

**NOTICE OF
COUNCIL ASSESSMENT PANEL MEETING**

Notice is hereby given that a Council Assessment Panel Meeting will be held:

Wednesday 2 September 2020

**Commencing at 6.30p.m.
(doors open at 6:10pm)**

**Council Chamber
Council Administration Centre**

245 Sturt Road, Sturt

A copy of the Agenda for the meeting is attached. Meetings are open to the public and interested members of the community are welcome to attend. Access to the CAP Meeting is via the main entrance to the Administration building, 245 Sturt Road, Sturt.

All COVID-19 social distancing protocols outlined by the State Government must be adhered to. Upon entering the building all persons must, provide a record of their full name, phone number, email address and reason for attending.

Priority will be given to persons who have submitted a valid representation during the Public Notification periods. This may necessitate persons who are in attendance, but have not submitted a formal representation, be seated in an adjacent room and view proceedings via audio link.

Please do not attend the meeting if you are sick, have travelled overseas or interstate, or have come into contact with any persons with, or recovering from, COVID 19 within the past 14 days.



Alex Wright
ASSESSMENT MANAGER

26 August 2019

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**CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 2 SEPTEMBER 2020
COMMENCING AT 6.30PM**



1.1 OPEN MEETING

1.2 PRESENT

1.3 APOLOGIES

1.4 IN ATTENDANCE

2. GENERAL OPERATIONS

3. APPLICATIONS

3.1 373 DIAGONAL ROAD, STURT & 45 MILLER STREET, STURT

Change in the use of land and subsequent construction of a petrol filling station and shop, associated control building, freestanding canopy with 12 pumps, carwash including four manual bays, two automatic bays, three covered vacuum bays with dog wash, drive-through, three x 100,000 litre fuel tanks, two freestanding pylon signs and advertising signage with ancillary car parking, fencing, and landscaping

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4. APPEALS UPDATE30

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4.2 APPEALS AGAINST DELEGATED APPLICATIONS

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6. OTHER BUSINESS

**7. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING
HELD ON 02 SEPTEMBER 2020**

8. MEETING CLOSURE

**2. GENERAL OPERATING PROCEDURES
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 02 SEPTEMBER 2020**



**REPORT REFERENCE: CAP020920 – 3.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 2 SEPTEMBER 2020**



Originating Officer:	Andrew Houlihan Senior Development Officer - Planning
Applicant:	Andrash Management Pty Ltd
Development Description:	Change in the use of land and subsequent construction of a petrol filling station and shop, associated control building, freestanding canopy with 12 pumps, carwash including four manual bays, two automatic bays, three covered vacuum bays with dog wash, drive-through, three x 100,000 litre fuel tanks, two freestanding pylon signs and advertising signage with ancillary car parking, fencing, and landscaping
Site Location:	373 Diagonal Road, Sturt & 45 Miller Street, Sturt
Zone & Policy Area:	Neighbourhood Centre Zone
Lodgement Date:	17 April 2020
Development Plan:	Consolidated – 15 August 2019 [gazetted 8 August 2019]
Referrals:	Department of Planning, Transport and Infrastructure – Transport (statutory) Environment Protection Authority (statutory) Engineering - Stormwater (Internal) Engineering - Traffic (Internal)
Delegations Policy:	Development Delegations Policy 4.1.2 <i>Any 'merit' application that has undergone Category 2 or Category 3 public notification where at least one representor has expressed opposition to the proposed development and has expressed their desire to be heard by the Panel.</i>
Categorisation	Category 2 <i>Schedule 9 of the Development Regulations 2008</i>
Application No:	100/2020/568
Recommendation:	That Development Plan Consent be GRANTED subject to a Reserved Matters and Conditions

Attachments

<i>Attachment I:</i>	<i>Certificates of Title</i>
<i>Attachment II:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment III:</i>	<i>Referral responses</i>
<i>Attachment IV:</i>	<i>Representations</i>
<i>Attachment V:</i>	<i>Applicant's Response to representations</i>

SUBJECT LAND

The subject site comprises two existing allotments commonly identified as 373 Diagonal Road, Sturt and 45 Miller Street, Sturt. Both allotments are wholly located within the Neighbourhood Centre Zone as identified in Zone Map Mar/7 of the Marion Council Development Plan.

373 Diagonal Road is formally identified as allotment 8 as contained in Certificate of Title Volume 5560 and Folio 842. The allotment contains a total area of 3834 square metres and contains easements to SA Power Networks.

45 Miller Street is formally identified as allotment 12 as contained in Certificate of Title Volume 5552 and Folio 843. The allotment provides a total area of approximately 1100 square metres and contains one easement that supports existing stormwater infrastructure to Council.

The allotments combined provide an irregular shape site in a diamond/triangular form that comprises a total area of approximately 4900 square metres. The site commences at the intersection of Diagonal Road and Miller Street to the north and provides frontages to both Diagonal Road (east) and Miller Street (west) for approximately 100 metres each. The southern boundary of the site abuts three existing residential properties that currently contain detached dwellings and ancillary structures.

The site is in private ownership and currently contains an existing single storey building located centrally in the southern portion of the site. The existing building supports a commercial land use in the form of a restaurant "Fresh Choice Restaurant" and associated car parking to the north, east and west. The existing restaurant building provides a building footprint of approximately 800 square metres and addresses the frontages of the site with back of house/service areas orientated to the south.

Vehicle access to the site is currently obtained from Diagonal Road and Miller Street to an existing car parking arrangement containing approximately 80 car parking spaces. The northern car park wholly contained in allotment 12 is separated from the restaurant car park and separated from allotment 8 via a low retaining wall.

The site contains some existing mature vegetation sporadically located across the site. No regulated or significant trees exist on or in proximity to the site.

The site is serviced by three existing bus stops in the locality, with one located adjacent the site on Diagonal Road and two located adjacent the site on Miller Street.

The site is recognised to have some minor flood inundation in a 100 year Average Return Interval Event as identified in Development Constraints Overlay Mar/7 of the Marion Council Development Plan.



LOCALITY

The established character of the locality is primarily in the form of residential development within a low density environment that is representative of older dwelling stock sited on large allotments with single storey detached dwellings and associated outbuildings.

A range of newer dwelling stock also exist within the locality including semi-detached, group and row dwellings up to two storeys in height. The residential amenity of the locality is showing change through replacement of the existing dwelling stock to higher density forms of development with contemporary and traditional dwelling designs.

One large South Australian Housing Authority site located on the western side of Miller Street contained a number of residential flat buildings which have recently been demolished and the land is currently vacant (no Development Application for future works has been lodged). Another South Australian Housing Authority development site exists on the eastern side of Diagonal Road and provides a higher density form of development up to two storeys in height.

