

TO: **COUNCIL ASSESSMENT PANEL**  
 DATE: **22 MAY 2019**  
 SUBJECT: **COUNCIL ASSESSMENT REPORT**  
 AUTHOR: **CRAIG WATSON**  
**TEAM LEADER DEVELOPMENT ASSESSMENT**

ATTACHMENTS:

- 1. LOCALITY PLAN**
- 2. SUBMITTED PLANS**
- 3. APPLICANT'S INFORMATION**
- 4. GTA TRAFFIC REPORT ON BEHALF OF APPLICANT**
- 5. SONUS NOISE REPORT ON BEHALF OF APPLICANT**
- 6. APPROVED PLANS**

HEARING OF REPRESENTORS: **NOT APPLICABLE**  
 HEARING OF APPLICANT: **NOT APPLICABLE**

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DA NO.	:	110/00080/19
APPLICANT	:	PEREGRINE CORPORATION
LOCATION	:	66-72 BRIGHTON ROAD, GLENELG EAST
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	COMMERCIAL ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	VARIATION TO 110/00063/18 (REPLACEMENT AND EXPANSION OF EXISTING INTEGRATED SERVICE STATION COMPRISING RETAIL, DRIVE THRU FACILITY, FUEL CANOPY, UNDERGROUND FUEL TANKS, AUTOMATED CAR WASH AND ASSOCIATED SIGNAGE) BY ALTERATIONS TO CONTROL BUILDING, PARKING AND VACUUM ISLAND LOCATION
EXISTING USE	:	INTEGRATED SERVICE STATION COMPRISING RETAIL, FUEL CANOPY AND UNDERGROUND PETROL TANKS
REFERRALS	:	NIL
CATEGORY	:	ONE
REPRESENTATIONS	:	TWO
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT WITH CONDITIONS

## 1. Site and Locality

The subject site is on the south eastern corner of Brighton Road and Diagonal Road. It includes an existing petrol station at 66 Brighton Road and consulting rooms at 72 Brighton Road. The existing petrol station comprises a fuel canopy towards the north western site corner and a retail building in the south eastern site corner. The consulting rooms are setback from Brighton Road to accommodate two parking spaces. A larger car park is provided to the rear of the building with a second access from a public lane.

To the east of the site in the Residential Zone and separated by a public lane are single story detached and semi-detached dwellings. To the south and west within the Commercial Zone are a number of commercial uses including the Holdfast Hotel to the west and Bikram Yoga studio to the south. The Glenelg Primary School is on the northern side of Diagonal Road.

*Refer to Attachment 1*

## 2. Proposed Development

DA 110/00063/18 for replacement and expansion of existing integrated service station comprising retail, drive thru facility, fuel canopy, underground fuel tanks, automated car wash and associated signage was granted development plan consent by the Panel on 22/08/18.

The proposed amendments comprise:

- Increase in building area from 355m<sup>2</sup> to 405m<sup>2</sup>;
- Removal of outdoor dining area;
- One additional parking space provided; and
- Relocated vacuum space and reduction from two to one vacuum space.

*Refer to Attachments 2 and 3*

## 3. Public Consultation

It is considered that the amendments are of a minor nature and will not unreasonably impact on owners or occupiers of land in the locality of the development pursuant to Schedule 9 Part 1 Clause 2(g) of the Development Regulations 2008. Accordingly the application does not require a further public notification.

## 4. Referrals

No amendments are proposed to access arrangements or the nature of movement or conditions relating to the replacement of the fuel tanks. Referrals to DPTI or EPA are therefore not required.

### HOLDFAST BAY (CITY) DEVELOPMENT PLAN – ASSESSMENT – NON RESIDENTIAL DEVELOPMENT – COUNCIL WIDE – PRINCIPLES OF DEVELOPMENT CONTROL

Design and Appearance	
1. The design of a building may be of a contemporary nature and exhibit an innovative style provided the overall form is sympathetic to the scale of development in the locality and with the context of its setting with regard to shape, size, materials and colour.	Some minor design changes to building and length increased by approximately 2.5 metres. Height remains the same.
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: (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.	No change to southern boundary wall.
5. Building form should not unreasonably restrict existing views available from neighbouring properties and public spaces.	Complies.

