

**Minutes of the Marion Council Assessment Panel
held on Wednesday, 17 November 2021
Phar Lap Room, Morphettville Racecourse
79 Morphett Road, Morphettville**



1.1 OPEN MEETING (ON-SITE)

The meeting commenced at 1:50pm with an on-site meeting at 45 Miller Street and 373 Diagonal Road, Sturt.

1.2 PRESENT

Terry Mosel – Presiding Member
Yvonne Svensson – Independent Member
Bryn Adams – Independent Member
Kendra Clancy – Council Member

1.3 APOLOGIES

Michael Davis – Independent Member
Raelene Telfer – Council Member

1.4 IN ATTENDANCE

Alex Wright – CAP Assessment Manager / Team Leader - Planning
Warwick Deller-Coombs – Manager - Development & Regulatory Services
David Bills – External Planning Consultant

The meeting was paused at 2:10pm.

1.5 RESUMPTION OF MEETING (MORPHETTVILLE RACECOURSE)

The meeting recommenced at Morphettville Racecourse at 3:00pm

1.6 PRESENT

Terry Mosel – Presiding Member
Yvonne Svensson – Independent Member
Michael Davis – Independent Member
Bryn Adams – Independent Member
Kendra Clancy – Council Member

1.7 APOLOGIES

Raelene Telfer – Council Member

1.8 IN ATTENDANCE

Alex Wright – CAP Assessment Manager / Team Leader - Planning
Warwick Deller-Coombs – Manager - Development & Regulatory Services
Nicholas Timotheou – Acting Team Leader - Planning
Kai Wardle – Acting Senior Development Officer - Planning
Nick Lupo – Development Officer – Planning Assistant
Joanne Reid – Development Officer – Planning
Jay Bentley – Administration Coordinator
Ilia Houridis – General Manager – City Development
Tony Harrison – Chief Executive Officer
David Bills – External Planning Consultant

2. GENERAL OPERATIONS

- No items discussed

3. HEARING OF APPLICATIONS

DEVELOPMENT ACT 1993 APPLICATIONS

- No items listed for discussions

4. PDI ACT APPLICATIONS

4.1 Report Reference: CAP171121 - 4.1

Application No: 21013079

Site Location: 373 Diagonal Road and 45 Miller Street, Sturt

- Mark Linn (Representor) addressed the Panel
- Marko Separovic on behalf of Abraham Palakat (Representor) addressed the Panel
- Susan Harris (Representor) addressed the Panel
- Neil Harris (Representor) addressed the Panel
- Simon Close (Representor) addressed the Panel
- Robert Lang (Representor) addressed the Panel
- Maggie Richards on behalf of Murray Gannon (Representor) addressed the Panel
- Jeff Betts – on behalf of George Watling (Representor) addressed the Panel and provided supporting documentation, which was accepted by the Panel and identified as Item 1
- Kym Growden (Representor) addressed the Panel
- Geoff Bridgland (Representor) addressed the Panel
- Helen Keele (Representor) addressed the Panel
- Andrea Hunter (Representor) addressed the Panel

4:25pm The meeting was paused by Presiding Member Mr Terry Mosel.

4:38pm The meeting resumed.

- Mark Kwiatkowski of Adelaide Planning + Development Solutions, representing Andrash Management Pty Ltd (Applicant), addressed and answered questions of the Panel
- Melissa Mellon of MFY, representing Andrash Management Pty Ltd (Applicant), addressed and answered questions of the Panel in relation to traffic matters
- Chris Turnbull of Sonus, representing Andrash Management Pty Ltd (Applicant), addressed and answered questions of the Panel in relation to noise concerns

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 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: 21013079 for a “Change in the use of land to Retail Fuel Outlet (comprising control room, freestanding canopy, eight fuel dispensers, carwash comprising four manual bays, two automated bays, and two vacuum bays), with associated advertising, advertising**

hoardings, acoustic fencing, carparking and landscaping” at 373 Diagonal Road, Sturt and 45 Miller Street, Sturt be GRANTED subject to the following Conditions.

