

**NOTICE OF
COUNCIL ASSESSMENT PANEL MEETING**

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

Wednesday 19 August 2020

Commencing at 6.30 p.m.

Committee Room 1 & 2

Council Administration Centre

245 Sturt Road, Sturt

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



Alex Wright
ASSESSMENT MANAGER

27 November 2019

Note: The plans contained in this Agenda are subject to copyright and should not be copied without authorisation.

**CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 19 AUGUST 2020
COMMENCING AT 6.30PM**



1.1 OPEN MEETING

1.2 PRESENT

1.3 APOLOGIES

1.4 IN ATTENDANCE

2. GENERAL OPERATIONS

3. APPLICATIONS

3.1 1-6/1 PEERA STREET, HALLETT COVE

To divide land (1 into 6) allotments to create six (6) additional allotments and one (1) common property allotment with retention of existing dwellings

Report Reference: CAP190820 - 3.12

3.2 139 BRADLEY GROVE, MITCHELL PARK

Demolition of existing community facility and associated facilities and the construction of a new community facility comprising sporting facilities, clubrooms and multi-functional spaces, two indoor multipurpose courts, two outdoor tennis and netball courts, three new retractable cricket nets, associated car parking, landscaping, lighting, fencing, solar photovoltaic panels, and the removal of five regulated trees including; Significant tree 10 (River Red Gum – Eucalyptus camaldulensis), Regulated tree 16 (River Red Gum – Eucalyptus camaldulensis), Regulated tree 17 (River Red Gum – Eucalyptus camaldulensis), Regulated Tree 22 (River Red Gum – Eucalyptus camaldulensis), Regulated tree 25 (River Red Gum – Eucalyptus camaldulensis)

Report Reference: CAP190820 – 3.215

4. APPEALS UPDATE39

4.1 APPEALS AGAINST PANEL DECISIONS

4.2 APPEALS AGAINST DELEGATED APPLICATIONS

5. POLICY OBSERVATIONS40

6. OTHER BUSINESS

**7. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING
HELD ON 19 AUGUST 2020**

8. MEETING CLOSURE

**2. GENERAL OPERATING PROCEDURES
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 19 AUGUST 2020**



**REPORT REFERENCE: CAP190820 – 3.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 19 AUGUST 2020**



Originating Officer:	Danijel Antic Development Officer - Planning
Applicant:	Bevan Kent Geue
Development Description:	To divide land (1 into 6) allotments to create six (6) additional allotments and one (1) common property allotment with retention of existing dwellings.
Site Location:	1-6/1 Peera Street, Hallett Cove
Zone & Policy Area:	Residential Zone / Foothills and Seaside Policy Area 23
Lodgement Date:	22/06/2020
Development Plan:	Consolidated – 7 May 2020
Referrals:	SA Water and State Commission Assessment Panel (SCAP)
Delegations Policy:	1.4.1.5 <i>Any application for land division that proposes the creation of three or more additional allotments (excluding an allotment identified as common property or as a free an unrestricted right of way) where one or more of the proposed allotments is more than 5% below the minimum site area recommended by the relevant Policy Area of the Development Plan.</i>
Categorisation	Category 1 as per Schedule 9, 5: <i>The division of land (including for the construction of a road or thoroughfare) where the land is to be used for a purpose which is, in the opinion of the relevant authority, consistent with the objective of the zone or area under the relevant Development Plan, other than where the division will, in the opinion of the relevant authority, change the nature or function of an existing road.</i>
Application No:	100/2020/954
SCAP No.	100/C089/20
Recommendation:	That Development Plan Consent be granted subject to conditions

Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Proposal Plan</i>
<i>Attachment III:</i>	<i>External Agency Referral Comments</i>

BACKGROUND

Members are advised that the proposed community title land division application relates to a previously approved land use application, Development Application 100/9559/91, which was granted both Planning and Building Consent by staff in accordance with the Council's instruments of delegation at the time of approval. An assessment was undertaken with the proposal illustrating sufficient merit when assessed against the applicable Planning and Building provisions at the time of assessment to warrant the granting of both consents. The application involved the construction of six single storey dwellings, (originally defined as "Six dwelling units" on the Planning Decision Notification 100/9559/91) with associated car parking and landscaping. Under the current planning legislation, should the proposed land division be approved, the dwellings in their current arrangement can be defined as two (2) residential flat buildings comprising dwellings and one (1) group dwelling.

SUBJECT LAND

The subject land is located on the southern side of Peera Street and comprises a large allotment with an angled western boundary, resulting in a gradual widening toward the rear of the allotment. The allotment has a frontage of 25.73 metres, a depth of 49.28 metres to 55.88 metres and a width in the rear boundary of 52.1 metres. Thereby, the allotment provides a total site area of approximately 1918 square metres.



The subject land is currently developed with six dwellings (circa early 90s) with associated landscaping dispersed throughout the site, vehicle manoeuvring and other common areas, approved though the aforementioned application. There are trees on the eastern adjoining property,

adjacent the western boundary of the front facing dwelling in the subject land, which do not appear to be regulated. No building work has been proposed as part of this application that would result in tree damaging activity.

Based on the information attained from the original land use plans and the contour information on the Council's mapping system, due to the natural sloping topography of the area, the subject land appears to have a slope of approximately 4 metres from the south-eastern corner (high side) to the north-western corner (low side), thus the average site gradient equates to less than 1-in-8.

Vehicle access is provided via two separate crossovers, with the eastern crossover serving the front facing dwellings, while the western crossover serves the remainder of dwellings.

LOCALITY

The wider locality predominantly comprises single and two storey detached dwellings in a variety of architectural styles, built on large allotments resulting in a relatively low dwelling density residential area. The topography of the area is typically undulating with a steeper terrain generally concentrated near the coast and nearby gullies. Natural features of the locality include a network of gullies located north-east of the subject land, the natural coastal environment located west of the subject land, and Fryer Street Reserve located south-west of the subject land. Hallett Cove Railway Station is located south-east of the subject land, within a walking distance.