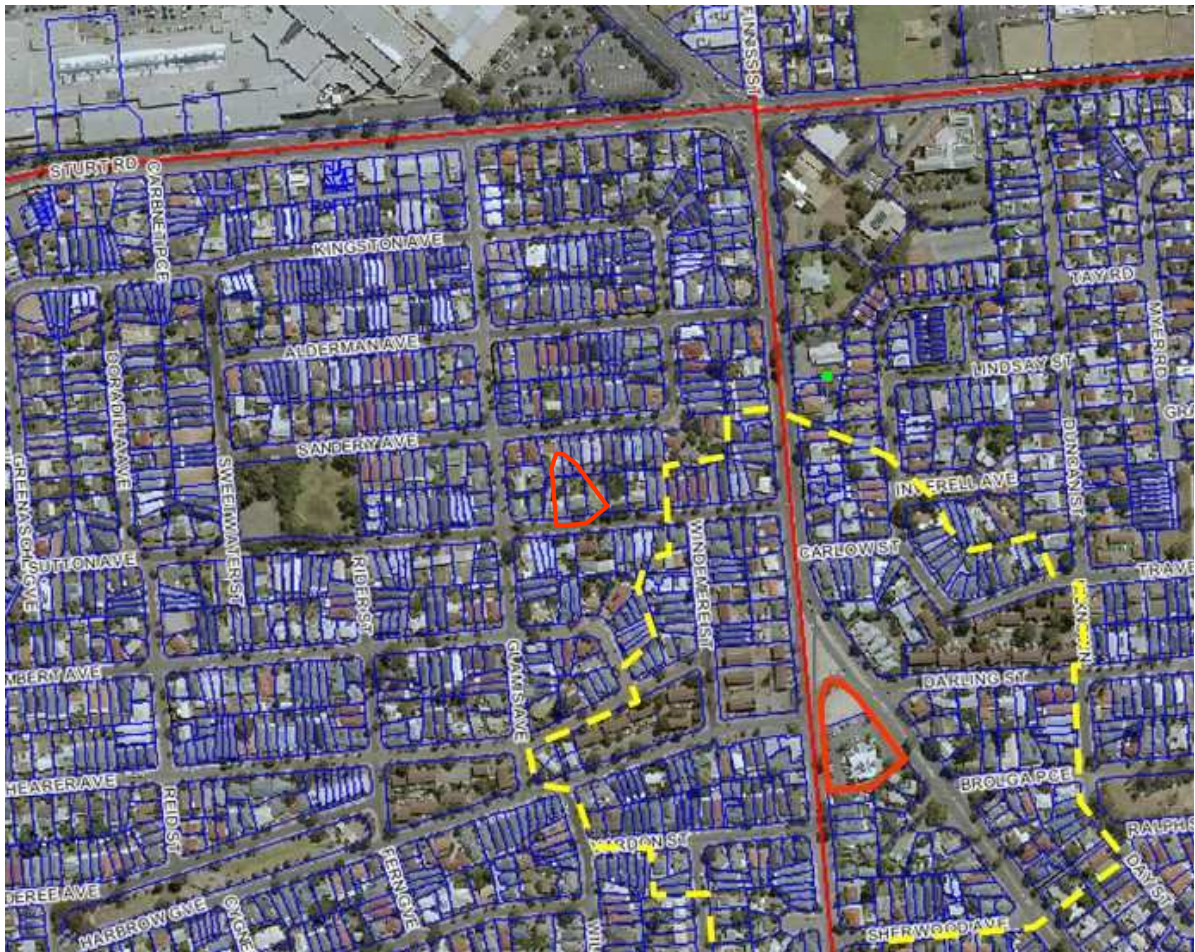
To the west of the site and over Miller Street are a number of commercial properties wholly contained within the Neighbourhood Centre Zone. This commercial site contains a number of smaller commercial businesses including a chemist and a medical centre within two single storey buildings that provide a primary orientation and limited front setback to Harbrow Grove, with shared car parking to the rear of the site. To the south of the chemist and medical centre is a commercial business "Adelaide Earmoulds" that is located within an existing single storey building with parking at the frontage of the site.

Diagonal Road is identified as a secondary arterial road within the Transport Overlay Mar/7 of the Marion Council Development Plan and is in the ownership of the Department of Infrastructure and Transport. Miller Street is identified as a Secondary road Bike Lane on the overlay. Both Miller Street and Diagonal Road are a main thoroughfare to Seacombe Road and experience greater levels of traffic than the surrounding local road network.

It is noted that just outside of the locality to the south of the site on Diagonal Road lies a Local Centre Zone containing commercial development in the form of an Op shop, animal grooming salon, a chiropractor and a personal services establishment.

The locality demonstrates a modest level of amenity due to its location between road Miller Street and a secondary arterial road (Diagonal Road) that merge at the northern end of the site and some of the older dwelling stock in the locality.

The subject land and wider locality can be further viewed via [this link](#) to Google Maps.



PROPOSED DEVELOPMENT

The proposal is best described as follows;

“Change in the use of land and subsequent construction of a petrol filling station and shop, associated control building, freestanding canopy with 12 pumps, carwash including four manual bays, two automatic bays, three covered vacuum bays with dog wash, drive-through, three x 100,000 litre fuel tanks, two freestanding pylon signs and advertising signage with ancillary car parking, fencing, and landscaping”.

The development is comprised of the following:

- The petrol filling station and associated facilities are proposed to operate between 5am and midnight, 7 days per week. Operation of the automatic car wash bays, manual car wash bays, dog wash bays and vacuum bays are proposed between 7am and 10pm;
- The construction of a control building with a total floor area of 240 square metres comprising a sales area, dining area, cool room, kitchen, office, servery, storage and ablutions. The control building will provide a total height of approximately 8 metres with a skillion roof form and comprise of a range of materials including aluminium cladding in a range of finishes, CFC panel cladding with expressed joints, brick effect tile in black with white grout, tilt up concrete, powder coated aluminium, and areas of glazing.

- A 655 square meter fuel canopy over 12 petrol pumps to a maximum height of 6.350 metres. The canopy will also contain illuminated advertising within the 1 metre fascia of approximately 3 square meters.
- Two freestanding pylon signs to support advertising and petrol prices. The signs will provide a total height of 6.2 metres with a width of 1.7 metres for a total surface area of 10.5 square metres that will indicate petrol pricing and associated advertising.
- A number of signs in a range of sizes on the fascia and walling of the car wash and control building that display the branding of the business and use of structures.
- Car parking for 16 vehicles across the site and a dedicated loading / service area.
- Three covered vacuum bays and a dog wash area under a canopy to a total height of 3.9 metres.
- Four covered manual car wash bays and two auto wash bays comprising six bays with a covered canopy to a maximum height of 6.15 metres. The manual and auto wash bays will be separated via a plant and service room.
- A screened refuse area approximately 22 square metres in area incorporating aluminium powder coated finish fencing up to 2 metres in height.
- Landscaping throughout the site incorporating a range of species and planting locations.
- Alterations to the access arrangements to create two access points on Diagonal Road and one access point on Miller Street.
- Three underground fuel tanks with a capacity of 100,000 litres.
- Acoustic fencing, including a 3 metre high fence on the southern boundary and 1.8 metre high absorption fence around portions of the drive through area.

The Applicant has provided a number of supporting documents that form part of the attachment to this report including;

- A supporting planning statement prepared by Adelaide Planning and Development Solutions;
- A traffic and parking report prepared by MFY;
- An Environmental Noise Assessment report prepared by SONUS;
- A landscape plan prepared by Hodge Collard Preston;
- Stormwater plans prepared by SAGERO; and
- Working drawings prepared by Hodge Collard Preston.

PROCEDURAL MATTERS

Classification

The subject application does not contain any Non-complying or Complying triggers within the 'Procedural Matters' section of the Neighbourhood Centre Zone, therefore the application has been assessed as a 'merit' form of development.