<b>Design and Appearance (Cont)</b>	
10. The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of: (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. No significant overshadowing of residential properties.
11. Development should minimise direct overlooking of habitable rooms and private open spaces of dwellings through measures such as: (a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct (b) building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms (c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.	Complies. No overlooking of residential properties.
15. Buildings should be designed and sited to avoid creating extensive areas of uninterrupted walling facing areas exposed to public view.	No change to 2.7 to 3.5 metre high fence proposed adjacent eastern lane required for noise protection.
16. Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.	Complies. Entry relocated to north western corner of building.
17. Outdoor lighting should not result in light spillage on adjacent land.	Complies subject to appropriate condition.
21. Outdoor storage, loading and service areas should be: (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.
22. Except in areas where a new character is desired, the setback of development from public roads should be: (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. No change to setbacks from northern, eastern and western boundaries. Slightly closer but still substantial setback to southern boundary.
<b>Hazards</b>	
15. Hazardous materials should be stored and contained in a manner that minimises the risk to public health and safety and the potential for water, land or air contamination.	No change to underground fuel tank replacement. EPA conditions still relevant.
16. Development that involves the storage and handling of hazardous materials should ensure that these are contained in designated areas that are secure, readily accessible to emergency vehicles, impervious, protected from rain and stormwater intrusion and other measures necessary to prevent: (a) discharge of polluted water from the site (b) contamination of land (c) airborne migration of pollutants (d) potential interface impacts with sensitive land uses.	See above.

<b>Interface between Land Uses</b>	
<p>1. Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:</p> <ul style="list-style-type: none"> <li>(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants</li> <li>(b) noise</li> <li>(c) vibration</li> <li>(d) electrical interference</li> <li>(e) light spill</li> <li>(f) glare</li> <li>(g) hours of operation</li> <li>(h) traffic impacts.</li> </ul>	<p>Complies. Sonus advise that amendments will not generate higher noise levels than approved development. Conditions 5, 6 and 7 remain valid. Condition 14 still relevant but amended to reflect new drawings.</p>
<p>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.</p>	<p>Complies. Conditions 27 to 31 remain valid.</p>
<b>Landscaping, Fences and Walls</b>	
<p>1. Development should incorporate open space and landscaping and minimise hard paved surfaces in order to:</p> <ul style="list-style-type: none"> <li>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</li> <li>(b) enhance the appearance of road frontages</li> <li>(c) screen service yards, loading areas and outdoor storage areas</li> <li>(d) minimise maintenance and watering requirements</li> <li>(e) enhance and define outdoor spaces, including car parking areas</li> <li>(f) maximise shade and shelter</li> <li>(g) assist in climate control within and around buildings</li> <li>(h) minimise heat absorption and reflection</li> <li>(i) maintain privacy</li> <li>(j) maximise stormwater re-use</li> <li>(k) complement existing vegetation, including native vegetation</li> <li>(l) contribute to the viability of ecosystems and species</li> <li>(m) promote water and biodiversity conservation</li> <li>(n) establish buffers to adjacent development and areas.</li> </ul>	<p>No change to approved on-site landscaping.</p>
<b>Transport and Access</b>	
<p>8. Development should provide safe and convenient access for all anticipated modes of transport.</p>	<p>No change.</p>
<p>10. Driveway cross-overs affecting pedestrian footpaths should maintain the level of the footpath.</p>	<p>No new crossovers.</p>
<p>14. Development should provide for the on-site loading, unloading and turning of all traffic likely to be generated.</p>	<p>No change.</p>
<b>Cycling and Walking</b>	
<p>21. On-site secure bicycle parking facilities should be:</p> <ul style="list-style-type: none"> <li>(a) located in a prominent place</li> <li>(b) located at ground floor level</li> <li>(c) located undercover</li> <li>(d) located where surveillance is possible</li> <li>(e) well lit and well signed</li> <li>(f) close to well used entrances</li> <li>(g) accessible by cycling along a safe, well lit route.</li> </ul>	<p>Complies. No change to number of bike parks (6) but relocated.</p>
<p>26. On-site parking and manoeuvring areas servicing development abutting arterial roads should be designed to enable all vehicles to enter and exit the site in a forward direction.</p>	<p>Complies. No substantial change to parking layout.</p>