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



PROPOSED DEVELOPMENT

The application proposes to create 6 allotments and one common property allotment for the associated common areas for vehicle manoeuvring and parking, waste refuse bin storage and letter box area, as well as pedestrian access to the rear Private Open Space (POS) areas of dwellings on proposed lots 3 & 4.

The proposal relates a previously approved land use application, and proposes to create individual allotments for each existing dwelling. The existing landscaping areas are proposed to be encamped within proposed allotments, which if the land division is approved, will be located on private land.

PROCEDURAL MATTERS

Classification

The application is listed neither as a complying nor non-complying form of development and has therefore been assessed as a 'merit' form of development.

The subject application is required to be determined by the Council Assessment Panel (CAP) given that the proposed allotments fail to satisfy the minimum site area required for group dwellings in the Residential Foothills and Seaside Policy Area 23. Council has delegated decisions with respect to undersized allotments to the CAP.

Categorisation

The subject application is a Category 1 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns a land division that does not change the nature of an existing road as a Category 1 development.

Referrals

Engineering (Internal):

The planning assessment revealed some discrepancies in the location of boundaries of the common area between the approved land use plan and the proposed plan of division. In order to ascertain whether the proposed common area contains sufficient area for a vehicle to enter and exit approved on site car parking spaces and spaces within garages of dwellings on proposed Lots 3, 4, 5 & 6 in a forward direction, the proposed plan of division was overlaid with the original site plan and was referred to the Council's Development Engineer for assessment against relevant Australian Standards.

The Development Engineer confirmed that vehicle manoeuvrability works within the proposed common area.

Building (Internal):

Due to the existing dwelling arrangement, whereby all but one dwelling shares a common wall, the Council's Team Leader – Building was consulted in relation to fire separation requirements. A report by a suitably qualified person is required to confirm that relevant buildings have been adequately fire-separated in accordance with the provisions of the Building Code of Australia. As such, in the event the land division application warrants approval, a suitable condition will be imposed to the Development Plan Consent to request the required report prior to the Council advising the State Commission Assessment Panel that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

ASSESSMENT

The assessment is split into four main sections:

1. Zone and Policy Area Consideration, which considers relevant qualitative Zone and Policy Area Objectives, Desired Character and Principles of Development Control;
2. Quantitative Snapshot, which details the proposal's performance against relevant quantitative Principles of Development Control;
3. Consideration of general Land Division Objectives and relevant Principles of Development Control; and
4. Assessment Discussion, which involves detailed discussion of pertinent matters.

Zone and Policy Area Considerations

Residential Zone	
Objectives	Satisfies
1 <i>An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i>	Proposal considered to adequately satisfy the intent of applicable provisions.
2 <i>Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i>	
Relevant Principles of Development Control	Satisfies
1 <i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none">▪ <i>affordable housing</i>▪ <i>domestic outbuilding in association with a dwelling</i>▪ <i>domestic structure</i>▪ <i>dwelling including a residential flat building</i>▪ <i>dwelling addition</i>▪ <i>small scale non-residential use that serves the local community, for example:</i><ul style="list-style-type: none">- <i>child care facility</i>- <i>health and welfare service</i>- <i>office</i>- <i>open space</i>- <i>primary and secondary school</i>- <i>recreation area</i>- <i>shop</i>▪ <i>supported accommodation.</i>	<p>The dwellings approved in DA 100/9559/91 comprise six (6) single storey dwellings in the form of group and residential flat dwellings.</p> <p>It is considered that the proposed allotments will cater for a density and form of housing that is consistent with the desired character for Policy Area 23.</p>
2 <i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	

Foothills and Seaside Policy Area 23	
Objectives	Satisfies
1 <i>A policy area primarily comprising low scale, low density housing.</i>	Proposal considered to adequately satisfy the intent of applicable provisions.
2 <i>Development which is sensitive to the particular topography of the locality</i>	
3 <i>Development that reflects good residential design principles.</i>	
4 <i>Development that contributes to the desired character of the policy area.</i>	

Desired Character

Satisfies

This policy area encompasses the residential area at Hallett Cove. Land is typically undulating with some areas of steeper terrain. The existing character of streetscapes is largely derived from single-storey detached dwellings built since the 1960s, which incorporate generous front and rear setbacks. Two storey dwellings of a larger scale have become more predominant in areas closer to the coast with sea views and occasionally on elevated sites with views of the Adelaide metropolitan area.

*The desired character of the policy area is an attractive residential area comprising predominantly low density dwellings exhibiting a variety of architectural styles. **Future development of land within the policy area will contribute to a mix of housing densities and housing types to improve housing diversity when compared to the existing housing stock.** In particular, higher densities are anticipated to occur in close proximity to centres, public transport routes and public open spaces and on land with minimal gradient.*

Natural features within the policy area warrant protection from inappropriate development and earthworks, and include the varied natural topography, natural watercourses and steep gullies, and interfaces with adjoining areas of open space including the Hills Face Zone and coastal land.

Future development will be designed to be considerate of the topography of the area, with limited cut and fill and associated retaining walls. Split-level housing is encouraged on sites with a steep land gradient to minimise the need for earthworks and to reduce impact of development upon the landscape and adjoining land. In instances where sites have a substantial land gradient, site areas may need to exceed the minimum for the relevant dwelling type to avoid excessive earthworks.

The built form, siting, architectural and landscape design of individual sites should make a positive contribution to the streetscape and character of the locality.

Building design will be of a high architectural standard and incorporate features that reduce the bulk of the development and add visual interest, such as variations in height, roof form, colour and materials, the provision of balconies and porticos and facade articulation.

Buildings should not exceed two storeys in height and sites of steeper terrain should be developed at lower densities. Where buildings and extensions (including decks) are proposed on sloping land, particular attention will be given to the protection of the privacy and amenity of neighbouring properties and the avoidance of construction problems involving retaining walls and fences on boundaries.

In localities where a high level of overlooking is common due to the natural topography or existing built form, some overlooking from new development is anticipated, however new development should not exacerbate privacy impacts and should employ design and siting techniques to protect the privacy of adjacent land where appropriate.

Amalgamation of land is desirable to provide opportunities for more efficient and appropriately designed medium density development, particularly in close proximity to Hallett Cove District Centre.