Categorisation

The public notification section of the Neighbourhood Centre Zone prescribes categories of public notification pursuant to Schedule 9 of the Development Regulations 2008;

Schedule 9 – Public notice categories

Part 1 – Category 1

6 (1) Any development which consists of any of the following, other than where the site of the development is adjacent land to land in a zone under the relevant Development Plan which is different to the zone that applies to the site of the development or where the development is classified as non-complying under the relevant Development Plan:

(h) any kind of development within Neighbourhood Centre zone as delineated in the relevant Development Plan.

As the development is adjacent a Residential Zone the following clause applies;

Part 2 – Category 2

19 Except where the development falls within Part 1 of this Schedule, is within the City of Adelaide, or is classified as non-complying development under the relevant Development Plan, development of a kind referred to in clause 6 of this Schedule (including a change of use of land of a kind referred to in that clause) where the site of the proposed development is adjacent land to land in a zone under the relevant Development Plan which is different to the zone that applies to the site of the development.

As such the categorisation is Category 2 for the purposes of public notification.

Council Administration sought confirmation on the categorisation by Council's solicitors during the assessment. It confirmed the categorisation was in accordance with the Development Regulations 2008.

PUBLIC NOTIFICATION



Properties Notified

100 (Indicated in Orange) (Owners and Occupiers)

Representations

14 valid representations received (Indicated in yellow)

14 valid representations opposing with a number of representors requesting to be heard in person or by a proxy.

Please note that due to administrative error public notification was undertaken twice. Council allowed the previous representation to be attributed to the second notification period.

The formal 10 public notification periods were as follows;

11th May – 22nd May

4th June – 17th June

It is noted that a number of invalid representations were received during both public notification periods and have not been included in the report and associated attachments.

**Representations
received**

Henry Shafik
Robert Kamanya
Modester Sikopo
Sarah Clarke
Maria Lefteriotou
Robert Lee
Abraham Palakat
Adelaide Earmoulds (SA) Pty Ltd
Christina Sampson
Debra Ryan
Florence Speziale
George Watling
Mark Linn
Paul Mathe

**Applicant
Response**

A response by the applicant is included within the report attachments.

Referrals

Department of Planning, Transport and Infrastructure – Transport (Statutory)

A copy of the DPTI referral can be found in Attachments of this report.

Environment Protection Authority (Statutory)

A copy of the EPA referral can be found in Attachments of the report.

Engineering - Traffic (Internal)

The traffic engineer has reviewed the traffic impact assessment and is satisfied that vehicle manoeuvring, traffic movement and function and parking as proposed is appropriate.

Coordinator - Stormwater (Internal):

The stormwater engineer has reviewed the proposed stormwater management plan and is satisfied that stormwater management proposed is appropriate subject to receiving stormwater calculations.

ASSESSMENT

The assessment is split into two main sections:

1. Zone Considerations, which considers relevant qualitative Zone Objectives, Desired Character and Principles of Development Control;
2. Assessment Discussion, which involves detailed discussion of pertinent matters.

Zone Considerations

Neighbourhood Centre Zone	
Objectives	Satisfies
1 A centre providing a range of facilities to meet the shopping, community, business, and recreational needs of the surrounding neighbourhood.	The proposal achieves the aspirations of the Zone by providing development that meets the shopping and business needs of the surrounding community. A range of services are provided including fuel sales, vehicle wash areas, dog wash, drive-through and a convenience store.
2 A centre that provides the main focus of business and community life outside a district centre, and provides for the more frequent and regularly recurring needs of a community.	The proposal will provide a main focal point outside the district centre due to the clear presence of the site at the intersection of Diagonal Road and Miller Street. The proposal will accommodate the more frequent and regular recurring needs of the community.
3 A centre accommodating residential development above non-residential development.	No residential development is proposed on the site. Opportunities to establish residential uses above non-residential development within the Zone remains should this form of development be pursued in the future.
4 Development that contributes to the desired character of the zone.	The proposal's response to the desired character of the zone is discussed further within the report.
Desired Character	
<i>This zone will provide a range of services and facilities to cater for the daily and weekly needs of the surrounding population.</i>	The development is considered to contribute to the desired character of the Zone as discussed further within the report.
<p><i>The development of neighbourhood centres that will be comprised of the following key elements:</i></p> <ul style="list-style-type: none"> ▪ multi-storey construction ▪ street level uses that consist primarily of retail, service or office ▪ zero setback and active frontages to primary streets ▪ upper floor uses that may include offices but are generally residential ▪ shared parking and the location of on-site parking behind buildings ▪ wide footpaths, street furniture and awnings that create a pedestrian-friendly environment ▪ public / communal spaces for community interaction. 	

New development will have limited setbacks from arterial or secondary arterial road property boundaries and provide a continuous built-edge to the street with unifying features such as verandas and similar façade treatments. Buildings will incorporate verandas along the street frontage for pedestrian comfort.

Car parking areas will be provided to the rear of buildings with access from the side streets. Densely planted landscape buffers will be provided along the interface of the centre and adjoining zones.

Buildings of two to four storeys in height, comprising consulting rooms, offices, shops and community uses on ground/lower levels, with residential uses above, are envisaged within the zone.

The Marion Hotel site in the Marion/Mitchell Park Neighbourhood Centre could be developed up to 6 storeys in height, but should incorporate transitional built form to respect lower scale residential development to the east. New development will maintain and enhance the mature vegetation on the land.

Buildings on Chambers Street should be developed between 2 to 3 storeys in height to enhance the interface with the Park Holme Shopping Centre to the north.

Relevant Principles of Development Control	Satisfies
<p>1 <i>The following forms of development are envisaged in the zone:</i></p> <ul style="list-style-type: none">• petrol filling station• restaurant• shop	<p>Elements of the proposal are envisaged forms of development within the Neighbourhood Centre Zone.</p>
<p>4 <i>Development should not be undertaken unless it is consistent with the desired character for the zone.</i></p>	<p>The proposal's performance in regards to the desired character is discussed in detail within this report.</p>
<p>8 <i>Buildings should be a minimum of two storeys and maximum of four storeys in height, except where otherwise identified on the relevant Concept Plans.</i></p>	<p>The proposal provides a scale and form of building that is comparable in height to that of a two storey building.</p>
<p>12 <i>Interface issues such as noise and air emissions between residential and non-residential land uses should be addressed by the use of appropriate air quality and sound attenuation techniques.</i></p>	<p>The development interface issues are considered manageable and will be discussed in detail within this report.</p>

13 Vehicle parking should be provided in accordance with the rates set out in Table Mar/2 - Off Street Vehicle Parking Requirements or Table Mar/2A - Off Street Vehicle Parking Requirements for Designated Areas (whichever applies).	Vehicle parking is satisfied and will be discussed in more detail within this report.
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The proposal is considered to satisfy all of the relevant Zone considerations listed above. Pertinent matters, including the Desired Character, are discussed further within the Assessment Discussion below.

Assessment Discussion

The proposed development is broken into a number of key assessment attributes including;

- **Desired Character**
- **Centres and Retail Development**
- **Design and Appearance**
- **Interface between Land Uses**
- **Transportation and Access**
- **Advertising**
- **Landscaping, Fences and Walls**
- **Crime Prevention**
- **Energy Efficiency**
- **Natural Resources and Hazards**

Desired Character

The Neighbourhood Centre Zone envisages development in many forms including petrol filling stations, shops and restaurants. The proposal seeks to contain a number of these envisaged elements. In addition, the proposed includes a number of ancillary elements typically associated with a modern petrol filling station such as car washes, vacuum bays and dog washes.

