

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **22 JULY 2020**
 SUBJECT: **COUNCIL ASSESSMENT REPORT**
 AUTHOR: **DEAN SPASIC**
DEVELOPMENT OFFICER PLANNING

ATTACHMENTS: **1. LOCALITY PLAN**
2. PROPOSED PLANS
3. STATEMENTS OF REPRESENTATIONS
4. APPLICANT'S REPLY TO REPRESENTATIONS
5. DPTI REPORT
6. EPA REPORT

HEARING OF REPRESENTORS: **JAN PETHERICK FOR 1 FRANCIS STREET, NORTH BRIGHTON**
KENNETH AND MARGARET RHODES FOR 334 BRIGHTON ROAD, NORTH BRIGHTON

HEARING OF APPLICANT: **MARK KWIATKOWSKI (ADELAIDE PLANNING & DEVELOPMENT SOLUTIONS FOR THE APPLICANT)**

DA NO.	:	110/00172/20
APPLICANT	:	ANDRASH COMMERCIAL NORTH BRIGHTON PTY LTD
LOCATION	:	336-338 BRIGHTON ROAD, NORTH BRIGHTON
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	NEIGHBOURHOOD CENTRE ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	CONSTRUCTION OF AN INTEGRATED FUEL SERVICE STATION COMPRISING A BUILDING USED AS A SHOP WITH FASCIA ADVERTISING DISPLAYS, A FREE STANDING CANOPY WITH FASCIA ADVERTISING DISPLAYS, 8 FUEL PUMPS, 2 X 100,000 LITRE FUEL TANKS, 1 PYLON ADVERTISING DISPLAY, ANCILLARY CAR PARKING AND LANDSCAPING
EXISTING USE	:	VACANT LAND
REFERRALS	:	DPTI AND EPA (NO OBJECTIONS RAISED)
CATEGORY	:	TWO
REPRESENTATIONS	:	FIVE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT

1. Site and Locality

The subject site is located in the Neighbourhood Centre Zone and on the south eastern corner of Brighton Road and Francis Street, on land which has stood vacant for many years. The land is surrounded by Residential to the north, east and south east, and non-residential to the south and west of the site.

2. Proposed Development

The proposed development comprises an integrated fuel service station, similar to what can already be found throughout metropolitan Adelaide, branded as *X-Convenience*. As with most other examples of fuel service stations, they are typically located on arterial roads and adjacent to residential zones.

3. Public Consultation

The proposed development is a merit proposal, and assigned as a category 2 development for public notification purposes, as per Development Regulations 2008 Public notice categories - Schedule 9, Part 2 - Category 2 development, 19 ... development of a kind referred to in clause 6 of this Schedule ... 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.

Ian Hewett of 2 Cecelia Street, Hove

- Would like a 2.4 metre high concrete fence built on the boundaries; and
- Concerns with light spill.

Spirit Assembly of the Baha of Holdfast Bay of 342 Brighton Road, North Brighton

- The development should not block our existing advertising displays;
- Increase boundary fence height to obstruct view and noise from delivery vehicles;
- Noise and trading hours should ensure consideration is given to neighbouring properties

Jan Petherick, Claire Petherick and David Lock of 1 Francis Street, North Brighton

- The proposal does not satisfy objective 2 of the Zone, as it does not promote efficient delivery of service to the locality. There are a number of retail and petrol stations within close proximity to the subject site;
- The proposal represents an excessive supply of delivery services, and does not satisfy General Section, Orderly and Sustainable Development objectives and principles;
- Proposal does not adequately take into consideration, the adjacent residential development, and appropriate means of screening. The Residential Development principles should have equal consideration given the nature of the interface;
- The Francis Street crossover presents added issues with respect to on-street car parking provision and safe vehicle movements. The design is not considered to satisfy General Section, Transportation and Access, PDC 29;
- The built form is considered to impact the visual amenity of neighbouring property and also overshadow adjacent residential;
- Refuse storage adjacent to residential rear yard;
- Noise from deliveries will impact on residential amenity; and
- Insufficient detail regarding mechanical plant.