Undercroft car parking will be avoided on flat sites and sites that slope down from the street level.

Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.

Proposal considered to adequately satisfy the intent of Desired Character by facilitating an increase in the mix of housing density and housing types to improve housing diversity in key areas (within close proximity to public transport routes and public open spaces) compared to the existing housing stock.

Quantitative Snapshot

Criteria		Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	
Site area	300m ²	261m ²	246m ²	207m ²	201m ²	255m ²	363m ²	Partially satisfies
Frontage width	20m	25.73 metres						Satisfies
Depth	45m	49.28m to 55.88 metres						Satisfies

Land Division

Objectives

1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing under utilised infrastructure and facilities.

Satisfies

The proposed division of land is considered to be orderly and in keeping with the density of development that is envisaged within Policy Area 23.

2 Land division that creates allotments appropriate for the intended use.

Satisfies

The development is creating allotments which achieve dimensions that reflect the existing built form which lawfully operates from the subject land.

Principles of Development Control

1 When land is divided:

- (a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner
- (b) a sufficient water supply should be made available for each allotment
- (c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health
- (d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.

Satisfies

Stormwater management was subject to the original land use application, which at the time was deemed satisfactory. The area is sewered and has access to water mains. In addition, as part of the SA Water requirements, the financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services, thus each allotment should have sufficient water supply and facility of wastewater, sewage and other effluent disposal.

2 Land should not be divided if any of the following apply:

- (a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use
- (b) any allotment will not have a frontage to one of the following:
 - (i) an existing road
 - (ii) a proposed public road
 - (iii) access to a public road via an internal roadway in a plan of community division
- (c) the intended use of the land is likely to require excessive cut and/or fill
- (d) it is likely to lead to undue erosion of the subject land or land within the locality
- (e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development
- (f) the intended use of the land would be contrary to the zone objectives
- (g) any allotments will straddle more than one zone, policy area or precinct.

Satisfies

The proposed division of land achieves compliance in relation to all the requirements listed opposite.

3 Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.

Satisfies

The subject land measures 25.73 metres in width and 49.28 to 55.9 metre in depth for a total site area of 1918 square metres.

8 Allotments in the form of a battle-axe configuration should:

- (a) have an area, that meet the minimum allotment sizes for the proposed form of dwelling, (excluding the area of the 'handle' of such an allotment)
- (b) contain sufficient area on the allotment for a vehicle to turn around to enable it to egress the allotment in a forward direction
- (c) not be created where it would lead to multiple access points onto a road which would dominate or adversely affect the amenity of the streetscape
- (d) be avoided where their creation would be incompatible with the prevailing pattern of development.

Partially Satisfied

It has been demonstrated during the planning assessment against the relevant objectives and provisions of Policy Area 23 that although majority of the proposed allotments fall short in the site area, the dwelling density and the average site area per dwelling is deemed suitable for the area.

In addition, as aforementioned, the development is creating allotments which achieve dimensions that reflect the existing built form which lawfully operate from the subject land.

Further, although there are some discrepancies in the boundaries of the common area between the original land use plan and the proposed plan of division, the Council's Engineering Department have assessed the internal access and turning areas within the driveway as being satisfactory and in accordance with the relevant Australian standards.

9 Access ways serving allotments in the form of a battleaxe configuration should:

- (a) provide for an access onto a public road, with the driveway 'handle' being not more than 35 metres in length and the width being not less than one of the following:
 - (i) 4 metres for an allotment that accommodates no more than 3 dwellings
 - (ii) 6.1 metres for the first 6 metres and 4.6 metres thereafter for an allotment that accommodates up to 7 dwellings
 - (iii) 8 metres for the first 6 metres and 7 metres thereafter for an allotment that accommodates more than 7 dwellings.

Does Not Satisfy

The width of the driveway at the entrance to the subject land measures approximately 4.5m metres for a distance of approximately 13.6 metres and then increases in width as the driveway extends to the rear of the subject land, including narrowing sections as a result of the existing and previously approved landscape areas. The driveway exceeds 35 metres in length.

Notwithstanding the above, the land division application relates to an existing built form which has previously been approved and which lawfully operates from the site. In addition, Council's Development Engineer is satisfied internal access and turning areas meet the relevant Australian standards.

11 The layout of a land division should provide for efficient solar access.

Partially Satisfies

The layout of the proposed allotments and the arrangement of existing dwellings should allow for sufficient solar access to enter majority of existing POS areas and north facing windows of half of the existing dwellings.

21 The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:

- (a) the size of proposed allotments and sites and opportunities for on-site parking
- (b) the availability and frequency of public and community transport
- (c) on-street parking demand likely to be generated by nearby uses.

Does Not Satisfy

On-site car parking provision was assessed as part of the original development application and was deemed as being satisfactory. Thus, car parking provisions specified in the current Development Plan are not considered as part of this application.

22 A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).

Does Not Satisfy

If being assessed under the current Development Plan, the subject land would not achieve the required on street parking requirements. However, car parking provisions for the subject land were assessed as part of the original development application and was deemed as satisfactory. As such, car parking provisions specified in the current Development Plan are not considered as part of this application.

Assessment Discussion

The application seeks approval to create six community title allotments and one common property allotment thereby increasing the allotment density of the subject land from one to six (excluding common property allotment). As set out above, proposed Lots 1 to 5 all propose site areas that are less than the minimum 300 square metres prescribed for residential flat dwellings and group dwellings within the Foothills and Seaside Policy Area 23. That said, the subject land provides a total site area of 1,918 square metres which equates to an average of 319.7 square metres per allotment/dwelling.

As already mentioned, a separate land use application (DA 100/9559/91) for the construction of six (6) single storey dwellings has already been approved for subject land. The original land use application was approved under the previous Planning Act and it demonstrated sufficient merit with then relevant provisions (POS, vehicle access, parking and manoeuvring areas, landscaping setbacks etc).

Irrespective of the shortfall in the minimum specified site area, the proposed land division will facilitate an increase in the mix of allotment density that improve housing diversity within close proximity to public transport routes and public open spaces, compared to the existing housing stock, as sought by the desired character of the Policy Area 23. It is noted that Policy Area 23 specifies that residential flat buildings and group dwellings should have an average site area per dwelling, thus the shortfall in the site area is justified as the average site area per dwelling meets the minimum specified site area.