The proposed development is consistent with the desired character incorporating a range of services and facilities to cater for the daily and weekly needs of the surrounding population.

The desired character encourages new development to incorporate limited setbacks from arterial or secondary arterial road property boundaries and provide a continuous built-edge to the street with unifying features such as verandas and similar façade treatments. Buildings should also incorporate verandas along the street frontage for pedestrian comfort. The proposal is not entirely consistent with this portion of the desired character statement largely due to the land use not commonly providing active frontages and pedestrian environments. The use is primarily orientated around vehicles and therefore does not generate high levels of pedestrian movements. The location of the site, being separate from the existing commercial land uses on Miller Street and the surrounding roads, does not support high levels of pedestrian movement or warrant a pedestrian orientated development.

The development is in context with the location of the site located on a secondary arterial road where service stations are typically located. The setbacks continue to be limited and the siting of the main control building provides an appropriate presence and framing of the site at road frontages.

The subject land only represents a portion of the land that is located within the Neighbourhood Centre Zone and opportunities to maintain and expand on existing commercial uses that can also serve the local community remain.

Overall, the proposed land use and design is considered to be consistent with the Desired Character of the Zone.

Centres and Retail Development

The Council Wide Centres and Retail Development provisions relevant to this application seek to provide a centre that ensures rational, economic and convenient provision of goods and services that has a focus on community life that is safe, permeable, pleasant and accessible. Development within centres should further be designed to be compatible with adjoining areas. This should be promoted through landscaping, screen walls, centre orientation, location of access ways, buffer strips and transitional use areas.

The unique standalone positioning of the site between two roadways creates separation from other commercial uses as a barrier to more frequent pedestrian movements. The vehicle orientated nature of the development does not require the proposal to provide a high pedestrian environment or is it likely to attract a great number of pedestrians. The existing pedestrian and cycle network is maintained around the site to support accessible walking and cycling environments. This development provides appropriate landscaping, screen walls, orientation and location of access ways.

The site is a sole operator facility that provides a range of integrated uses. The development is not considered to hinder the development, function or viability of any centre zone or lead to the physical deterioration of any designated centre by ways of competing interests.

Given this, it is considered that the proposal achieves all relevant Objectives and Principles of Development Control as they relate to Centres and Retail Development.

Design and Appearance

The relevant Council Wide Design and Appearance provisions seek development of a high design standard and appearance that responds to and reinforces the positive aspects of the local environment and built form. Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to a number of elements including, building height, mass and proportion, external materials, patterns, colours and decorative elements, roof form and pitch along with façade articulation.

The proposed bulk and scale of the development is managed by the siting and arrangement of buildings and structures on the subject land and their respective distances to boundaries and surrounding residential and commercial development. The siting and design of various elements across the site, including freestanding and open sided structures support a reduction in bulk and scale across the site. The taller and bulkier elements of the proposal (control building) are located towards the north of the site and transition downwards to lighter weight structures towards the existing residential properties abutting the site to the south.

Given the maximum height of the control building and the floor area can be comparable to a two storey dwelling envisaged within the Zone, the bulk and scale is comparable to the built form scale of nearby residential properties. It is noted that the Neighbourhood Centre Zone seeks development to be a minimum of two storeys and a maximum of four storeys.

The development achieves the relevant design and appearance provisions by incorporating a range of materials and finishes, façade articulation and detailing. The design and use of materials and

finishes assist in breaking up the mass of the building, and provide an appropriate design standard and appearance that responds to and reinforces the emerging contemporary aspects of the local environment and desired built form sought in the Zone.

The design of the building is considered to provide an appropriate presentation by utilising a number of design elements, including: decorative lighting and timber battens to the drive-thru canopy area, contemporary materials and finishes, setback of structures, fencing, landscaping, and the screening of waste, service and storage areas.

The building provides legible entrances and supports passive surveillance by providing views into and out of the building through the use of transparent glass, and the open nature of the freestanding canopy provides a passive views through the site from Miller Street and Diagonal Road.

The proposed development is complementary to its surrounds in regards to bulk and scale and maintains appropriate separation distances to the nearest sensitive receivers.

The existing natural vegetation within the streetscape and proposed vegetation will further assist to screen and soften the site and the building from surrounding residential dwellings and public areas.

It is noted that the proposal does not provide highly active frontages, however this is generally typical of service station developments that are vehicle orientated. However the proposal will provide an appropriate presence as the main control building is concentrated at the predominate intersection of Diagonal Road and Miller Street and incorporate satisfactory design with a range of materials, finishes and landscaping.

For all reasons set out above, it is considered that the proposed development comprises an appearance and design that is reasonable within the context of the locality and the site and would not detract from the amenity of the area to an unreasonable level.

The proposal is considered to comply with the relevant Council Wide Design and Appearance Provisions.

Interface between Land Uses

The Development Plan provides provisions to assess if the development will detrimentally affect the amenity of the locality or cause unreasonable impacts. The provisions further seek development to be designed and sited to minimise negative impacts on existing and potential future land uses to an unreasonable level. These impacts include;

- the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants;
- noise;
- vibration;
- electrical interference;
- light spill;
- glare;
- hours of operation; and
- traffic impacts.

Noise and Operation Hours

Noise is closely linked to operation hours, activities occurring on site and any existing site/building features that will limit the impact of noise on adjoining sensitive land uses.

Whilst it needs to be acknowledged that commercial noise generating activities are currently undertaken on the site, the proposal does result in a change in land use where the intensity and the number of activities undertaken will be increased.

To assist in demonstrating the impact of noise on the amenity of the locality and close sensitive land uses the Applicant has engaged an acoustic engineer to undertake an assessment. An Environmental Noise Assessment Report which forms part of the attachments provides a detailed assessment of the noise levels expected as a result of the development and impacts on sensitive receivers from the following activities proposed;

- On-site vehicle movements and activity within car parking areas;
- General car park activity;
- Fuel deliveries;
- Drive through activity;
- Automated and manual car and dog wash activity;
- Rubbish collection; and,
- Mechanical plant serving the facility.

The author of the report has indicated that their assessment has been made on the basis of previous noise measurements and observations at similar facilities. In addition, noise logging was undertaken at the subject site from 4 March 2020 to 11 March 2020. The results from this logging period, included in Appendix B of their report, illustrate that noise generated by traffic along Diagonal Road is, and will remain, the dominant feature of the acoustic environment. Due to the high noise levels present, the application of a penalty is not required for any residences with frontage or direct line of sight to Diagonal Road. A 5 dB(A) penalty has been applied to the predictions at all other residences where appropriate.

The Applicant's consultant is satisfied that the predicted noise levels from the development will achieve the relevant requirements of the *Environment Protection (Noise) Policy 2007* subject to the treatments in this report, comprising;

- Constructing specific fences;
- Installing absorption in nominated locations;
- Constructing the manual wash bays and auto wash buildings using specific methods;
- Restricting the operating times of wash bays;
- Installing glass doors on the auto wash buildings;
- Reducing the noise from any alarms as far as practical;
- Ensuring all inspection points, grated trenches, etc. are correctly fixed;
- Restricting the times for rubbish collection and fuel deliveries;
- Incorporating in-line attenuators to the discharge side of any significant exhaust fan; and,
- Appropriately locating and screening the roof mounted plant.

