

**CITY OF MARION  
COUNCIL ASSESSMENT PANEL MINUTES  
FOR THE MEETING HELD ON  
WEDNESDAY 03 AUGUST 2022**

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**1.1 OPEN MEETING (ON-SITE)**

The meeting commenced at 5.30pm at (6 Angas Crescent, Marino)

**1.2 PRESENT**

Michael Davis - Presiding Member  
Yvonne Svensson- Independent Member  
Ben Russ - Independent Member  
Bryn Adams - Independent Member

**1.3 APOLOGIES**

Matt Shilling – Council Member

**1.4 IN ATTENDANCE**

Joanne Reid - Development Officer - Planning  
Warwick Deller-Coombs - Manager - Development & Regulatory Services  
Tony Lines – General Manager – City Development

The meeting was paused at 5.55pm

**1.5 RESUMPTION OF MEETING (COUNCIL CHAMBERS)**

The Meeting recommenced at Marion Council Chambers at 6.45pm

**1.6 PRESENT**

Michael Davis - Presiding Member  
Yvonne Svensson- Independent Member  
Ben Russ - Independent Member  
Bryn Adams - Independent Member

**1.7 APOLOGIES**

Matt Shilling – Council Member

**1.8 IN ATTENDANCE**

Alex Wright – CAP Assessment Manager – Team Leader - Planning  
Joanne Reid - Development Officer - Planning  
Warwick Deller-Coombs - Manager - Development & Regulatory Services  
Tony Lines – General Manager – City Development

**2. GENERAL OPERATIONS**

No items listed for discussion

**3. HEARING OF DEVELOPMENT ACT 1993 APPLICATIONS**

No items listed for discussion

#### **4. HEARING OF PDI ACT APPLICATIONS**

##### **4.1 Report Reference: CAP030822 - 4.1**

**Application No: 21039938**

**Site Location: 6 Angas Crescent Marino**

- Tim Gard (Representor) addressed the Panel
- Grazio Maiorano of URPS addressed the Panel on behalf of Didi & Nina Colarusso (Applicants)

The Council Assessment Panel resolved that;

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

- (a) **The Panel notes this report;**
- (b) **The Panel concurs that the proposed development is not seriously at variance<sup>1</sup> to the Planning and Design Code, in accordance with Section 126(1) of the Planning, Development and Infrastructure Act 2016; and**
- (c) **That Planning Consent for Development Application ID: 21039938 for a Two storey detached dwelling with associated earthworks, retaining walls and swimming pool at 6 Angas Crescent, Marino be GRANTED Planning Consent, subject to the following Reserved Matter and Conditions:**

#### **RESERVED MATTER**

- 1. Pursuant to Section 102 (3) of the Planning, Development and Infrastructure Act 2016, the following matters shall be reserved for further assessment, to the satisfaction of the relevant authority, prior to the granting of Development Approval (or select stage of Development Approval):**
  - **A detailed landscape plan and schedule shall be provided to the Council Assessment Manager, or delegate, for consideration and approval detailing the type and location of species throughout the site.**

#### **CONDITIONS**

- 1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).**

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<sup>1</sup> Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016 (or Section 35(2) of the Development Act 1993 for applications under that Act), a “development must not be granted planning consent if it is, in the opinion of the relevant authority, seriously at variance with the Planning and Design Code” (or the Development Plan if under the Development Act).

What is ‘seriously at variance’ is not a defined legislative term and is not synonymous with a proposal that is merely ‘at variance’ with certain provisions of the Code (or Plan), which many applications will be. Instead, it has been interpreted to be an important or grave departure in either quantity or degree from the Code (or Plan) and accordingly not worthy of consent under any circumstances and having the potential to undermine the objectives of the Code (or Plan) for the land or the Zone.

2. Prior to the use and/or occupation of the structure(s), all stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details.
3. Any form of development on the property boundary (such as mortar joints on any face brickwork, blueboard material or similar, render etc) shall be finished in a professional manner and to the same standard as the remainder of the subject dwelling.
4. All car parking areas, driveways and vehicle manoeuvring areas must be constructed in accordance with the approved plans and 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.
5. Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).
6. Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.