Notwithstanding the above, the planning assessment demonstrates that whilst the proposed allotment boundaries are relevantly consistent with the approved site areas, there are inconsistencies between the boundaries of the proposed and previously approved common area. Namely, as illustrated with the red and blue outline (blue line – boundaries approved in the original land use DA; red line - proposed boundaries of common area) the part of the proposed common area adjacent the southern allotment boundary is narrower than the previously approved reversing bay and a visitor car parking space in that location. In addition, the proposed common area is narrower in certain parts, which can mainly be attributed to the discrepancy in the eastern proposed allotment boundary of Lot 6.



The applicant's representative (Pyper Leaker Surveying Services Pty Ltd) was afforded an opportunity to amend the plan of division to ensure consistency with the originally approved land use plan, as requesting vehicle turning path templates in accordance with current Australian Standards for an application that was approved under the former planning system may be onerous. Council was advised that the boundary of the proposed plan of division was created by following the edge of the concrete driveway and that the built form has been in place for 30 years and it obviously works. It was further advised that alteration to the common property would not affect the current land use and that the subject land division application should not be the subject of current planning policy due to the existing built form.

The approved land use plan was overlaid with the proposed plan of division and referred to the Council's Development Engineer for assessment as no amendments were made to demonstrate whether the proposed common area is of sufficient size and shape to enable a vehicle to enter in a forward direction into garages of dwellings on proposed Lots 3 to 6 (dwellings on Lot 1 & 2 do not rely on the common area), the visitor car park on Lot 6 and visitor car park adjacent the southern boundary, reverse without interfering with any parked vehicles and leave the site in a forward direction. After using the overlay, The Development Engineer affirmed that vehicle manoeuvrability works satisfactorily and in accordance with relevant Australian Standards within the boundaries of the proposed common area, despite the discrepancies with the original land use plan.

Conclusion

The subject land division application seeks to create three or more additional allotments where one or more of the proposed allotments is more than 5% below the minimum site area recommended by the relevant Policy Area of the Development Plan hence the delegated authority for this form of development lies with the CAP.

As previously discussed, a land use application for the construction of six (6) single storey dwellings with associated car parking and landscaping has already been granted Planning and Building consent under the former planning system. The built form application was considered to sufficiently accord with the former planning provisions.

The proposed plan of division has been assessed and is considered to be relatively consistent with the layout and configuration of the individual sites approved in respect to the previously approved six single storey dwellings. Accordingly, the development is creating allotments which achieve dimensions that reflect the existing built form which lawfully operate from the subject land.

Whilst some inconsistencies in the dimensions and boundary location of the common area between the original approved land use plan and the proposed plan of division, the Council's Engineering Department have assessed the internal access and turning areas within the proposed driveway as being satisfactory and in accordance with the relevant Australian standards. While the existing built form may fall short in car parking provisions under the current Development Plan, the proposed land use demonstrated adequate car parking spaces as part of the original development assessment.

Further, the assessment revealed that the proposed dwelling density is desired in its location as per the policy area's desired character statement, and the proposed allotments are suitable for their intended use. As such, the application is considered to be an orderly development and will not result in any adverse or fundamental impacts on the wider location.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, the proposed development sufficiently accords with the relevant provisions of the Marion Council Development Plan, and warrants Development Plan Consent, Land Division Consent and Development Approval subject to conditions.

RECOMMENDATION

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 Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent, Land Division Consent and Development Approval for Development Application No: 100/954/2020 for To divide land (1 into 6) allotments to create six (6) additional allotments and one (1) common property allotment with retention of existing dwellings at 1 to 6/1 Peera Street, Hallett Cove be GRANTED subject to the following conditions:

CONDITIONS

Development Plan Consent

- 1. The development shall be undertaken in accordance with the plans and details submitted with and forming part of Development Application No. 100/954/2020 (SCAP ref: 100/C089/20), except when varied by the following conditions of consent.
- 2. Party/common wall(s) associated with the development proposed to be built on the land shall be accurately identified on the plan of division prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
- 3. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
- 4. A certificate from a suitably qualified person shall be submitted confirming that the building has been adequately fire-separated in accordance with the provisions of the Building Code of Australia, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

Land Division Consent

- 1. The financial requirements of the S A Water Corporation shall be met for the provision of water supply and sewerage services. (S A Water H0099307)

SA Water advises on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees.

The developer must inform potential purchasers of the community lots in regards to the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

2. **Payment of \$38,080.00 into the Planning and Development Fund (5 allotment/s @ \$7,616.00 /allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure marked “Not Negotiable” and sent to GPO Box 1815, Adelaide 5001 or in person, by cheque or credit card, at Level 5, 50 Flinders Street, Adelaide.**
3. **A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes**

Notes

1. **The applicant is reminded to contact the Council when all of the Council’s conditions have been complied with and accordingly, the Council will advise the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.**

**REPORT REFERENCE: CAP190820 – 3.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 19 AUGUST 2020**



Originating Officer:	Andrew Houlihan Senior Development Officer - Planning
Applicant:	The Corporation of the City of Marion
Development Description:	Demolition of existing community facility and associated facilities and the construction of a new community facility comprising sporting facilities, clubrooms and multi-functional spaces, two indoor multipurpose courts, two outdoor tennis and netball courts, three new retractable cricket nets, associated car parking, landscaping, lighting, fencing, solar photovoltaic panels, and the removal of five regulated trees including; Significant tree 10 (River Red Gum – Eucalyptus camaldulensis), Regulated tree 16 (River Red Gum – Eucalyptus camaldulensis), Regulated tree 17 (River Red Gum – Eucalyptus camaldulensis), Regulated Tree 22 (River Red Gum – Eucalyptus camaldulensis), Regulated tree 25 (River Red Gum – Eucalyptus camaldulensis).
Site Location:	139 Bradley Grove, Mitchell park
Zone & Policy Area:	Community Zone / Recreation Policy Area 22
Lodgement Date:	26 March 2020
Development Plan:	Consolidated – 15 August 2019 [gazetted 8 August 2019]
Referrals:	Engineering - Stormwater (Internal) Engineering - Traffic (Internal)
Delegations Policy:	Development Delegations Policy 4.1.7 <i>Any application involving development by the Council where the Minister has declined a request by the Council that the Development Assessment Commission be appointed as the relevant authority.</i>
Categorisation	Category 2 <i>Public Notification section of the Community Zone of the Marion Council Development Plan</i>
Application No:	100/2020/0461
Recommendation:	That Development Plan Consent be granted subject to conditions

Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment III:</i>	<i>Representations</i>
<i>Attachment IV:</i>	<i>Response to representations</i>

SUBJECT LAND

The subject land is commonly identified as 139 Bradley Grove, Mitchell Park, and formally identified as allotment in 103 as contained in Certificate of Title Volume 5648 and Folio 475. The allotment is irregular in shape and comprises a total area of approximately 5.9 hectares.

The site is bounded by, and provides frontage to, four local roads of approximately 272 metres to Moreland Avenue (west), 168 metres to Quick Road (south), 318 metres to Bradley (east) and 100 metres to Waterman Terrace (north).

Known as the 'Mitchell Recreational Park' the subject land is owned by Council and designated as public land, being used for a range of sports and passive recreation purposes.

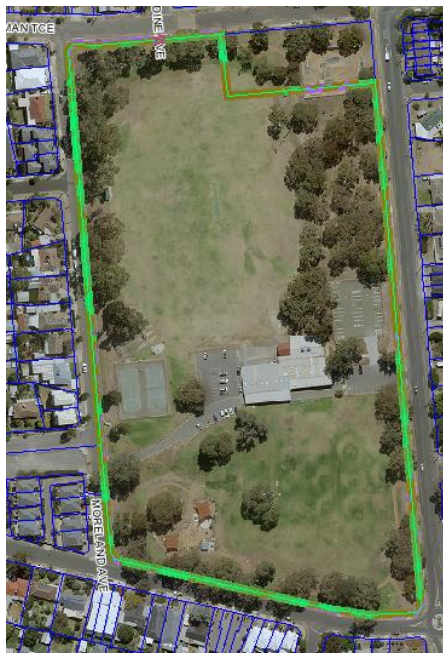
The currently contains an existing single storey building containing the Mitchell Park Sports and Community Club and the Dover Gardens Kennel and Obedience Club. The existing facility is central to the site and provides a building footprint of approximately 1000 square metres. The land further contains a number of associated sporting facilities including an oval, tennis and netball courts, cricket pitches, grandstands, recreational space lighting, children play areas and weather shelters. The existing sports and community facility also has a liquor license to serve liquor for a capacity of 500 people.

Vehicle access to the facility is obtained from Moreland Avenue and Bradley Grove to existing car parking arrangements containing approximately 70 car parking spaces.

The site contains extensive existing mature located sporadically across the site. Much of the vegetation forms mature regulated and significant trees of varying forms and species.

The land is further serviced by four existing bus stops on Bradley Grove. In addition Bradley Grove is identified as a secondary road – bike lane within the Transport Overlay Mar/6 of the Marion Council Development Plan.

An easement is notated on the Certificate of Title in the northern portion of the allotment.



LOCALITY

The subject land is wholly located within the Community Zone / Recreation Policy Area 22. It is noted that a small parcel of land that is not in the ownership of Council is also located within Community Zone to the north east of the site and is currently utilised by the Adelaide Radio Controlled Speedway. All land directly adjacent the site not located within the Community Zone is located within the Residential Zone.

Directly surrounding the subject land are residential allotments where the established character is predominantly representative of older dwelling stock that depicts large allotments with single storey detached dwellings and associated outbuildings.

A range of dwelling types also exist adjacent the site and within the locality including semi-detached, group, row dwellings, and group dwellings up to two storeys in height. Dwellings surrounding the site are orientated to present and obtain views over the Mitchell Park reserve.

The residential amenity of the locality is showing change through replacement of the existing dwelling stock to higher density forms of development with contemporary dwelling designs.

The locality is considered to predominately contain residential development comprising single storey dwellings and two storey dwellings with associated outbuildings on generous allotments with an increase in densities becoming more evident.

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



PROPOSED DEVELOPMENT

The proposal is best described as follows;

“Demolition of existing community facility and associated facilities and the construction of a new community facility comprising sporting facilities, clubrooms and multi-functional spaces, two indoor multipurpose courts, two outdoor tennis and netball courts, three new retractable cricket nets, associated car parking, landscaping, lighting, fencing, solar photovoltaic panels, and the removal of five regulated trees including; Significant tree 10 (River Red Gum – *Eucalyptus camaldulensis*), Regulated tree 16 (River Red Gum – *Eucalyptus camaldulensis*), Regulated tree 17 (River Red Gum – *Eucalyptus camaldulensis*), Regulated Tree 22 (River Red Gum – *Eucalyptus camaldulensis*), Regulated tree 25 (River Red Gum – *Eucalyptus camaldulensis*). ”

In terms of land use, there is no change in the existing land use resulting from the proposed development. The purpose of the proposed development is to provide significantly improved facilities for the existing community and recreational land uses land.

Being located on the same site as the existing sporting facilities, the new, two storey building will continue to provide a similar range of uses proposed to be replaced, however the building is significantly larger and more accommodating for the range of recreational and community uses.

The building is of a contemporary design with low pitched roof and seeks to use a range of materials including masonry, finesse cladding, custom cladding, aluminium windows frames, glazing, steel canopies and fascias, feature screen elements, fibre cement. A range of finishes include soft grey and brown masonry, a gradient colour feature screen going from white through yellow, orange to red, burnt metal cladding, charcoal metal cladding, light grey roofing are proposed.

The building will move from a single storey building to a two storey building and contain a range of heights with the indoor courts providing a height of 10.4 metres, two storey elements providing a height of 8 metres and single storey elements a maximum of 4 metres. The footprint will be significantly expanded from approximately 1000 square metres to approximately 3600 square metres.