Kenneth and Margaret Rhodes of 334 Brighton Road, North Brighton

- Heath risks associated with proximity of petrol to residences;
- Increased traffic flow;
- Noise;

- Light spill;
- Fire risk;
- Over supply of service stations and food outlets in locality; and
- Litter.

Jay, Lachlan, Drew and Carey Evans of 2 Francis Street, North Brighton

- Traffic and parking concerns;
- Air, light and noise pollution;
- Over supply of service stations in the locality;
- Visual impact from advertising displays

Applicant's reply to statement of representations

- The Neighbourhood Centre Zone lists petrol filling stations and shops as anticipated land uses within the zone;
- The proposal is considered to be compatible with surrounding land uses and not considered to adversely impact the locality;
- The built form is consistent with other service stations located throughout metropolitan Adelaide;
- Regarding noise, the Development Plan seeks development that does not cause unreasonable interference. The Environmental Noise Assessment from Resonate considered noise and recommended specific acoustic treatment, which has been implemented in the proposal. Hours of operation are limited to between 5am and 12am. Although the report recommended a fence height of 1.8 metres, the application has been amended to a height of 2.7 metres, in response to concerns from representations;
- The mechanical plant detail has not been provided, however the Resonate report has provided recommendations to mitigate nuisance to neighbouring properties (unit sound level, barriers and location);
- Francis Street has 'no stopping anytime restrictions' on both sides of the street when approaching Brighton Road, including the location of the proposed vehicle access. Therefore no change to the existing parking supply on Francis Street.
- Fumes from fuel tanks are controlled with vapour recovery systems and other design features. The proposal has been referred to and supported by the Environment Protection Authority;
- Multiple deliveries will occur during the week, the Resonate report referenced 3 deliveries as being the only 3 times in a week where noise levels exceeded EPP criteria. Given the infrequency of the 3 deliveries, the impact is negligible;
- Rubbish collection will occur with reasonable hours (i.e. no earlier than 7am and no later than 7pm);
- The advertising displays are considered to not result in clutter, disorder, untidiness and be of a size and scale that is compatible with the site;
- The design and appearance of the building, as viewed from adjacent residences, was considered in the initial design, with specific consideration to Residential Development principles. In response to the representation, the building height has been reduced to 5 metres, with a step remaining at the 3 metre mark;
- The service yard location is based on the functionality of the main building, is set off the eastern boundary, and will not be visible from adjacent land;
- Crime and safety is considered to be improved by way of passive surveillance, CCTV cameras and lighting;

- On-site lighting can be conditioned in order to prevent light spill into neighbouring land;
- The proposal will not obstruct adjacent advertising displays; and
- Fencing along the eastern and southern boundaries has been increased to 2.7 metres to provide additional privacy and noise attenuation.

4. Development Assessment

HOLDFAST BAY (CITY) DEVELOPMENT PLAN CONSOLIDATED 2 JUNE 2016

GENERAL SECTION – ADVERTISEMENTS	
OBJECTIVES	Assessment
1 Urban landscapes that are not disfigured by advertisements and/or advertising hoardings.	Complies
2 Advertisements and/or advertising hoardings that do not create a hazard.	Complies
3 Advertisements and/or advertising hoardings designed to enhance the appearance of the building and locality.	Complies
4 Outdoor advertising displays that are designed to provide clearly visible property and business identification without dominating the appearance of the site upon which it is located or the streetscape.	Complies
5 Outdoor advertising displays that are specifically designed to have an overall co-ordinated appearance with all other advertisements associated with the building or site.	Complies
PRINCIPLES OF DEVELOPMENT CONTROL	Assessment
1 The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be: <ul style="list-style-type: none"> (a) consistent with the predominant character of the urban or rural landscape (b) in harmony with any buildings or sites of historic significance or heritage value in the area (c) coordinated with and complement the architectural form and design of the building they are to be located on. 	Complies
2 The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid: <ul style="list-style-type: none"> (a) clutter (b) disorder (c) untidiness of buildings and their surrounds (d) driver distraction. 	Complies
4 The content of advertisements should be limited to information relating to the legitimate use of the associated land.	Complies
5 Advertisements and/or advertising hoardings should: <ul style="list-style-type: none"> (a) be completely contained within the boundaries of the subject allotment (b) be sited to avoid damage to, or pruning or lopping of, on-site landscaping or street trees (c) not obscure views to vistas or objects of high amenity value. 	Complies
6 Advertisements and/or advertising hoardings should not be erected on: <ul style="list-style-type: none"> (a) a public footpath or veranda post (b) a road, median strip or traffic island (c) a vehicle adapted and exhibited primarily as an advertisement (d) residential land. 	Complies
7 Advertisements and/or advertising hoardings attached to buildings should not be sited on the roof or higher than the walls of a building, the advertisement or advertising hoarding is appropriately designed to form an integrated and complementary extension of the existing building.	Complies
9 Advertisements should be designed to conceal their supporting advertising hoarding from view.	Complies
11 Advertisements which perform a secondary role in identifying the business, goods or services should only be readable in the immediate vicinity of the site.	Complies