#### NOTES

1. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
2. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly.

All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system (acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).

Measures to prevent silt and mud from vehicle tyres and machinery being transported onto the road shall be installed and maintained at all times during the construction phase of the development (a suggested measure is to install a gravelled construction exit with wash down facilities).

3. If you are a developer or owner-builder, there are important Commonwealth telecommunications rules you need to comply with. For more information visit [www.infrastructure.gov.au/tind](http://www.infrastructure.gov.au/tind)

4. The owner/applicant is advised that infrastructure located within Council road reserve (i.e. area between the kerb and allotment boundary) should be designed and constructed (including modified) in accordance with relevant / current Council standards. This includes, but is not limited to, driveway crossovers, alterations to kerbing and footpaths, stormwater easement connections and domestic stormwater connection to the street watertable.

Further information on the standards can be obtained via Council's website.  
[marion.sa.gov.au](http://marion.sa.gov.au) > Search Civil engineering > Click 'Civil engineering infrastructure - standard drawing index'

5. The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

**4.2 Report Reference: CAP030822 - 4.2****Application No: 22009603****Site Location: 13 Sanctuary Avenue, Sheidow Park**

- Umesh Kumar (Representor) addressed the Panel
- Russell Hart (Applicant) addressed the Panel

The Council Assessment Panel resolved that;

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

- (a) The Panel notes this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concurs that the proposed development is not seriously at variance<sup>2</sup> to the Planning and Design Code, in accordance with Section 126(1) of the Planning, Development and Infrastructure Act 2016; and**
- (c) That Planning Consent for Development Application ID: 22009603 for a single storey split level dwelling with associated earthworks and retaining walls at 13 Sanctuary Avenue, Sheidow Park be GRANTED, subject to the following Conditions:**

**CONDITIONS**

- 1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).**
- 2. Prior to the use and/or occupation of the structure(s), all stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details.**
- 3. Any form of development on the property boundary (such as mortar joints on any face brickwork, blueboard material or similar, render etc) shall be finished in a professional manner and to the same standard as the remainder of the subject dwelling.**
- 4. All car parking areas, driveways and vehicle manoeuvring areas must be constructed in accordance with the approved plans and 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.**

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<sup>2</sup> Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016 (or Section 35(2) of the Development Act 1993 for applications under that Act), a “development must not be granted planning consent if it is, in the opinion of the relevant authority, seriously at variance with the Planning and Design Code” (or the Development Plan if under the Development Act).

What is ‘seriously at variance’ is not a defined legislative term and is not synonymous with a proposal that is merely ‘at variance’ with certain provisions of the Code (or Plan), which many applications will be. Instead, it has been interpreted to be an important or grave departure in either quantity or degree from the Code (or Plan) and accordingly not worthy of consent under any circumstances and having the potential to undermine the objectives of the Code (or Plan) for the land or the Zone.

5. Tree(s) must be planted and/or retained in accordance with DTS/DPF PROVISION/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.

#### NOTES

6. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
7. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly.

All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system (acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).

Measures to prevent silt and mud from vehicle tyres and machinery being transported onto the road shall be installed and maintained at all times during the construction phase of the development (a suggested measure is to install a gravelled construction exit with wash down facilities).

8. If you are a developer or owner-builder, there are important Commonwealth telecommunications rules you need to comply with. For more information visit [www.infrastructure.gov.au/tind](http://www.infrastructure.gov.au/tind)
9. The owner/applicant is advised that infrastructure located within Council road reserve (i.e. area between the kerb and allotment boundary) should be designed and constructed (including modified) in accordance with relevant / current Council standards. This includes, but is not limited to, driveway crossovers, alterations to kerbing and footpaths, stormwater easement connections and domestic stormwater connection to the street watertable.

Further information on the standards can be obtained via Council's website.  
[marion.sa.gov.au](http://marion.sa.gov.au) > Search Civil engineering > Click 'Civil engineering infrastructure - standard drawing index'

10. The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

11. The owner/applicant is advised that consent from any relevant easement or encumbrance owner may be required prior to any construction.