<b>Cycling and Walking (Cont)</b>	
31. The number of vehicle access points onto arterial roads shown on <i>Overlay Maps - Transport</i> should be minimised, and where possible access points should be: (a) limited to local roads (b) shared between developments.	Complies – reduces existing access points.
37. Development should be sited and designed to provide convenient access for people with a disability.	Complies.
40. Development should provide off-street vehicle parking and specifically marked disabled car parking places to meet anticipated demand in accordance with zone requirements or, if not specified by the zone, <i>Table HoB/1 - Off Street Vehicle Parking Requirements</i> (with resultant numerical figure rounded to the nearest whole number) unless all the following conditions are met: (a) the site is located within the <b>Glenelg Policy Area 2</b> (b) an agreement is reached between the Council and the applicant for a reduced number of parking spaces (c) a financial contribution is paid into the Council Car Parking Fund specified by the Council, in accordance with the gazetted rate per car park.	Table HoB/1 requires 10 spaces per premises for service stations. GTA recommends 10 spaces for amended development. Ten space provided but these include vacuum and air/water spaces.
41. Development should be consistent with Australian Standard AS: 2890 - Parking facilities.	Complies.
42. Vehicle parking areas should be sited and designed in a manner that will: (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.
44. Vehicle parking areas that are likely to be used during non-daylight hours should provide floodlit entry and exit points and site lighting directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the parking area.	Complies subject to condition.
45. Parking areas should be sealed or paved in order to minimise dust and mud nuisance.	Complies.
46. To assist with stormwater detention and reduce heat loads in summer, 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.

<b>Waste</b>	
1. Development should be sited and designed to prevent or minimise the generation of waste (including wastewater) by applying the following waste management hierarchy in the order of priority as shown below: (a) avoiding the production of waste (b) minimising waste production (c) reusing waste (d) recycling waste (e) recovering part of the waste for re-use (f) treating waste to reduce the potentially degrading impacts (g) disposing of waste in an environmentally sound manner.	Complies subject to removal of sludge or oily residue by EPA licensed waste transporter.
2. The storage, treatment and disposal of waste materials from any development should be achieved without risk to health or impairment of the environment.	Complies.
3. Development should avoid as far as practical, the discharge or deposit of waste (including wastewater) onto land or into any waters (including processes such as seepage, infiltration or carriage by wind, rain, sea spray, stormwater or by the rising of the water table).	Complies.
5. Development should include appropriately sized area to facilitate the storage of receptacles that will enable the efficient recycling of waste.	Complies.
6. Development that involves the production and/or collection of waste and/or recyclable material should include designated collection and storage area(s) that are: (a) screened and separated from adjoining areas (b) located to avoid impacting on adjoining sensitive environments or land uses (c) designed to ensure that wastes do not contaminate stormwater or enter the stormwater collection system (d) located on an impervious sealed area graded to a collection point in order to minimise the movement of any solids or contamination of water	Complies.

**HOLDFAST BAY (CITY) DEVELOPMENT PLAN – ASSESSMENT – COMMERCIAL ZONE – OBJECTIVES AND PRINCIPLES OF DEVELOPMENT CONTROL**

<b>Objectives</b>	
1. A zone accommodating a range of commercial and business land uses, including: (a) commercial, servicing and office activities (b) offices and consulting rooms between Anzac Highway and Augusta Street (c) local service and commercial activities fronting Brighton Road (south of Tassie Street)	Complies.
2. Development that minimises any adverse impacts upon the amenity of the locality within the zone.	Complies
3. The establishment and maintenance of a visual and acoustic buffer between development and land in the abutting zones.	Complies.
4. Development having an appearance which recognises the important role of Brighton Road and Anzac Highway as an entrance to the central part of the City of Holdfast Bay.	No significant change in appearance compared with existing.
5. Consolidation of allotments into suitable sites, where comprehensive redevelopment takes place.	Complies.
7. Development that contributes to the desired character of the zone.	Mostly complies.