A number of additional operational restrictions are required including;

- Restricted operation hours to the following times:
5:00am to Midnight, seven days a week;
- Operation of the automatic car wash bays, manual car wash bays, dog wash bays and vacuum bays to only occur between the hours of 7am and 10pm;
- Restrict the hours of rubbish collection and deliveries (which may also use the service bay) only between the hours of 9am and 7pm on a Sunday or public holiday, and 7am and 7pm on any other day.

- Restrict the hours of fuel deliveries between the hours of 7am and 10pm on any day.

With the recommended acoustic attenuation treatment, operation hours in place, and operational management practices, the noise at the adjoining dwellings from activity at the subject site is predicted to achieve the relevant requirements of the *Environment Protection (Noise) Policy 2007* and thereby achieve the relevant provisions of the Development Plan related to environmental noise.

With suitable acoustic treatments and operational measures to provide an acceptable level of noise within the locality and minimise impact on sensitive land uses, the development is considered appropriate and in context within a Neighbourhood Centre Zone.

Appropriate conditions have been recommended to manage noise should the CAP resolve to grant consent.

Emissions and Vibration

The nature of the land use is such that activities will not generate the emission of effluent, smoke, dust to any significant degree. All kitchen flues/extraction systems need to achieve relevant Building Code requirements to limit emissions to an appropriate level. It is further noted that any external flues and mechanical plant is well separated from residential properties.

The Environmental Protection Authority has been consulted and provided a response with commentary regarding fumes and airborne pollutants. They have advised that the fuelling component of the development provides appropriate mechanisms to ensure that impacts on adjoining and future envisaged land uses are minimised to acceptable levels.

These mechanisms include a stage 1 vapour recovery system to be fitted to the underground storage tanks, including tank vent pipes be fitted with a pressure vacuum relief valve to minimise loss during the unloading and storage of fuel. Further, the proposal is to include a stage 2 vapour recovery system for the fuel bowsers which would direct vapours back into the tank during vehicle refuelling.

Given the distance to the nearest sensitive receivers and the proposed installation of both a stage 1 and stage 2 vapour recovery system, the EPA considers the petroleum storage would not result in unacceptable air quality impacts.

Appropriate conditions as directed by the Environment Protection Authority have been included in the recommendation should the CAP resolve to grant consent.

It is noted that an environmental authorisation in the form of a licence is required for the operation of this development. The Applicant is required to contact the Environment Protection Authority before acting on this approval to ascertain licensing requirements. A licence may be refused where the applicant has failed to comply with any conditions of development approval imposed at the direction of the Environment Protection Authority.

Lighting and Glare

Light spill is a potential amenity impact on the locality and sensitive land uses. The Applicant has advised that, whilst the final detail of the internal lighting to the site has not been finalised, it will be designed in a manner to ensure that the subject land is appropriately lit whilst not impacting on the amenity of adjoining land uses including along pedestrian pathways and main access routes. Any lighting used at the site will comply with AS 4282-1997-Control of the Obtrusive Effects of Outdoor

Lighting (including illuminated signage), and AS 1158.1 Public Lighting Code for the illumination level of the car parking area.

It is noted that a number of new service station developments across metropolitan Adelaide are located in proximity to residential land uses and public spaces that can appropriately control light spill.

Having regard to the above as well as the location of buildings and structures, setbacks from existing residential development, existing and proposed vegetation and fencing, it is not anticipated that light spill from the proposal will unreasonably impact on nearby sensitive land uses. A reserved matter relating to demonstrating appropriate lighting has been recommended.

Waste Management

The proposal will promote waste minimisation and reuse and recycling by providing an area for dedicated waste storage which will allow for onsite collection and sorting of recycling materials. The waste area will be appropriately screened and separated from sensitive land uses and will provide sufficient space for the storage of waste receptacles with all waste contained within sealed refuse containers. Waste will be collected by a private contractor as required. All waste disposal will be collected during appropriate hours as described above. A number of waste management conditions are provided in the recommendation.

Acoustic Fencing

It is noted that a 3 metre high acoustic fence is proposed along the southern boundary of the site to support appropriate noise attenuation to the abutting sensitive residential land uses. Although the fence is a noise attenuation feature, the height is likely to have in impact on the amenity enjoyed by these abutting properties and light available to existing spaces.

The height of the fence exceeds general standard fence heights of approximately 1.8 - 2.1 metres. The following elements were considered in relation to the amenity impacts on the adjoining residents;

- The length of fencing on the boundaries of each property;
- The size of the adjoining allotments;
- The location of the fence in regard to usable private open space areas;
- The location of existing structures and mature vegetation on the residential properties;
- The shadowing of existing fencing on windows and private open space areas;
- A reasonable expectation for an appropriate direct interface from the Neighbourhood Centre Zone given the size of the site and distances from residential properties; and,
- The Development Plan supports development on boundaries with a wall height of up to 3 metres adjacent residential properties.

When considering the above elements, the height of the fence is not considered to unreasonably impact on the adjoining residential land uses and is an accepted interface between a Residential and Neighbourhood Centre Zone.



With consideration to the existing locality, types of activities occurring on site, siting and design of buildings and structures, proposed acoustic measures and operation hours, the anticipated impacts on residential amenity in the locality is considered acceptable.

The proposal is not considered to cause unreasonable interference and conflict between the subject site and nearby residential and commercial land uses. It is considered reasonable for sensitive land uses adjacent a Neighbourhood Centre Zone to encounter some level of impact on residential amenity and as detailed in this report, this level of impact is considered acceptable.

A number of conditions have been included in the recommendation to support appropriate amenity considerations.

Transportation and Access

The relevant Transport and Access Objectives in the General Section of the Development Plan require vehicle access, car parking and traffic movements to be safe, efficient and convenient without any adverse impact on existing road networks or the amenity of the locality.

The Applicant has provided a Traffic Impact Assessment report provided by MFY that forms part of the attachments to this report. The conclusion of the report details the proposed access arrangement will cater for the movements of a fuel tanker and provide for safe access to and from the site without compromising existing traffic movements in the locality.

The proposed site layout will adequately cater for the movements of vehicles through the site and the anticipated queueing at the fuel dispensers, within the drive-through lane and on approach to the car wash bays. All vehicle movements will be able to enter and exit the site in a forward direction and will comply with the requirements of relevant Australian Standards and design guidelines.

The proposed parking spaces will cater for the peak parking demand of the proposal and will be designed in accordance with the relevant Australian Standards.

The traffic assessment has confirmed that the additional traffic generated by the proposal on the road network will be minimal and, therefore, will have negligible impact on the surrounding roads.

Council's Senior Traffic Engineer has reviewed the proposed development and is satisfied that traffic and access/egress and traffic movement/function and the level of car parking is appropriate. In addition, a number of questions were raised by Council's Traffic Engineers and this has been addressed in a separate response provided by MFY.

DPTI have further considered the Traffic Impact Assessment report provided by MFY and associated plans and support the proposed development subject to conditions. A copy of the referral response can be found within the attachments.

On the basis of the above, the development is considered to achieve the relevant Council Wide Transportation and Access provisions.