Easements may include, but are not limited to: drainage, Council easements (i.e. stormwater, encroachments, access etc), power transmission (SA Power Networks), telecommunications, or other forms of access (such as vehicle) rights of way.

Easements and encumbrances would be registered on the relevant Certificate of Title. The location of easements on the land would be shown on the Deposited Plan. A copy of the Certificate of Title and Deposited Plan can be obtained from the South Australian Integrated Land Information System (SAILIS) at: <https://sailis.lssa.com.au/home/auth/login>.

**4.3 Report Reference: CAP030822 - 4.3****Application No: 22014228****Site Location: 284-286 Sturt Road, Marion, 288 Sturt Road, Marion, 292-296 Sturt Road, Marion, 876 Marion Road, Marion, 24 and 22 Tweed Avenue, Marion**

- John Rutherford (Representor) addressed the Panel

The Council Assessment Panel resolved that;

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

- (a) The Panel notes this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concurs that the proposed development is not seriously at variance<sup>3</sup> to the Planning and Design Code, in accordance with Section 126(1) of the Planning, Development and Infrastructure Act 2016; and**
- (c) That Planning Consent for Development Application ID: 22014228 for the construction of eight (8) freestanding lighting poles, one of which is de-activated (located in the north-eastern corner of 22 Tweed Avenue), associated with the Sunrise Christian School and associated car parking areas at 284-286 Sturt Road, Marion, 288 Sturt Road, Marion, 292-296 Sturt Road, Marion, 876 Marion Road, Marion, 24 and 22 Tweed Avenue, Marion be GRANTED subject to the following Conditions.**

**CONDITIONS**

- 1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).**
- 2. All external lighting must be designed and constructed in accordance with Australian Standard (AS 4282-1997).**
- 3. The light located on the pole located to the north-eastern corner of the site (adjacent carpark 85 & 86) shall not be operated at any time.**

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<sup>3</sup> Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016 (or Section 35(2) of the Development Act 1993 for applications under that Act), a “development must not be granted planning consent if it is, in the opinion of the relevant authority, seriously at variance with the Planning and Design Code” (or the Development Plan if under the Development Act).

What is ‘seriously at variance’ is not a defined legislative term and is not synonymous with a proposal that is merely ‘at variance’ with certain provisions of the Code (or Plan), which many applications will be. Instead, it has been interpreted to be an important or grave departure in either quantity or degree from the Code (or Plan) and accordingly not worthy of consent under any circumstances and having the potential to undermine the objectives of the Code (or Plan) for the land or the Zone.

**CAP030822****4.4 Report Reference: CAP030822 - 4.4****Application No: 22014207****Site Location: 373 Diagonal Road and 45 Miller Street, Sturt**

- Mark Linn (Representor) addressed the Panel
- Jeff Betts on behalf of George Watling (Representor) addressed the Panel
- Mark Kwiatkowski (Applicant) addressed the Panel

The Council Assessment Panel resolved that;

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

- (a) The Panel notes this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concurs that the proposed development is not seriously at variance<sup>4</sup> to the Planning and Design Code, in accordance with Section 126(1) of the Planning, Development and Infrastructure Act 2016; and**
- (c) That Planning Consent for “Application to vary DA 21013079 proposing Introduction of drive-thru driveway, Alterations to existing control building including removal of mezzanine level, inclusion of drive-thru order and pick up canopies (including acoustic fencing), digital signage to the northern and western facades and internal layout changes, Relocation of freestanding northern-eastern pylon advertisement and associated hording to the south-west location of site, Relocation of western freestanding pylon advertisement and associated hording from the northern side of the crossover to the southern side of the crossover, Changes to previously approved site landscaping, Minor changes to internal carpark layout of site, Increase in bin enclosure size” at 373 Diagonal Road, Sturt and 45 Miller Street, Sturt be GRANTED subject to the following Reserved Matter and Conditions.**

**RESERVED MATTER**

Pursuant to Section 102 (3) of the Planning, Development and Infrastructure Act 2016, the matter listed as Reserved Matters are reserved for further assessment to the satisfaction of the Council Assessment Manager prior to the granting of Development Approval.