The new facility proposes operation hours as per the following;

- Monday to Thursday 5:00am to Midnight;
- Fridays and Saturdays 5:00am – 1:00am (the following day)
- Sunday – 8:00am to Midnight

The ground level the building will provide cricket, football, tennis and rugby change rooms and storage rooms, umpire change rooms, a first aid room, canteen, ablutions, cleaner's room, office, community lounge, meeting room, three neighbourhood rooms for a range of community uses, a group fit room, first aid room, informal seating, foyer etc.

Central located within the building are two courts that that expand to both floor levels with associated seating. The courts have a range of rooms off to the side, including change rooms, first aid room, netball storage, basketball storage, volley ball storage. The eastern side of the ground floor will also provide a hall, storage room, records room, office, kitchenette and ablutions.

The first floor will contain the height of the two indoor courts and a function space with bar, kitchen, preparation areas, and associated storage areas and ablutions. The first floor will primarily orientate to the existing oval and include an elongated balcony.

Around the building the existing facilities will also be upgraded to including two new tennis and netball courts and three retractable cricket nets and associated car parking and landscaping for the site.

Car parking areas are to be reconfigured car parking with 105 car parking spaces (39 car parking spaces in the eastern car park and 66 car parking spaces in the western car park). This includes providing for three disability car parking spaces. The reconfiguration will also change access arrangements however the site will continue to be serviced from similar locations from Bradley Grove and Moreland Avenue. A drop of area on the western side of the building is proposed to cater for buses and community vehicles. The western carpark area also contains a screened refuse area of approximately 50 square metres.

Bicycle racks will also be provided in proximity to the building on the western (four racks) and eastern (two racks) to accommodate 12 bicycles.

As a result of increasing the size of the development and reconfiguring external areas it has been identified that removal of one significant tree and four regulated trees is required. It is noted a number of Council asset trees will also require removal.

Landscaping is proposed as evidenced by the landscape plan submitted with the application. New landscaped garden beds are proposed around the building and car parking areas and to replace the trees lost as a result of the development.

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

- An Ecologically Sustainable Design report and Waste Management Plan prepared by dsquared;
- Traffic and parking report prepared by CIRQA;
- Trees Assessment report prepared by Adelaide ARB Consultants;
- Landscape Plan prepared by DesignWell;
- Music and Environment Noise Assessment Report prepared by SONUS;
- Stormwater Management Plan and associated civil drawings prepared by Studio Nine Architects and Triaxial consulting;

PROCEDURAL MATTERS

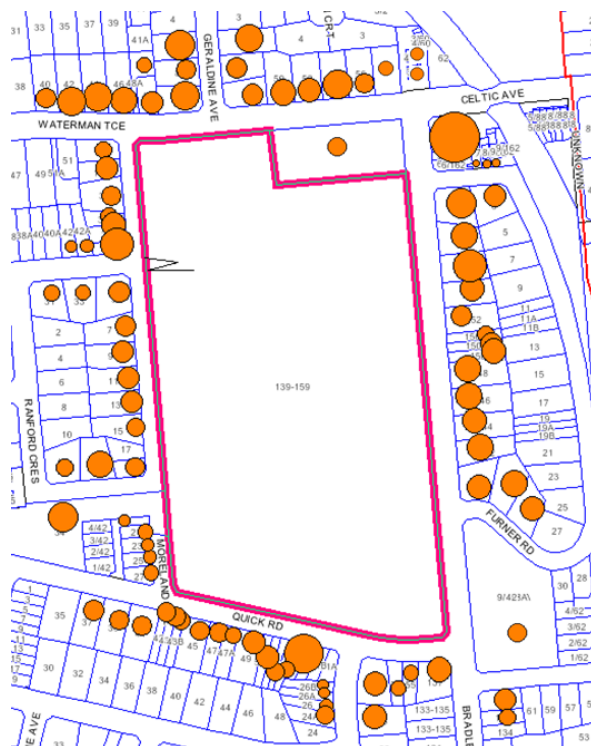
Classification

The subject application is not a Non-Complying or Complying form of development by virtue of the Procedural Matters section of the Community Zone, therefore been assessed as a 'merit' form of development.

Categorisation

The public notification section of the Community Zone designates all development not listed as a Category 1 to require Category 2 Public Notification. As the development is not listed as a Category 1 form of development the application is a Category 2 form of development and has gone through the public notification process.

PUBLIC NOTIFICATION



Properties Notified

177

Representations

4 received

2 opposing the development and 1 in support

No representors have indicated they wish to be heard.

Representations received

1. B Rogge (oppose)
2. R Leaver (support)
3. K Duarte (support)
4. A Clark (oppose unless amended)

Applicant Response

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

Referrals

Engineering - Traffic (Internal)

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

Coordinator – Stormwater (Internal):

The stormwater engineer has reviewed the proposed stormwater management plan and is satisfied that stormwater management proposed is appropriate.

ASSESSMENT

The assessment is split into two main sections:

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

Zone and Policy Area Considerations

Community Zone	
Objectives	Satisfies
<i>1 A zone accommodating community, educational, recreational and health care facilities for the general public's benefit.</i>	The proposal achieves the aspirations of the Zone to provide community and recreational facilities for the general public's benefit by improving current facilities.
<i>2 Development that is integrated in function and provides a coordinated base to promote efficient service delivery.</i>	
<i>3 3 Development that contributes to the desired character of the zone.</i>	The development is integrated with the established use of the land and associated infrastructure. The development contributes to the desired character of the zone discussed further within the report.
Desired Character	
<p>The zone caters for a range of community land uses and public facilities including public recreation, community centres, sporting areas and passive landscaped spaces that fulfil a need within the community. Land uses and activities within the zone will be of a scale and function that is appropriate within the locality and will not negatively affect adjacent zones through, for example, excess noise or traffic generation.</p> <p>Development will achieve and maintain a high level of presentation to public roads through incorporation of high quality structures, fencing, landscaping, and the screening of waste, service and storage areas.</p> <p>Development will enhance the functionality, shared and adaptable use of the sites and utilise crime prevention design techniques, including lighting and building materials that deter and minimise the occurrence of vandalism and anti-social behaviour.</p> <p>Open spaces within the zone will be well maintained to uphold a high level of amenity and to contribute to a safe and functional zone for community use.</p> <p>The zone comprises twelve existing and functioning sites, which are owned by the Council and located throughout the Council area. Facilities include two community centres (Glandore Community Centre and Trott Park Neighbourhood Centre) and ten recreation facilities. All of the recreation facilities are located within the Recreation Policy Area 22, and are comprised of the Cove Sports and Community Club, Edwardstown Soldiers Memorial Recreation Ground, Glandore Oval, Marion Outdoor Swimming Centre, Marion Sports and Community Club, Marion Sports and Leisure Centre, Mitchell Park Sports and Community Club, Morphetville Park Sporting Club Inc., Capella Drive Reserve, Glade Crescent Reserve.</p>	<p>The development is considered to contribute to the desired character of the zone (as discussed further within the report).</p>