GENERAL SECTION – ADVERTISEMENTS	
PRINCIPLES OF DEVELOPMENT CONTROL (Cont)	Assessment
12 Advertisements and/or advertising hoardings should not create a hazard by: <ul style="list-style-type: none"> (a) being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road (b) being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals (c) distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high (d) obscuring a driver's view of other road or rail vehicles at/or approaching level crossings, or of pedestrians or of features of the road 	Complies
13 Any internally illuminated advertising signs and/or advertising hoardings which utilise LED, LCD or other similar technologies should be located a minimum of 80 metres from traffic signals, level crossings and other important traffic control devices.	Complies
14 Freestanding advertisements and/or advertising hoardings should be: <ul style="list-style-type: none"> (a) limited to only one primary advertisement per site or complex, except where a site has multiple road frontages, in which case, a maximum of one freestanding advertising hoarding per road frontage (b) of a scale and size in keeping with the desired character of the locality and compatible with the development on the site. 	Complies
GENERAL SECTION – CRIME PREVENTION	
PRINCIPLES OF DEVELOPMENT CONTROL	Assessment
1 Development should be designed to maximise surveillance of public spaces through the incorporation of clear lines of sight, appropriate lighting and the use of visible permeable barriers wherever practicable.	Complies
2 Buildings should be designed to overlook public and communal streets and public open space to allow casual surveillance.	Complies
GENERAL SECTION – DESIGN AND APPEARANCE	
OBJECTIVES	Assessment
1 Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.	Complies
PRINCIPLES OF DEVELOPMENT CONTROL	Assessment
1 Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following: <ul style="list-style-type: none"> (a) building height, mass and proportion (b) external materials, patterns, colours and decorative elements (c) roof form and pitch (d) façade articulation and detailing (e) verandas, eaves, parapets and window screens. 	Complies
2 Where a building is sited on or close to a side boundary, the side boundary wall should be sited and limited in length and height to minimise: <ul style="list-style-type: none"> (a) the visual impact of the building as viewed from adjoining properties (b) overshadowing of adjoining properties and allow adequate sun light to neighbouring buildings. 	Complies
3 The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties or drivers.	Complies
4 Structures located on the roofs of buildings to house plant and equipment should form an integral part of the building design in relation to external finishes, shaping and colours.	Complies (condition of consent)
10 The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of: <ul style="list-style-type: none"> (a) windows of habitable rooms (b) upper-level private balconies that provide the primary open space area for a dwelling (c) solar collectors (such as solar hot water systems and photovoltaic cells). 	Complies
22 Except in areas where a new character is desired, the setback of development from public roads should be: <ul style="list-style-type: none"> (a) screened from public view by a combination of built form, solid fencing and/or landscaping (b) conveniently located and designed to enable the manoeuvring of service and delivery vehicles (c) sited away from sensitive land uses. 	Complies

