come from the town, this would equate to 6 potential semi-trailers using the petrol station (ie on average, one every ten minutes). I consider such a volume low and that it would not warrant upgrading the DPTI design criteria for a standard arterial intersection (ie it would not be equal to an arterial intersecting with an arterial).

In relation to the operation of the intersection and the specific left turn movement mentioned, I am not sure exactly the concern as a semi-trailer can execute this turn. The attached turn path shows a semi-trailer turning left to Murray Street based on the current intersection survey. It would not cross the centreline. The proposed linemarking at the intersection (as part of the temporary traffic control treatment on Murray Street) will result in a painted median at the intersection which will provide a separation in Murray Street (notwithstanding that the vehicle can already execute this turn).

In regard to the Road Safety Audit, I would suggest that if there are concerns in respect to the existing operation of the intersection, Council could raise this matter with DPTI. Any such audit, however, would relate to the existing operation of the intersection and not be solely relate to the subject development. There would be an obligation, therefore, for any existing safety issues identified in the audit to be rectified by the appropriate authority.

In summary, I am not sure how the turning movements for the intersection were assessed (particularly in relation to the left turn) as the semi-trailer can clearly execute the left turn at the existing intersection. Further, DPTI identified design standard (and that adopted for the intersection) in relation to the design vehicle exceeds the recommended Austroads Design Criteria. I would suggest that it is appropriate for DPTI to adopt this criteria on its road.

I believe this should satisfy the queries raised but don’t hesitate to contact me if you require clarification.
Hi Melissa

Further to our telephone conversation, could you please provide a response to the extracted comments (noting some relate to DPTI, however, you are invited to input) made by Council’s independent traffic consultant:

- Old Sturt Highway is expected to act as a "de facto" temporary access point to the service station. It would be reasonable to expect that the same design criteria should apply to Old Sturt Highway with concurrent semi-trailer movements at the same time. Therefore, the widening of the Old Sturt Highway should accommodate a semi-trailer entering and exiting at the same time.

- A semi-trailer, after refueling at the service station, could turn left from Old Sturt Highway into Murray Street towards the town centre. If DPTI believes that the design of its specified turns at the junction of Old Sturt Highway/Murray Street are appropriate, I recommend that Council highlight the above concerns of the inadequate junction design and to request that DPTI take responsibility for approving, managing and assuming legal responsibility for this temporary arrangement.

- To address the concerns that have been raised above, which would be safety related, I would recommend that DPTI initiate such a road safety audit to be undertaken specifically to review with the issue of vehicle movements on Old Sturt Highway/Murray Street.

For bullet one, I note an earlier email to Lisa citing expected truck movements as 'low'. Could you please clarify expected volumes during this temporary period.

I ask that you respond ASAP.

Regards

Paul Vivian
Consultant Planner

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