<b>Desired Character</b>	
<p>Development will be limited to two storeys in height, with commercial development designed and sited to minimise impacts on residential land abutting the zone. It will comprise a range of commercial activities from local service industry and offices, to consulting rooms, small-scale retail and bulky good outlets.</p> <p>Landscaping will enhance the appearance of sites by screening large expanses of solid walls and visually enhancing front property boundaries. Landscaping will also provide opportunities for water sensitive design (including storm-water capture and dispersal), encourage biodiversity, reduce the heat island effect and provide a noise-absorbing buffer to improve the amenity of the adjacent <b>Residential Character Zone</b>.</p> <p>Development on Anzac Highway will provide an attractive entrance to the Council area through quality design elements, construction materials and finishes and the location of parking behind the built form, to improve the appearance of the site as viewed from Anzac Highway.</p> <p>Development in areas along Brighton Road will be consistent in form and scale, and sites will be consolidated, enabling coordinated parking areas to the rear of buildings. This will reduce access points to Brighton Road and promote attractive landscaped frontages, free from visual clutter of parked cars and enhanced through quality building materials.</p>	<p>Complies.</p> <p>No change to that approved.</p> <p>Not applicable.</p> <p>No significant change to access and parking layout.</p>
<b>Principles of Development Control</b>	
<p>1. The following forms of development are envisaged in the zone:</p> <ul style="list-style-type: none"> <li>• bulky goods outlet</li> <li>• consulting room</li> <li>• motor vehicle related business other than wrecking yard</li> <li>• office</li> <li>• petrol filling station</li> <li>• service trade premises</li> <li>• shop with a gross leasable area less than 150 square metres</li> <li>• store</li> <li>• warehouse.</li> </ul>	Complies.
2. Development listed as non-complying is generally inappropriate.	Not non-complying development.
3. Retail development in the zone should not hinder the development or function of any centre zone.	Complies.
4. Shops, other than a bulky goods outlet, should have a gross leasable area less than 150 square metres.	The increased size of the control building to 405m <sup>2</sup> is still below the maximum prescribed.
5. Development should not be undertaken unless it is consistent with the desired character for the zone.	Complies.
6. Buildings should not exceed two storeys in height.	Complies.
8. Development should present a landscaped frontage to Anzac Highway and Brighton Road with car parking areas screened by dense planting or by buildings.	No change to approved landscaping.
<p>9. Development adjacent to the <b>Residential Zone</b> or <b>Residential Character Zone</b> should:</p> <p>(a) provide a visual buffer in the form of landscaping, fencing, buildings or similar between any car parking, service area or outdoor storage area and the adjacent zone</p> <p>(b) provide acoustic treatment between any excessive noise generating part of the development and the adjacent zone.</p>	No change to screen/acoustic fencing adjoining the Residential Zone.

## 5. Summary of Assessment

The main amendment relates to the size of the control building, which has been increased by 50m<sup>2</sup> from 355m<sup>2</sup> to 405m<sup>2</sup>. Its location and setbacks to the eastern (Residential Zone) boundary and Brighton Road remain unchanged. The setbacks to Diagonal Road and the southern boundary will be slightly less to accommodate the increased length but both remain substantial and will not impede onsite traffic circulation. Some minor alterations to the building design and layout are proposed however the maximum height remains unchanged.

Although Table HoB/1 within the Development Plan prescribes 10 parking spaces for service stations regardless of size in theory the larger floor area may generate additional parking demand. It is noted however that the outdoor dining area will be deleted, which may reduce parking demand. Nevertheless GTA Traffic Consultants on behalf of the applicant advise the amendment will result in the demand of one additional parking space bringing the total demand to 10 spaces. The proposal includes 12 spaces, an increase of two, achieved by reducing the vacuum spaces from 2 to 1 and accommodating another space where the outdoor dining was previously located. The amended development therefore still exceeds the anticipated parking demand by two spaces as did the approved development.

GTA further advise that the larger building may result in a theoretical increase of 30 trips (maximum 363 trips) during the PM peak, however considers this still to be minor compared with the existing service station and that most of the traffic will be in the form of passing trade.