GENERAL SECTION – DESIGN AND APPEARANCE	
PRINCIPLES OF DEVELOPMENT CONTROL (Cont)	Assessment
24 Petrol filling stations should: <ul style="list-style-type: none"> (a) have a frontage to a public road of not less than 30 metres (b) be located at least 60 metres from an intersection or junction affecting a controlled access road (c) provide a kerb or barrier, or both, along the allotment boundary to prevent vehicles leaving or entering the site except by the vehicular crossings (d) provide a hard paved surface to driveways, service and car parking areas (e) provide driveway crossovers that are designed and sited in accordance with the following: <ul style="list-style-type: none"> (i) no more than two crossovers per road frontage (ii) a setback of at least 9 metres from any other vehicular access points on the same site (iii) a maximum width along the kerb of no more than 9 metres (iv) an angle between the centreline of the crossing and the road alignment of at least 60 degrees. 	Complies
GENERAL SECTION – INTERFACE BETWEEN LAND USES	
OBJECTIVES	Assessment
1 Development located and designed to prevent adverse impact and conflict between land uses.	Complies
2 Protect community health and amenity and support the operation of all desired land uses.	Complies
PRINCIPLES OF DEVELOPMENT CONTROL	Assessment
1 Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following: <ul style="list-style-type: none"> (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants (b) noise (c) vibration (d) electrical interference (e) light spill (f) glare (g) hours of operation (h) traffic impacts. 	Complies
2 Development should be sited and designed to minimise negative impact on existing and potential future land uses considered appropriate in the locality.	Complies
3 Development adjacent to a Residential Zone should be designed to minimise overlooking and overshadowing of nearby residential properties.	Complies
6 Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.	Complies
11 Development with the potential to emit harmful or nuisance-generating air pollution should incorporate air pollution control measures to prevent harm to human health or unreasonable interference with the amenity of sensitive uses within the locality.	Complies
GENERAL SECTION – TRANSPORTATION AND ACCESS	
OBJECTIVES	Assessment
2 Development that: <ul style="list-style-type: none"> (a) provides safe and efficient movement for all transport modes (b) ensures access for vehicles including emergency services, public infrastructure maintenance and commercial vehicles (c) provides off-street parking (d) is appropriately located so that it supports and makes best use of existing transport facilities and networks (e) provides convenient and safe access to public transport stops. 	Complies
PRINCIPLES OF DEVELOPMENT CONTROL	Assessment
2 Development should be integrated with existing transport networks, particularly major rail, road and public transport corridors as shown on <i>Location Maps and Overlay Maps - Transport</i> , and designed to minimise its potential impact on the functional performance of the transport network.	Complies
8 Development should provide safe and convenient access for all anticipated modes of transport.	Complies
9 Development at intersections, pedestrian and cycle crossings, and crossovers to allotments should maintain or enhance sightlines for motorists, cyclists and pedestrians to ensure safety for all road users and pedestrians.	Complies

GENERAL SECTION – TRANSPORTATION AND ACCESS	
PRINCIPLES OF DEVELOPMENT CONTROL (Cont)	Assessment
12 Development should be designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive land uses.	Complies
14 Development should provide for the on-site loading, unloading and turning of all traffic likely to be generated.	Complies
34 Development with access from arterial roads or roads as shown on <i>Overlay Maps – Transport</i> should be sited to avoid the need for vehicles to reverse onto or from the road.	Complies
40 Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with <i>Table HoB/1 – Off Street Vehicle Parking Requirements</i> (with resultant numerical figure rounded to the nearest whole number)	Complies
41 Development should be consistent with <i>Australian Standard AS: 2890 - Parking facilities</i> .	
42 Vehicle parking areas should be sited and designed in a manner that will: <ul style="list-style-type: none"> (a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development (b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network (c) not inhibit safe and convenient traffic circulation (d) result in minimal conflict between customer and service vehicles (e) avoid the necessity to use public roads when moving from one part of a parking area to another (f) minimise the number of vehicle access points onto public roads (g) avoid the need for vehicles to reverse onto public roads (h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points (i) not dominate the character and appearance of a site when viewed from public roads and spaces (j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas (k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles. 	Complies
45 Vehicle parking areas should be sealed or paved to minimise dust and mud nuisance.	Complies
46 To assist with stormwater detention and reduce heat loads in summer, outdoor vehicle parking areas should include soft (living) landscaping.	Complies
47 Vehicle parking areas should be line-marked to delineate parking bays, movement aisles and direction of traffic flow.	Complies
ZONE SECTION – NEIGHBOURHOOD CENTRE ZONE	
OBJECTIVES	Assessment
1 A centre providing a range of shopping, community, business, and recreational facilities for the surrounding neighbourhood.	Complies
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.	Complies
4 Development that contributes to the desired character of the zone. DESIRED CHARACTER The zone seeks to accommodate a variety of uses, including supermarkets, shops, consulting rooms, offices, restaurants, cafes and hotels. A significant proportion of the zone shares an interface with residential areas. Activity in the zone will take account of adjacent residential development and development will use appropriate means of screening the activity of the centre from adjacent residential areas wherever possible.	Complies