- 1. Amended engineering plans prepared by Hodge Collard Preston shall be provided illustrating the relevant pedestrian walkways as illustrated on the architectural plans.**

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<sup>4</sup> Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016 (or Section 35(2) of the Development Act 1993 for applications under that Act), a “development must not be granted planning consent if it is, in the opinion of the relevant authority, seriously at variance with the Planning and Design Code” (or the Development Plan if under the Development Act).

What is ‘seriously at variance’ is not a defined legislative term and is not synonymous with a proposal that is merely ‘at variance’ with certain provisions of the Code (or Plan), which many applications will be. Instead, it has been interpreted to be an important or grave departure in either quantity or degree from the Code (or Plan) and accordingly not worthy of consent under any circumstances and having the potential to undermine the objectives of the Code (or Plan) for the land or the Zone.

2. An amended landscape plan shall be provided detailing additional medium to high level landscaping to be located adjacent the eastern and southern property boundaries.

## **CONDITIONS**

1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any), being the following documentation;
  - Planning statement prepared by Adelaide Planning and Development Solutions dated 22 June 2022;
  - Traffic and Parking Report prepared by MFY dated 21 April 2022;
  - Environmental Noise Assessment report prepared by SONUS dated July 2022;
  - Landscape plan prepared by Hodge Collard Preston dated 6 July 2022;
  - Stormwater plans prepared by SAGERO dated 15 July 2021 Dwg No. C01E, CO2D, CO3E, CO4D and C05C; and
  - Drawings prepared by Hodge Collard Preston Dwg No. A001 Rev D , A100 Rev G, A101 Rev, A102 Rev, A110 Rev F, A120 Rev F, A200 Rev H, A210 Rev F, A211 Rev F, A220 Rev H, and A700 Rev D.

Except where varied by the following conditions of consent.

2. All noise mitigation measures shall be operated and maintained in accordance with the recommendations of the Sonus Environmental Noise Assessment Report dated May 2021, except where superseded by the report prepared by Sonus dated July 2022.
3. 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.
4. Operation of the automatic car wash bays, manual car wash bays, dog wash bays and vacuum bays shall be restricted to the following times;
  - 7am and 10pm of each day, seven days per week.
5. Fuel deliveries shall be restricted to the following times;
  - 7am and 10pm of each day, seven days per week.
6. Rubbish collection and deliveries (which may also use the service bay) shall be restricted, in accordance with the Environment Protection (Noise) Policy 2007, to the following times;
  - 9am and 7pm on a Sunday or public holiday.
  - 7am and 7pm on any other day.
7. An odour control system shall be installed and maintained on an ongoing basis to the kitchen exhaust hoods in order to maintain odour control efficiency in accordance with AS 1668.2.
8. All car parking areas driveways and vehicle maneuvering area must be constructed, sealed and drained in accordance with the recognized 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.'
9. Wheel stopping devices shall be placed within each parking bay so as to prevent damage to adjoining fenced, buildings or landscaping to the reasonable satisfaction of the Council.

10. Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standards AS 2890.6.2009.
11. All car parking spaces shall be line marked 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.
12. 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.
13. 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.
14. 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.
15. Driveways, parking and maneuvering 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.
16. 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.
17. All waste and other rubbish shall be screened from public view, to the reasonable satisfaction of Council.

#### **ENVIRONMENTAL PROTECTION AUTHORITY CONDITIONS**

18. 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.
19. Prior to operation, all fuel dispensers (apart from diesel and LPG) must be fitted with a Stage 2 vapour recovery system that directs vapours into the tank during vehicle refueling.
20. 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 the Australian Standard 4897-2008 The design, installation and operation of underground petroleum storage systems.