Advertising

The relevant advertisement provisions focus on determining if the location, along with siting, design, materials, size and shape of the advertising hoarding is appropriate. In addition, advertising should not create a safety hazard for vehicles and pedestrians. Advertising signage should also relate to the use of the land and be located within the site and not create clutter or disfigure the urban environment.

The development achieves a number of advertising provisions including;

- Integrating signage on the façades of the buildings and associated structures;
- All signage is wholly located within the allotment boundaries;
- All advertising displays information relating to the legitimate use of the site and buildings;
- All advertising delivers clear and coherent messages;
- The location and form of the advertising is not considered to impede or compromise safety or create a hazard to traffic or pedestrians; and
- The proposed signage will result in a coordinated appearance over the site.

All illuminated signage on the site including the two proposed pylon signs that incorporate LED technology for the fuel price boards have been assessed by DPTI against the DPTI '*Advertising Signs Assessment Guidelines for Road Safety*'. DPTI supports the signage subject to their recommended conditions being applied to any approval.

The advertising is further considered consistent with the character of the urban landscape and that which is typically expected within a Neighbourhood Centre Zone and comparative to other service station developments in Metropolitan Adelaide.

The proposed advertising is considered to comply with the relevant Council Wide Advertisement provisions

Landscaping, Fences and Walls

The Council Wide Landscaping, Fences and Walls provisions detail that the amenity of land and development should be enhanced with appropriate planting and other landscaping including functional fences and walls that enhance the attractiveness of the development.

The Applicant has provided a landscape plan over the site. The landscaping proposed satisfies relevant provisions by;

- Complementing the built form and reducing the visual impact of the building and car parking areas.
- Enhancing the appearance of the site;
- Screening refuse area and outdoor storage areas;
- Resulting in the appropriate clearance from power lines and other infrastructure;
- Not unreasonably restricting solar access to adjoining development;
- A single approach to landscaping across the site; and
- Not removing opportunities for passive surveillance.

The proposed level of landscaping is considered to satisfactorily achieve the relevant Council Wide Landscaping, Fences and Walls provisions.

Crime Prevention

The Development Plan encourages development that is safe, secure and creates a crime resistant environment where land uses are integrated and designed to facilitate community surveillance.

The control building primarily orientates inwards to the site and does not directly overlook the intersection of Diagonal Road and Miller Street. However, the orientation of the control building supports visual surveillance over the site and provides surveillance to a majority of the frontage to Diagonal Road and Miller Street. The fuel canopy and lower forms of vegetation also assist in supporting casual visual surveillance and clear sight lines through the site from Diagonal Road and Miller Street.

Relevant crime prevention provisions further seek development to provide a robust environment that is resistant to vandalism and graffiti. Given the open nature of the site that provides visual surveillance and the likely security lighting and surveillance features the proposal will appropriately minimise anti-social behaviour.

The development achieves relevant Council Wide Crime Prevention provisions.

Energy Efficiency

Relevant energy efficiency provisions within the development plan seek development to be designed and sited to conserve energy and to provide on-site power generation including photovoltaic cells and wind power. Buildings should further be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of the building.

The proposal will be required to achieve minimum building standards for energy efficiency and will provide roof forms that will be able to accommodate solar photovoltaic panels in the future.

Having considered the relevant provisions, environmental considerations in the design and operation for the building, the development achieves relevant Council Wide Energy Efficiency provisions.

Natural Resources & Hazards

Relevant natural resources provisions within the Development Plan seek development to be designed to maximise conservation, minimise consumption and encourage re-use of water resources. The relevant Council Wide Hazard provisions seek the maintenance of the natural environment and systems by limiting development in areas susceptible to natural or manmade hazard risks. This includes site contamination, hazardous materials, discharge of polluted storm water from the site and airborne migration of pollutants.

Roof water is considered clean and can be directly discharged to existing Council infrastructures. For pavement runoff, car parking and other trafficable areas, design elements should be integrated into the project. WSUD elements are a preferred option to remove stormwater pollutants, rather than simple pollution control devices.

The Applicant has provided a stormwater management plan prepared by SAGERO that forms part of the attachments to this Report.

The provided stormwater management plan identifies that all runoff from hardstand areas would be collected via kerb and gutter, strip drains and a series of grated inlet pits and pass via an underground pipe system to a Purceptor Class 1 full retention oil/water separator (or equivalent). It is proposed that this has a 10,000 litre capacity retention tank to capture a major spill on site from a delivery truck to prevent any waste from entering the environment. The EPA and Council are satisfied with this approach.

A further two underground stormwater detention tanks (each with the capacity of 23m³) and a pumping station (incorporating 23m³ detention) is proposed to achieve 'pre-development flow' detention prior to a controlled discharge to the Council stormwater system. This is satisfactory to the EPA and a condition requiring that stormwater runoff from hardstand areas of the site be directed to the oil/water separator is included in the recommendation.

A class 1 full retention oil/waste separator (as proposed) provides for the separation and retention of sludge and oily residue prior to discharge of the treated water to the Council's stormwater drainage network. The operation and maintenance of such a system requires the periodic pump out of sludge or oily residue by an EPA licenced waste transporter and disposal to an appropriately licenced waste facility.

The EPA has noted that the proposed development includes car wash and dog wash elements on the same site as the petrol station. As part of its assessment, the EPA has only considered run-off (stormwater and spills) for the 'site' pertaining to the proposed petrol station. These elements will need to comply with SA Water requirements, relevant Environment Protection Authority and Council Environmental Health requirements under separate legislation and guidelines.

Council engineers will require final stormwater calculations to demonstrate stormwater is appropriately catered for. This aspect of the proposal does not prohibit a determination as to whether consent can be granted and therefore has been recommended as a reserved matter prior to issuing development plan consent.

The proposal is considered to achieve the relevant Council Wide Natural Resource and Hazard provisions regarding stormwater quality and management.

CONCLUSION

When assessed against the relevant provisions of the Development Plan and having regard to the context of the locality and the nature of the proposed development, it is considered that the proposal reasonably accords with the applicable Development Plan provisions.

The development is supported by the overarching principles of the Zone encouraging elements pertaining to restaurants, shops and petrol filling stations and a range of facilities within a Neighbourhood Centre Zone that assist in providing services and facilities to cater for the daily and weekly needs of the surrounding population.

The support for this development lies heavily on the interface between the proposed uses and the adjoining residential land uses, particularly whether the use and impacts are considered to be reasonable. This relies heavily on whether the impacts on the amenity of the nearby residential properties are acceptable and can be appropriately managed. The intended land use, acoustic measures, operation hours, traffic considerations, and the configuration of the site are not considered to result in a detrimental impact on the amenity of the locality.

The design and appearance of the development is considered appropriate in the context of the site and existing scale of development in the locality and existing streetscape.

As demonstrated in the above report, the proposed development is considered to generally comply with the relevant provisions from the Marion Council Development Plan.

Accordingly, it is recommended that the Council Assessment Panel resolve to grant consent to the proposal, subject to the recommended reserved matter and conditions.

RECOMMENDATION

Having considered all relevant planning matters in relation to the subject development application:

- (a) The Panel notes this report and concurs with the findings and reasons for the recommendation;
- (b) The Panel concurs that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent be GRANTED for a “Change in the use of land and subsequent construction of a petrol filling station and shop, associated control building, freestanding canopy with 12 pumps, carwash including four manual bays, two automatic bays, three covered vacuum bays with dog wash, drive-through, three x 100,000 litre fuel tanks, two freestanding pylon signs and advertising signage with ancillary car parking, fencing, Development Application No: 100/2020/568 at 373 Diagonal Road, Sturt & 45 Miller Street, Sturt, subject to the following reserved matters and conditions;

RESERVED MATTERS

Pursuant to Section 33(3) of the Development Act, Council RESERVES its decision in relation to the following matters. Development Approval cannot be issued by the Council unless and until it has assessed such matters and granted its consent in respect thereof.