ZONE SECTION – NEIGHBOURHOOD CENTRE ZONE	
PRINCIPLES OF DEVELOPMENT CONTROL	Assessment
<p>1 The following forms of development are envisaged in the zone:</p> <ul style="list-style-type: none"> ▪ bank ▪ child care facility ▪ consulting room ▪ dwelling in conjunction with non-residential land use ▪ library ▪ health centre ▪ office ▪ petrol filling station ▪ place of worship ▪ playing field ▪ pre-school ▪ primary school ▪ recreation area ▪ restaurant ▪ shop ▪ supermarket. 	Complies

5. Summary of Assessment

Zone and Land use

The proposed development reflects a kind of land use that is specifically anticipated in the Neighbourhood Centre Zone, specifically, a petrol filling station and shop are listed in the forms of development envisaged under Principle of Development Control 1 of the Neighbourhood Centre Zone.

Zone interface

As with the majority of development within the Neighbourhood Centre Zone, there is an interface with residential, typically sharing allotment boundaries or across a street, which is the case here.

When considering interface land uses and the balance of amenity for adjacent softer land uses, (e.g. residential), firstly regard is given to the kind of development proposed. A petrol filling station does not produce any appreciable noise, fumes, smokes, vapours, smells or otherwise which would be comparable to a hard land use, such as industry. As such, the noise impacts of a land use such as a petrol filling station are typically sought to be controlled by means of low scale acoustic treatment, which is the case with this proposal. Other aspects such as fumes, smells and pollution are managed by the design and housing of the fuel tanks, to a standard that satisfies and is subject to ongoing monitoring by the Environment Protection Authority. This is done to a level in which the EPA deems as having a negligible impact on nearby residential.

The fact the Neighbourhood Centre Zone, which is located in such a way that most sites are directly abutting residential, specifically lists petrol filling stations as an envisaged land use, puts further emphasis on the fact that the land use is compatible in close proximity to residential. This is demonstrated with other examples of petrol filling stations along Brighton Road.

The proposal is considered to have regard to the adjacent residential, by way of the provision of 2.7 metre high fencing along the eastern and southern boundaries, as a means of alleviating concerns regarding visual privacy and noise. Although the noise report submitted as part of the application determined at 1.8 metre high fence to be sufficient in sound attenuation, the applicant has opted to increase the fence height to offset any perceived concern that visual privacy or sound attenuation is not sufficiently achieved by a 1.8 metre high fence. The primary activity occurs adjacent to Brighton Road (e.g. petrol filling, movements to and from the shop building). The eastern side of the subject site will simply comprise the 'rear' of the shop building, hence noise impacts are considered to be negligible. Noise associated with refuse storage and collection is also considered to be negligible in the context of land uses that generate appreciable noise.

The eastern wall of the shop building, which is adjacent to the near residence (eastern adjacent), has a 3 metre high wall, setback 1.5 metres from the eastern boundary, and the remaining wall, extending to 5 metres in height (dropped from 6 metres in reply to concerns raised by the eastern adjacent resident), is setback 2 metres from the eastern boundary. Although the site is in the Neighbourhood Centre Zone, when applying residential development setback criteria, a 3 metre high wall could be located on a boundary up to 3 metres in height over a length of 8 metres, with the remainder of the wall being setback 900mm. Hence, the 1.5 metre setback exceeds what would be typically required. With regard to the 5 metre high wall, the residential setback criteria would anticipate a setback of 1.5 metres, hence the 2 metre setback exceeds what would be typically required.