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 dated 22 July 2021;
 - Traffic and Parking Report prepared by MFY dated May 2021;
 - Environmental Noise Assessment report prepared by SONUS dated May 2021;
 - Landscape plan prepared by Hodge Collard Preston dated 6 May 2021;
 - Stormwater plans prepared by SAGERO dated 15 July 2021 Dwg No. C01C to C05C; and
 - Drawings prepared by Hodge Collard Preston Dwg No. SK30 – REV A, SK27 – REV A, SK25 – REV D, SK26 – REV B, SK33 – REV B, SK28 – REV D, SK29-REV D, SK31 – REV A.

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. External lighting to the site shall be switched off between the hours of Midnight and 5:00am.
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. 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.
8. 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.
9. Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standards AS 2890.6.2009.
10. 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.

11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. All waste and other rubbish shall be screened from public view, to the reasonable satisfaction of Council.
17. The development shall be constructed, operated and maintained in accordance with the recommendations of the Sonus Environmental Noise Assessment Report dated May 2021 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 May 2021.

General Activity

- Construct fences 2.4 high along the southern boundary of the site for the extent shown as GREEN in Figure 1 (p.9). The fence 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 neighbouring or site side;
- 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):
- 0.42 BMT sheet steel roof;
- Thermal insulation as required (minimum thickness of 50mm and density of 11kg/m²);
- A layer of 13mm thick plasterboard sheeting ceiling (or similar)
- Construct 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;
- Restrict the height of the southern openings to the manual and automatic wash bays to 2.7m. The infill paneling above this height can be constructed from glass or fibre cement sheeting, or another similar material; 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 waterproofing). 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 are tight at all junctions, noting that a small gap may be required at the roof join for drainage.

18. The largest vehicle permitted on-site shall be restricted to a 19.0 metre semi-trailer.
19. 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 maneuvering areas for commercial vehicles shall be designed in accordance with AS2890.2:2018.

ENVIRONMENTAL PROTECTION AUTHORITY CONDITIONS

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

25. Access to Diagonal Road and Miller Street shall be gained as shown on Hodge Collard Preston, Proposed Site Plan, Project No. 166.19, Drawing No. SK25, Revision D dated 21 July 2021. 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.

26. 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 (Final dated 12 May 2021), Figure 1: Proposed median treatment on Diagonal Road at the Darling Street intersection, and the existing pedestrian refuge and ramps on Diagonal Road shall be relocated to allow for the construction of the new ingress. 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.
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 the 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 maneuvering 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 jeopardizing the integrity and safety of the adjacent roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicants expense.

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
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/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)	Sign Luminance (Cd/m ²)
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.

5:42pm The meeting was paused by Presiding Member Mr Terry Mosel.

5:52pm The meeting resumed.

5. APPEALS UPDATE

5.1 APPEALS AGAINST PANEL DECISIONS

A verbal update was provided by the Team Leader - Planning.

5.2 APPEALS AGAINST DELEGATED APPLICATIONS

A verbal update was provided by the Team Leader - Planning.

6. POLICY OBSERVATIONS

Nil.

7. OTHER BUSINESS

Nil.

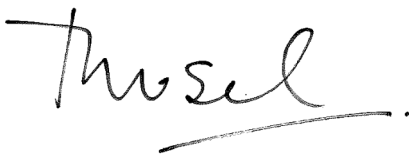
8. CONFIRMATION OF MINUTES

The minutes of this meeting held Wednesday 17 November 2021 taken as read and confirmed this seventeenth day of November 2021

9. MEETING CLOSURE

- | | |
|---|--------------------|
| • Length of meeting: | 2 hours 55 minutes |
| • Number of Representatives appearing before the Panel: | 12 |
| • Number of Applicants appearing before the Panel: | 1 |

MEETING DECLARED CLOSED AT 5.58PM



Terry Mosel
Presiding Member