1. A copy of stormwater calculations supporting the detention tank volume.
2. A lighting plan nominating the location of all external lighting proposed and which demonstrates all lighting will comply with AS 4282-1997-Control of the Obtrusive Effects of Outdoor Lighting (including illuminated signage), and AS 1158.3.1:2005 Public Lighting Code for the illumination level of the car parking area.

Pursuant to Section 33(3) of the Development Act 1993 the Council reserves its decision on the form and substance of any further conditions of development plan consent that it considers appropriate to impose in respect of the reserved matter outlined above.

CONDITIONS

1. The development shall be undertaken and maintained in accordance with the plans and details submitted with and forming part of Development Application No.100/2020/568, being the following documentation;
 - Planning statement prepared by Adelaide Planning and Development Solutions;
 - Traffic and Parking Report prepared by MFY dated March 2020;
 - Environmental Noise Assessment report prepared by SONUS dated March 2020;
 - Landscape plan prepared by Hodge Collard Preston dated 13 July 2020;
 - Stormwater plans prepared by SAGERO dated 24 March 2020 Dwg No. C01B to C05B; and;
 - Working drawings prepared by Hodge Collard Preston Dwg No. SK05 - REV D, SK08 - REV B, SK09 - REV C, SK10 - Rev C, SK12 - REV C.
except where varied by the following conditions of consent.

2. The hours of operation of the facility shall be restricted to the following times:
 - 5:00am to Midnight of each day, seven days per week.
3. Operation of the automatic car wash bays, manual car wash bays, dog wash bays and vacuum bays shall only occur between the hours of 7am and 10pm of each day, seven days per week.
4. Fuel deliveries shall be restricted to between the hours of 7am and 10pm of each day, seven days per week.
5. Restrict the hours of rubbish collection and deliveries (which may also use the service bay) only between the hours of 9am and 7pm on a Sunday or public holiday, and 7am and 7pm on any other day in accordance with the *Environment Protection (Noise) Policy 2007*.
6. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.
7. Wheel stopping devices shall be placed within each parking bay so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council.
8. Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS 2890.6.2009.
9. All car parking spaces shall be linemarked or delineated in a distinctive fashion prior to occupation of the premises, with the marking maintained in a clear and visible condition at all times.
10. All areas nominated as landscaping or garden areas on the approved plans shall be planted and maintained with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
11. New vegetation proposed to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
12. All external lighting of the site, including car parking areas and buildings, shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public streets, so as not to cause nuisance or loss of amenity to any person beyond the site in accordance with AS 4282-1997- Control of the Obtrusive Effects of Outdoor Lighting (including illuminated signage), and AS 1158.1 Public Lighting Code for the illumination level of the car parking area.
13. Driveways, parking and manoeuvring areas and footpaths must be lit in accordance with the Australian Standards Association Code AS 1158 during the hours of darkness that they are in use. Such lights must be directed and screened so that overspill of light into the nearby properties is avoided and motorists are not distracted. Such lighting shall be maintained at all times, to the reasonable satisfaction of the Council.

14. All waste and other rubbish shall be stored in a manner so that it does not create insanitary conditions, unreasonable nuisance or pollution to the environment (including the prevention of any materials entering the stormwater system either by wind or water), to the reasonable satisfaction of Council.
15. All waste and other rubbish shall be screened from public view, to the reasonable satisfaction of Council.
16. The development shall be constructed, operated and maintained in accordance with the recommendations of the Sonus Environmental Noise Assessment Report dated May 2020 and include the following measures below, unless and any acoustic treatment associated with mechanical plant be reviewed during the detailed design have different sound power levels or should a different number of units be proposed to those specified within the report prepared by Sonus Dated 20 May 2020.

General Activity

- Construct fences 1.8m high along the northern boundary of the site for the extent shown as BLUE in Figure 1 (p. 9), and a 3m high fence along the southern boundary for the extent shown as GREEN. The fences should be constructed from a minimum of 0.42 BMT sheet steel ("Colorbond" or similar) or a material with the same or greater surface density (kg/m²). An airtight seal should be achieved at all junctions as far as practicable, including at the ground and other fences. The height of the fences should be measured from the highest side being either the neighbouring or site side;
- Incorporate acoustic insulation to the inside faces of the 1.8m high fences for the extent of the height and length of the fences, shown as LIGHT BLUE in Figure 1 (p. 9). Alternatively, absorption can be installed to an equivalent area on the side of the building opposite the fence. The absorption should be installed in accordance with Figure 3 (p. 11);
- Incorporate acoustic insulation to the underside of the ordering canopy for its full extent. The absorption should be installed in accordance with Figure 2 (p. 10);
- Should amplified music played outdoors be proposed, it should be set at a level which is inaudible at the property boundary;
- Reduce noise from any alarms produced by site equipment, such as for compressed air, as far as practicable, and;
- Ensure there are no irregularities on the site and all inspection points, grated trenches, etc. are correctly fixed to remove the potential for impact noise being generated when driven over.

Car Wash Activity

- Install glass doors to the entry and exit of the automatic car wash, shown in PINK in Figure 1 (p. 9), which automatically close during operation (i.e., close before the start of the wash cycle, and do not open until the wash cycle, including any drying, has ceased). The doors should be constructed from a minimum of 10.38mm thick laminated glass (or a material with a higher surface density in kg/m²) and be sealed as close to airtight as possible at all junctions when closed;
- Construct the auto wash building roof from the following (or similar):
 - o 0.42 BMT sheet steel roof;
 - o Thermal insulation as required (minimum thickness of 50mm and density of 11kg/m²);
 - o A layer of 13mm thick plasterboard sheeting ceiling (or similar).

- Construct the auto wash buildings and plant room walls as proposed from a minimum of 90mm thick concrete blockwork. Alternative constructions can be assessed if required;
- Utilise 44mm thick solid core doors for access into the plant room with acoustic seals all around such as *Raven RP24, RP32 and RP17i* or acoustic equivalent to the frame, threshold and meeting stile (if relevant);
- Construct 'full-height' partitions between manual car wash bays (including the easternmost end bay), shown as PURPLE in Figure 1 (p. 9) and as proposed, and seal airtight as far as practicable to the underside of the canopy; and,
- Install acoustic absorption material to the underside of the canopy and internal walls of the manual wash bays. The absorption material should be installed to the full practicable area of the wash bays (a gap between the bottom of the absorption and the car wash floor can be provided for water proofing). The absorption material should be 50mm thick polyester insulation with a minimum density of 32kg/m³, or a proprietary weather proof product with an "NRC" rating of 0.8 or greater ("*Stratocell Whisper*" or similar). It should be installed to the canopy and walls in accordance with Figure 2 (p. 10) and Figure 3 (p. 11) respectively.