The eastern elevation comprises precast concrete panel walling, painted grey, and the 2.7 metre high colorbond fence will be painted charcoal. The darker finishes are considered to be ideal in the context of visual amenity, as these tones are least visually dominant. This, in combination with the boundary setbacks, and stepped walling, will reflect visual impacts no more than the side of a residential building (which could comprise the same materials, colours and articulation).

Design and Appearance of Buildings

The shop building is considered to reflect a good level of design and visual amenity, particularly in the context of a non-residential development in a Neighbourhood Centre Zone. The Zone does not reference any particular form of architecture, hence the consideration to design and appearance is largely subjective.

In consideration to the proposed building, visually it has some visually pleasant elements, that add visual interest on the streetscape, such as the use of glass on the western elevation, brick like wall surfaces, modest scale (6.2m total height), and awning. The petrol filling canopy comprises a simple T-frame at a height to match the shop building and accommodate a variety of vehicles.

The advertising displays are considered to be typical of this kind of development and in terms of location and scale, are in context with the built form. It is not considered that the advertising displays will result in any adverse visual impacts on adjacent residential, particularly as the condition of development plan consent 17 will ensure illumination levels are controlled.

Traffic and car parking

The assessment of traffic and car parking has been guided by the report prepared by mfy traffic consultants as well as a Schedule 8 referral to the Department of Planning, Transport and Infrastructure, with regard to consideration the nature of the land use on Brighton Road, including an emphasis on vehicle maneuvering.

The site accommodates 13 on-site car parking spaces. A service station should accommodate a minimum of 10 on-site car parking spaces, as per the Holdfast Bay Development Plan HoB/1, Off Street Vehicle Parking Requirements.

The Department for Planning, Transport and Infrastructure, in their assessment, determined that the design of the access points, on Brighton Road and Francis Street, are satisfactory. The Francis Street access was noted as being a sufficient distance from Brighton Road so as to avoid conflict or queuing on Brighton Road. It is recommended that the parking west of the crossover be removed to ensure unrestricted access to Brighton Road at all times (Council's Technical Services area will manage this).

DPTI is also satisfied that the on-site design allows the storage of two vehicles, while still permitting entry from Brighton Road.

DPTI notes that the largest delivery vehicle for use on the site is a 12.5 metre long Heavy Rigid Vehicle, which would gain access via Brighton Road. It also notes that there is sufficient space to accommodate passenger cars whilst a delivery vehicle is parked on the site.

Regarding traffic on Francis Street, mfy traffic consultants have determined that the proposed development will not impact or influence the way the street is currently used, particularly as the site accommodates sufficient on-site car parking, hence there would be no requirement for a customer to park on Francis Street.

Francis Street has 'no stopping anytime restrictions' on both sides of the street when approaching Brighton Road, including the location of the proposed vehicle access. Therefore no change to the existing parking supply on Francis Street.

6. Conclusion

The proposed development represents land use that is specifically envisaged in the Neighbourhood Centre and has been designed in a way that has regard to environmental and traffic impacts (both of which have been validated by the Environment Protection Authority and Department for Planning, Transport and Infrastructure respectively).

The building design is considered to reflect architectural merit, particularly in the context of a non-residential land use. The building height, setback, materials and finishes adjacent to the residential property to the east are within the parameters that would be expected in the context of a residential development. Under Residential Code Assessment, a 6 metre high wall could be located within 1.9 metres of the eastern boundary, with similar materials and finishes.

When considering the proposed development against the relevant provisions of the Holdfast Bay Development Plan, and having regard to the advice and design submitted by experts in traffic and environmental considerations, there are no aspects of the proposal that fail to satisfy the Development Plan in such a way that would warrant a refusal or re-design of the proposal.