21. 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.
22. Stormwater runoff from all hardstand areas of the petrol station (including the refueling and fuel delivery areas) must be managed in accordance with 'Grading Plan and Details' Sheet 1, Project No. SA190085, Drawing No. C03, Issue C, 15.7.21 and 'Stormwater Plan, Notes, Legend and Schedule' Sheet 1 & 2, Project No. SA190085, Drawing No. C02, Issue C, 15.7.21 and must be directed via grates and grade changes to the SPEL Puraceptor 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

#### **COMMISSIONER OF HIGHWAYS CONDITIONS**

23. Access to Diagonal Road and Miller Street shall be gained as shown on Hodge Collard Preston, Site Plan, Project No. 166.19, Drawing No. A002, Revision D dated 8 April 2022. The 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.
24. The existing flush median at the Diagonal Road / Darling Street intersection shall be replaced by a solid median, as shown on MFY Report 19-0285 (Dated 21 April 2022), Figure 1: Proposed median treatment on Diagonal Road at the Darling Street intersection. The design of these works shall ensure that existing lane widths are maintained along this section of road. Any requirement to relocate roadside infrastructure (eg. stobie pole and side entry pit) shall be undertaken to ensure the existing lane widths are achieved.
25. The existing pedestrian refuge and ramps on Diagonal Road shall be relocated to allow for the construction of the new ingress. In addition, the pedestrian ramps shall be relocated to ensure a safe crossing location is maintained for pedestrian using the existing bus stop facilities. Existing footpath widths shall be maintained as part of these works.
26. All road works deemed required to facilitate safe access to the development shall be designed and constructed in accordance with Austroads, Australian Standards and DIT Master Specifications with all costs (including but not limited to design, construction, project management and any changes to road drainage, lighting etc. required) being borne by the applicant. All required road works shall be completed prior to operation of the development and shall be to the satisfaction of the Department for Infrastructure and Transport.
27. All vehicles shall enter and exit the site in a forward direction.
28. 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.

29. 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.
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. Stormwater run-off shall be collected on-site and discharged without impacting the safety of the adjacent roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.
32. Landscaping (e.g. advanced vegetation) and/or screens to prevent headlight glare from the drive through area shall be provided along the Diagonal Road and Miller Street boundaries prior to the operation of the business and maintained during the life of the development.

#### NOTES

1. Any construction over an easement to Council is required 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 works external 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 constructions, do not pollute the environment in a way which causes or may cause environmental harm.
4. The applicant/owner/operator are reminded that any sludge or oily residue collected within the forecourt full retention oil/water separator is required to be removed by an EPA licensed waste transporter to a licensed waste depot.
5. An environmental authorization in the form of a license 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 license (including license application forms) can be accessed here:  
[http://www.epa.sa.gov.au/business\\_and\\_industry/applying\\_for\\_a\\_license](http://www.epa.sa.gov.au/business_and_industry/applying_for_a_license)
6. A license 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.
7. 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>

**Commissioner of Highways Notes**

8. Prior to undertaking detailed design, the applicant shall contact DIT Network Management Services, Mr Narendra Patel, Senior Network Integrity Engineer, on telephone (08) 8226 8244, Mobile 0400 436 745 or via email: narendra.patel@sa.gov.au. The applicant shall enter into a Developer Agreement with DIT to undertake the above works.
9. 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.
10. 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.
11. 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/m<sup>2</sup>), except in the case of electronic signage, which shall be limited to the following stepped luminance levels:

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

12. 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.

**5. APPEALS UPDATE****5.1 APPEALS AGAINST PANEL DECISIONS**

No items listed for discussion

**5.2 APPEALS AGAINST DELEGATED APPLICATIONS**

No items listed for discussion

**6. POLICY OBSERVATIONS**

No items listed for discussion

**7. OTHER BUSINESS****8. CONFIRMATION OF MINUTES**

The minutes of this meeting held Wednesday 03 August 2022 taken as read and confirmed this third day of August 2022

**9. MEETING CLOSURE**

- Length of meeting: 2 hours 40 minutes
- Number of Representors appearing before the Panel: 5
- Number of Applicants appearing before the Panel: 3

**MEETING DECLARED CLOSED AT 8.45PM**

A handwritten signature in blue ink, appearing to read 'Michael Davis', with a long horizontal stroke extending to the right.

***Michael Davis***  
***Presiding Member***