Mechanical Plant

- Incorporate an in-line attenuator to the discharge side of any significant exhaust fan if installed;
- Locate all mechanical plant on the control building roof within the area indicated in YELLOW in Figure 1 (p. 9) ; and
- Construct mechanical plant screens on the control building roof and ensure a minimum height of 1m above the tallest unit for the extent shown in Figure 1 (p. 9) as RED to the north, east and west sides of the platform and returning along the southern side of the platform for a length such that there is no direct line of sight between the roof plant and a dwelling (the feature roof will provide some shielding depending on the final arrangement). All screens should be constructed from a minimum of 0.42 BMT sheet steel ("*Colorbond*" or similar) or a material with the same or greater surface density (kg/m²). The barrier should be sealed air tight at all junctions, noting that a small gap may be required at the roof join for drainage.

Environment Protection Authority Conditions

17. Prior to operation, all fuel storage tanks (apart from diesel and LPG) must be fitted with a Stage 1 vapour recovery system (which includes underground storage tank vent pipes being fitted with a pressure vacuum relief valve) that directs the displaced vapours back into the tank during filling.
18. Prior to operation, all fuel dispensers (apart from diesel and LPG) must be fitted with a Stage 2 vapour recovery system that directs vapours back into the tank during vehicle refuelling.
19. Prior to operation, all underground fuel storage tanks must be double walled and fitted with a leak detection system designed and installed in accordance with clause 4.5 of *Australian Standard 4897-2008 The design, installation and operation of underground petroleum storage systems*.
20. Prior to operation, all fuel lines between the underground storage tanks and fuel dispensers must be double contained and fitted with a leak detection system, designed and installed in accordance with clause 4.5 of *Australian Standard 4897-2008 The design, installation and operation of underground petroleum storage systems*.

21. Stormwater runoff from all hardstand areas (including the refuelling and fuel delivery areas) must be managed in accordance with the provided Stormwater Management Plans (Project Number SA190085, Drawing number CO1B, CO2B, C03B, C04B & C05B) prepared by Sagero dated March 2020 and must be directed via kerb and gutter, surface grade change and grates/piped drainage system to a forecourt full retention oil/water separator (no bypass function) that:
- a. has as a minimum spill capture capacity of 10,000 litres
 - b. reduces oil content in the outlet to less than 5 mg/L (as confirmed by independent third party scientific testing)
 - c. operates effectively in the event of a power failure
 - d. is maintained in accordance with the manufacturer operational and maintenance requirements to ensure design capacity and treatment standards are available at all times
22. Any sludge or oily residue collected within the forecourt full retention oil/water separator must be removed by an EPA licensed waste transporter to a licensed waste depot.

Department of Planning, Transport and Infrastructure Conditions

23. The entry and exit points from and to Diagonal Road and the two-way access point to Miller Street shall be designed in general accordance with Hodge Collard Preston, Proposed Site Plan, Project No. 166.19, Revision D, dated 16 April 2020.
24. The Diagonal Road entry and exit points shall be angled 70 degrees to the road and cater for left turn in and left turn out movements only. These access points shall be suitably signed and line-marked to reinforce the desired traffic flow. Chevron line-marking shall also be incorporated in the design to reduce the width of the access for passenger vehicles while still permitting access for delivery vehicles.
25. The existing flush median on Diagonal Road shall be replaced by a solid median, as shown on MFY Figure 1: Proposed median treatment on Diagonal Road at the Darling Street intersection, and the existing pedestrian ramps and refuge relocated to allow for the construction of the new ingress. These works shall be designed and constructed to DPTI's satisfaction, with all costs (including design, construction, project management and any changes to road drainage, lighting etc. required) being borne by the applicant. Prior to undertaking detailed design, the applicant shall contact DPTI Network Management Services, Ms Teresa Xavier, Network Planning Engineer, on telephone (08) 8226 8389 or via email teresa.xavier@sa.gov.au to progress this. The applicant shall enter into a Developer Agreement with DPTI to undertake and complete this work.
26. All vehicles shall enter and exit the site in a forward direction.
27. Any infrastructure within the road reserve that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.
28. Any obsolete crossover/s (or any portion thereof) on Diagonal Road and Miller Street shall be closed and reinstated to Council's kerb and gutter standards at the applicant's expense prior to operation of the development.
29. The largest vehicle permitted on-site shall be restricted to a 19.0-metre semi-trailer.

30. All off-street parking shall be designed in accordance with *AS/NZS 2890.1:2004* and *AS/NZS 2890.6:2009*. Clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety in *AS/NZS 2890.1:2004*, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath. The internal manoeuvring areas for commercial vehicles shall be designed in accordance with *AS2890.2:2018*.
31. Signage shall not contain any element of LED or LCD display, except for the fuel prices on the pylon sign. The fuel prices shall be white characters on a black background.
32. Signage shall not flash, scroll, move or change, with the exception of the LED fuel price signs, which may change on an as-needs basis.
33. Signage shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. Accordingly, all illuminated signs visible from the arterial road network shall be limited to a low level of illumination (i.e. < 150Cd/m²), except in the case of electronic signage, which shall be limited to the following stepped luminance levels:

Ambient Conditions	Sign Illuminance Vertical Component (Lux)	
Sunny Day	40000	
Cloudy Day	4000	
Twilight	400	

41. Signage shall, in the case of electronic signage, incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.
42. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the adjacent roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

Notes

1. Any construction over an easement to Council is require to achieve Council's easements guidelines and a request shall be submitted to Council for approval prior to any works.
2. A Section 221 Permit under the Local Government Act is required for any external works to the site.

Environment Protection Authority Notes

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 practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm. One way to demonstrate the general environmental duty has been met in relation to leak detection would be to design the leak detection systems associated with the fuel storage tanks

and fuel lines with regard to the requirements of *Australian Standard 4897-2008 The design, installation and operation of underground petroleum storage systems*.

4. An environmental authorisation in the form of a licence is required for the operation of this development. The applicant is required to contact the Environment Protection Authority before acting on this approval to ascertain licensing requirements. Information on applying for a licence (including licence application forms) can be accessed here: http://www.epa.sa.gov.au/business_and_industry/applying_for_a_licence
5. A licence may be refused where the applicant has failed to comply with any conditions of development approval imposed at the direction of the Environment Protection Authority.
6. EPA information sheets, guidelines documents, codes of practice, technical bulletins etc can be accessed on the following web site: <http://www.epa.sa.gov.au>

**4. APPEALS UPDATE
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 02 SEPTEMBER 2020**



4.1 APPEALS AGAINST PANEL DECISIONS

New Appeals

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status

On-going Appeals

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status
100/2019/1055	9 Coppin Street, Glengowrie	12/06/2020	Support	Supported compromise	Awaiting determination from ERD Court
100/2019/1957	82 Bradley Grove, Mitchell Park	22/06/2020	Approval	Refused	Conciliation conference scheduled for 25/09/2020

4.2 APPEALS AGAINST DELEGATED APPLICATIONS

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status
100/2017/2090	79-81 Thomas Street, South Plympton	30/03/2020	Refused	Refused	Awaiting outcome from ERD Court hearing.

100/2019/1803	21 Marine Parade, Marino	30/04/2020	Granted	Granted	s86(1)(f) Review – Directions Hearing set for 23 September 2020
100/2020/0568	373 Diagonal Road, Sturt	22/07/2002	No determination	No decision	S17 Hearing scheduled for 31 August 2020

**5. POLICY OBSERVATIONS
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 2 SEPTEMBER 2020**