7. RECOMMENDATION

- 1. The proposed development is NOT seriously at variance with the policies in the Development Plan.**
- 2. Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Council Assessment Panel resolves to grant Development Plan Consent to Development Application 110/00172/20 comprising a Construction of an integrated fuel service station comprising a building used as a shop with fascia advertising displays, a free standing canopy with fascia advertising displays, 8 fuel pumps, 2 x 100,000 litre fuel tanks, 1 pylon advertising display, ancillary car parking and landscaping at 336-338 Brighton Road, North Brighton.**

PLANNING CONDITIONS

- 1. The proposal shall be implemented as shown on the following plans, unless varied by subsequent conditions imposed herein:**
 - a. Sagero. Project No SA190062, Drawing No.**
 - i. C01 Issue A**
 - ii. C02 Issue A and**
 - iii. C03 Issue A**
 - b. Hodge Collard Preston, Drawing No 93.19**
 - i. SK07**
 - ii. SK08 REV F**
 - iii. SK10 REV E**
 - iv. SK11 REV D**
 - v. SK09 REV C**
- 2. Stormwater shall be managed in accordance with Stormwater Management Plans (Project No. SA190062, CO1, CO2, CO3 Issue A) prepared by Sagero dated 13 February 2020.**
- 3. Landscaping shall be established as per the plans and comprise trees, shrubs and grasses that are established prior to occupation and maintained to the reasonable satisfaction of Council.**

4. Hours of operation shall be restricted from 5am to midnight, 7 days a week
5. Lighting shall be designed and restricted in such a way as to ensure that light spill does not occur into adjacent properties.
6. Plant equipment from air handling units, refrigeration and similar shall be located away from residential properties, sound attenuated so that it does not exceed 52 decibels when measured from the allotment boundary, so as to not cause nuisance and visually screened to the reasonable satisfaction of Council. Details and report from an acoustic engineer to be provided to Council for consideration prior to development approval being granted.
7. Refuse collection shall only occur between 9am and 7pm on Sundays and Public Holidays and 7am to 7pm any other day.
8. The access points to Brighton Road and Francis Street shall be constructed in general accordance with Hodge Collard Preston Site Plan, Drawing No. 93.19 SK03, Interim Issue dated 19 December 2019.
9. All vehicles shall enter and exit the site in a forward direction.
10. The separate entry and exit points from and to Brighton Road shall be angled 70 degrees to the road and respectively 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.
11. The street light shall be reinstalled/relocated to DPTI's satisfaction, with all costs being borne by the applicant. Prior to undertaking detailed design, the applicant shall contact Ms Teresa Xavier, Network Planning Engineer, on telephone (08) 8226 8389 or via email teresa.xavier@sa.gov.au to progress this work.
12. Any obsolete crossover/s (or any portion thereof) on Brighton Road shall be closed and reinstated to Council's kerb and gutter standards at the applicant's expense prior to operation of the development.
13. The largest vehicle permitted on-site shall be restricted to a 12.5-metre Heavy Rigid Vehicle.
14. All off-street parking shall be designed in accordance with *AS/NZS 2890.1:2004* and *AS/NZS 2890.6:2009*. Additionally, 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

15. The internal manoeuvring areas for commercial vehicles shall be designed in accordance with *AS2890.2:2018*.
16. 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.
17. 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.
18. 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) Max
Sunny Day	40000	6300
Cloudy Day	4000	1100
Twilight	400	300
Dusk	40	200
Night	<4	150

19. 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.
20. 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.
21. 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.
22. 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.
23. All underground fuel storage tanks must be double-walled and fitted with a leak detection system.
24. Prior to use, all fuel lines between the underground storage tanks and fuel dispensers must be double contained and fitted with a leak detection system.

- 25. 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 No. SA190062, CO1, CO2, CO3 Issue A) prepared by Sagero dated 13 February 2020 and must be directed via grates and grade changes 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; and**
 - (c) operates effectively in the event of a power failure.**

- 26. Any sludge or oily residue collected within the Class 1 full retention oil/water separator must be removed by an EPA licensed waste transporter to a licensed waste depot.**