Relevant Principles of Development Control	Satisfies
<p>1 <i>The following forms of development are envisaged in the zone:</i></p> <ul style="list-style-type: none"> • <i>recreation area</i> • <i>recreation centre</i> • <i>community centre</i> • <i>office associated with community service</i> 	<p>Proposal is an envisaged form of development within the Zone.</p>

Recreation Policy Area 22

Objectives	Satisfies
<p>1 <i>A policy area accommodating sporting, entertainment, cultural and recreational activities and associated spectator and administrative facilities.</i></p>	<p>The proposal seeks to provide improved sporting and recreational activities and facilities with associated spectator facilities as envisaged within the Policy Area.</p>
<p>2 <i>Development of integrated recreational areas and facilities that accommodate a range of activities accessible to the community.</i></p>	<p>The proposal provides an integrated facility to support the range of activities accessible to the community.</p>
<p>3 <i>Buildings, facilities and car parks located and designed to blend in with existing or additional trees, vegetation and landscaping.</i></p>	<p>The facilities building and car parking is central to the site and utilises existing trees and proposed landscaping to blend with the site.</p>
<p>4 <i>Development that contributes to the desired character of the policy area.</i></p>	<p>The development contributes to the desired character of the zone discussed further within the report.</p>

Desired Character	Satisfies
<p>Facilities located within the policy area include Cove Sports and Community Club, Edwardstown Soldiers Memorial Recreation Ground, Glandore Oval, Marion Outdoor Swimming Centre, Marion Sports and Community Club, Marion Sports and Leisure Centre, Mitchell Park Sports and Community Club, Morphetville Park Sporting Club Inc., Capella Drive Reserve and Glade Crescent Reserve.</p> <p>These facilities vary in the activities provided and scale of built form present on site. Increases in population densities and the changing diversity and needs of the community will require these facilities to be upgraded into more integrated, accessible and high quality multipurpose sports and community hubs. These hubs will include both active and passive recreational activities and be designed to cater for the community's sports and community activity requirements.</p> <p>Redevelopment should result in improvements to the landscape and recreation value of these facilities and provide greater integration with the surrounding area.</p>	<p>The development is located within an area that is transitioning to an increase in dwelling densities and a range of dwelling type. The proposal is supporting the changing needs and by upgrading the facility to a higher performing integrated, accessible and high quality multipurpose sports and community hub.</p> <p>The redevelopment seeks to result in improvements to the landscape and recreation value of these facilities and provide greater integration with the surrounding area by providing a higher level of facilities in a contemporary manner.</p>

Relevant Principles of Development Control	Satisfies
<p>1 The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none">▪ car parking▪ clubroom associated with a sports facility▪ community centre▪ community hall▪ entertainment, cultural and exhibition facility▪ indoor and outdoor recreation facility▪ lighting for night use of facilities▪ meeting hall▪ office associated with community or recreation facility▪ playground▪ sports ground and associated facility▪ special event▪ spectator and administrative facilities ancillary to recreation development	
<p>3 Development should not be undertaken unless it is consistent with the desired character for the policy area.</p>	

The proposal is considered to satisfy all of the relevant Zone and Policy Area considerations listed above. Pertinent matters, including the Desired Character, are discussed further within the Assessment Discussion below.

Assessment Discussion

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

- **Desired Character**
- **Community Facilities**
- **Design and Appearance**
- **Interface between Land Uses**
- **Transportation and Access**
- **Significant and Regulated Trees**
- **Landscaping, Fences and Walls**
- **Energy Efficiency**
- **Waste**
- **Natural Resources**

Desired Character

The proposal is an envisaged form of development within the Community Zone and consistent with delivering a recreation and community facility of a form and scale that support the increases in population densities and the changing diversity and needs of the community.

Indoor and outdoor recreational facilities are an envisaged forms of development sought within the Community Zone and Recreation Policy Area 22 that caters for a range of community land uses.

The facility will support and enhance the shared and adaptable use of the site with a well-integrated development that caters for a wide range of community groups.

The development will enhance and maintain a high level of presentation to public roads through incorporation of high quality structures, fencing, landscaping, and the screening of waste, service and storage areas.

The sites position and presentation achieves appropriate visual surveillance from the building on the land and supported by the existing residential buildings that face onto the reserve. The positioning and form of the building and views support crime prevention through environmental design. In addition an appropriately level of lighting will assist in deterring and minimise the occurrence of vandalism and anti-social behaviour.

Overall, the proposed use and design is consistent with the Desired Character of the Zone and Policy Area.

Community Facilities

The relevant Council Wide Community facilities provisions support development that provides public and community facilities that are accessible to the population they serve and encourage new development that is flexible and adaptable to meet the needs of a range of uses over time.

Whilst the subject land displays existing use rights for the sporting and recreational land uses servicing the surrounding community, the current facilities servicing these land uses are well past their used by date and in need of significant upgrading and expansion.

The proposed development will provide a significant upgrade to existing facilities whilst supporting a range of different community uses with a number of spaces to support a flexible and adaptive use of the building to meet a range of uses over time.

Compliance with the relevant community provisions will be achieved through the location and design of the proposed buildings, in particular the large community components of the building which is designed to appropriately cater for the current and future needs of the community which it services. The site is located appropriately within the subject land and is easily accessible to the surrounding community it serves.