Sonus noise consultants on behalf of the applicant advise that the reduction in number of vacuum spaces and deletion of the outdoor dining will assist in reducing noise impact and all other proposed variations will have negligible impact on the overall noise generated. They further advise that the highest predicted noise levels at all nearby residences will be equal to or less than that predicted in the previous Sonus report and will achieve the relevant requirements of the Environment Protection (Noise) Policy 2007 if the previously recommended treatments are implemented.

No changes have been made to the access from Diagonal and Brighton Roads or to the treatment of the underground petrol tanks and therefore further referrals to DPTI and EPA are considered unnecessary. DPTI conditions 15 to 26 and EPA conditions 27 to 33 of 110/00063/18 however remain valid.

### Conclusion

The proposed amendments will have no significant visual, shading, noise or traffic impacts on adjacent properties and accordingly Council Administration has deemed the amendments to be of a minor nature that will not unreasonably impact on owners/occupiers of land within the locality, pursuant to Schedule 9 Part 1 Clause 2(g) of the Development Regulations 2008. Further the amendments are not seriously at variance with the Development Plan and have merit for approval.

## 6. 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 Development Assessment Panel resolves to grant Development Plan Consent to Development Application 110/00080/19, subject to the following conditions:

### PLANNING CONDITIONS

1. That the design and siting of all buildings and structures and site works shall be as shown on the plans listed below and approved by Council unless varied by any subsequent conditions imposed herein:
  - Site Plan drawing number 13/JN1143/SK03v dated 12/02/19
  - Landscape plan drawing number 15.047.031 Issue E dated 5/04/19
  - South and east elevations drawing number 13/JN1143/SK04j dated 12/02/19
  - North and west elevations drawing number 13/JN1143/SK05f dated 12/02/19
  - Concrete joints plan and details dated 29/04/19
  - Stormwater plan dated 29/4/19
  - Grading dated 29/4/19
2. That the acoustic fence located along the eastern boundary is constructed to a minimum height of 3.5 metres from natural ground level between the southern boundary and the northern wall of the order station.
3. That conditions 2 to 13 and 15 to 33 of 110/00063/18, as listed below, remain valid and must be complied with:
  2. That the premises shall be maintained, kept tidy, free of graffiti and in good repair and condition to the reasonable satisfaction of Council at all times.
  3. That the premises shall not be used, directly or indirectly, for the purpose now approved until all work has been completed in accordance with the plan approved and the conditions of consent have been complied with, except those conditions that continue to apply.
  4. That the finished level of the crossover at the property boundary shall be a minimum of 75mm above the top of kerb in accordance with AS2890.1, and the maximum gradient of the driveway shall not be greater than 5% across the footpath, with the invert profile conforming to AS2876.

Furthermore, the footpaths on either side shall be graded to the driveway preventing tripping hazards at this junction, without any steep grades along the footpath.

The provision for vehicle crossovers and inverts, and reinstatements of existing crossovers not required by the development, be constructed at the owner's expense.

5. That all noise abatement treatments be undertaken in accordance with the recommendations in the Sonus report S5575C2 dated March 2018.
6. That a report be submitted to Council from an acoustic engineer prior to occupation confirming all noise abatement treatments as required by condition 7 or equivalent have been undertaken.
7. That any illumination of the subject land shall be sited and designed in accordance with relevant Australian Standards so that no unreasonable annoyance to neighbouring occupiers is created.
8. That landscaping shall comprise where practicable, trees and shrubs that are indigenous to the local area and are semi mature or of fast growing tubestock. All such landscaping shall be established within 3 months of substantial completion of the development and any such vegetation shall be replaced if and when it dies or becomes seriously diseased.
9. That construction shall take place between 7am and 7pm Monday to Saturday and not on Sundays or public holidays. All such work shall be undertaken in such a manner so as not to, in the reasonable opinion of Council, cause any nuisance or annoyance to any of the occupiers of buildings within the locality. Any work outside of these hours requires the written approval of Council.
10. That dust emissions from the site shall be controlled by a dust suppressant or by watering (subject to any relevant water restrictions) regularly to the reasonable satisfaction of Council.
11. That details showing elevations, colours and materials relating to the refuse enclosure are provided to Council for further assessment prior to the issue of Development Approval.
12. That both sides of the acoustic fence located along the eastern boundary are treated with an anti-graffiti coating and that any damage of graffiti is repaired and removed in a timely manner to the reasonable satisfaction of Council.
13. That details showing the colours and texture of both sides of the acoustic fence located along the eastern boundary are provided to Council for further assessment prior to the issue of Development Approval.

#### **DPTI Conditions**

15. The Diagonal Road access shall be appropriately flared to the south to ensure vehicle can undertake the left turn in movement to enter/store within the drive through lane.
16. All vehicles shall enter and exit the site in a forward direction.
17. The redundant crossovers to Brighton Road and Diagonal Road shall be reinstated to Council standard kerb and gutter at the applicants cost prior to the business becoming operational.

18. Appropriate signage and line marking shall be installed to reinforce the desired traffic flow at the Brighton Road and Diagonal Road access points.
19. All car parking shall be designed and constructed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.
20. The largest vehicle permitted on site shall be restricted to a 16.4 metre articulated vehicle.
21. All heavy vehicle manoeuvring and parking areas shall be designed in accordance with AS 2890.2-2002.
22. 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.
23. 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.
24. Signage shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by Brighton and Diagonal Road 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> ) Max
Sunny day	40000	6300
Cloudy day	4000	1100
Twilight	400	300
Dusk	40	200
Night	<4	150

25. 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.
26. The applicant shall ensure that all stormwater generated by the proposal is appropriately collected and disposed of without entering or jeopardising the safety of the adjacent arterial road network.

#### EPA Conditions

27. 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.
28. All runoff (including spillages) from hardstand areas must be diverted to a Class 1 full retention (no bypass) oil-water separator (with alarm) and a minimum 10,000 litre capacity.

29. Any sludge or oily residue collected within the Class 1 full retention separator (or equivalent) must be removed by an EPA licensed waste transporter to a licenced waste depot.
30. All underground fuel storage tanks must be double-skinned fibreglass and fitted with an automatic tank gauging (ATG) system to monitor tank levels and detect leaks.
31. Prior to use, all fuel lines between the underground storage tanks and fuel dispensers must be fitted with a pressure leak detection system.
32. A suitably qualified and experienced site contamination consultant must be engaged to implement the submitted Construction Environmental Management Plan OTR 66-72 Brighton Road, Glenelg East, 80017-38 (Fyfe 2018) and to:
  - a. manage and dispose of contaminated soil in accordance with EPA and other relevant guidelines, and
  - b. validate the underground storage tank excavations (using a suitably qualified and experienced site contamination consultant) in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) and other EPA guidelines prior to backfilling or replacement of the underground storage tanks (including the preparation of a validation report).
33. A copy of the validation report for the excavations of the underground storage tanks must be provided to the EPA and planning authority prior to occupation of the redeveloped site.

**NOTES:**

**DPTI**

- The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the Diagonal Road and Brighton Road frontages of this site for future upgrading of the adjacent intersection. Although there are no current proposals that would require the acquisition of any land from this site, the consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all building works on or within 6.0 metres of the possible requirement.
- Accordingly, the applicant should complete the attached consent form and return it to DPTI along with a copy of the Decision Notification Form and three copies of the approved site plans.

**EPA**

- **The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.**
- **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>**
- **If site contamination is identified which poses actual or potential harm to the health or safety of human beings or the environment that is not trivial, taking into account the land use, the applicant may need to remediate the contamination in accordance with EPA guidelines which can be found here [https://www.epa.sa.gov.au/files/4771277\\_sc\\_groundwater\\_assessment.pdf](https://www.epa.sa.gov.au/files/4771277_sc_groundwater_assessment.pdf)**
- **If at any stage site contamination is identified which poses actual or potential harm to water that is not trivial, a notification of site contamination which affects or threatens groundwater, pursuant to Section 83A of the Environment Protection Act 1993 must be submitted to the EPA.**