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

Design and Appearance

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

In relation to the built form, the bulk and scale of the main community centre building itself is, in quantitative terms, much grander than residential development contained in surrounding streets, being two storey with a total height of over 10 metres, and 12 metres with the screened air-conditioning units and having a total gross retail footprint of approximately 3600sqm.

The proposed bulk and scale is off-set by the siting of the building on the subject land and its surrounding topography given the distances to the boundaries of the land and surrounding residential development. In addition, the existing natural vegetation and landscaping proposed will help to screen and soften the building from surrounding residential dwellings.

Given this, the built form scale need not be comparable to that of nearby residential property as it has no influence on the residential character nearby in terms of its mass, shading, and overlooking or other consequences resultant from the built form itself.

The development achieves the relevant design and appearance provisions by incorporating a range of materials and finishes, façade articulation and detailing. The design and use of materials and finishes assist in breaking up the mass of the building and provides a high design standard and appearance that responds and reinforces aspects of the local environment and desired built form sought in the Zone.

The development further achieves a number of design provisions by creating active frontages to the recreation area and the design elements provide interest to passing pedestrians by orientating the active parts of the building to the streets and primary entrances. The building provides legible entrances and supports passive surveillance by providing views into and out of the building through the use of transparent glass.

For all reasons set out above, it is considered that the proposed development comprises an appearance and design that is reasonable within the context of the locality and would not detract from the amenity of the area. The proposed development is complimentary to its surrounds and maintains a significant separation distance to the nearest sensitive receivers.

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

Interface between Land Uses

The Development Plan has a number of provisions to assess if the development will detrimentally affect the amenity of the locality or cause unreasonable impacts. The Development Plan further seeks development to be designed and sited to minimise negative impacts on existing and potential future land uses considered appropriate in the locality and that development is designed and sited to minimise negative impacts to an unreasonable level. These impacts include;

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

Noise and Operation Hours

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

The building has been designed to incorporate mandatory Building Code acoustic construction measures which will assist to reduce noise transfer from within the building. In addition, the building has been designed with the highest internal noise generating activities (being the upper floor function room and bar) being orientated to the oval (north), where the distances to residential development is in excess of 100 metres and separated by vegetation.

Whilst it needs to be acknowledged that noise generating activities undertaken on the subject land (organised sports, meetings and functions etc...) are currently experienced at the site. The expansion in floor area and the intensity and the number of activities will be increased.

To assist in demonstrating that the impact of noise on the amenity of the locality the Applicant has engaged an acoustic engineer to undertake an assessment. An Environmental Noise Assessment Report which forms part of the attachments provides a detailed assessment of the noise levels at the residences from the following activities proposed at the facility;

- The operation hours of the site;
- Parton numbers;
- Music within the function space;
- Patrons using the new deck;
- A reduction in licenced patrons from 500 to 100;
- Sports activity occurring on the new indoor courts;
- Activity in the developed car park; and
- Mechanical plant associated with the development.

Background noise levels measurements were conducted at the subject site between 24th and 28th April 2020. The assessment has not considered outdoor sports, spectators in unlicensed areas, dog activities associated with the dog park and associated car parking which already occurs.

The report has made an assessment against the relevant Development Plan provision and the Environmental Protection Authority Guidelines and concludes that the operation hours and operating plant are consistent with the Environmental Protection Authorities Environment Protection (Noise) Policy subject to the following;

- Restriction of access between inside and outside when music is played at elevated levels;
- Restriction in the level of music played and where it may be played;
- Restriction in the number of people outside at specific times;
- Specific facade, roof and glazing constructions;
- Screening of mechanical plant; and
- Installation of attenuators on significant fans.

The development is considered in context with a Community Zone and located well away from sensitive uses to not unreasonably impact to any degree. The Zone further supports facilities within the centre that are designed with a view to promoting after-hours use to reinforce the Zone as the focus of social activity.

It is therefore considered that the facility has been designed to minimise adverse impacts, avoid unreasonable interference on amenity, and will not detrimentally affect the amenity of the locality by the way of noise, thereby achieving the relevant provisions of the Development Plan related to environmental noise. Appropriate conditions has been recommended to manage noise should the CAP resolve to grant consent to the proposed development.

Emissions and Vibration

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

Based on the predictions of noise from sports within the indoor courts, it has been recommended that the ventilation openings for the courts are located on the northern and southern sides of the building in lieu of the eastern and western sides. This aspect will be reviewed at the detailed design stage to ensure necessary compliance with the EPA Noise policy.

Lighting and Glare

Light spill is another potential amenity impact and in this instance is considered to be acceptable given the location of the buildings and their considerable setbacks from existing residential development, including appropriate vegetation screening and buffer areas and the imposition of an appropriate condition relating to minimisation of any impacts should the CAP resolve to grant consent to the proposed development.

Conclusion

Accordingly, with the existing and proposed measures in place, the operation hours, and types of activities occurring on site, the likely impact on adjoining residential amenity is considered to be acceptable. The proposal performance and location is not considered to cause unreasonable interference and conflict between the subject site and the adjacent residential and commercial land uses. A number of conditions have been included in the recommendation to limit and manage noise and lighting.

Traffic Impacts are discussed in more detail below.

Transportation and Access

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

The Applicant has provided a traffic Impact Assessment report provided by CIRQA that form part of the attachments to this report.

The development seeks to utilise the access point from Moreland Avenue and Bradley Grove via similar access locations. Site access and egress is considered to be safe and convenient given that the subject land is connected to an all-weather public road and will contain access and egress points to appropriately disperse traffic and pedestrian movements.

All access points have been designed to accommodate the relevant design vehicles including refuse collection vehicles and small buses. All vehicles will be able to enter and exit the site in a forward direction.

An assessment of the potential traffic generation associated with the redeveloped facility indicates that in the order of 150 to 200 peak hour trips could be generated by the site. It should be noted that this includes existing trips generated by the site's current uses and the actual additional number of movements will be much lower. The movements generated will be distributed to the various access routes. Notably, the peak generation would occur outside of the commuter peak periods and the movements will be easily accommodated on the surrounding road network.

The car park is appropriately sealed and landscaped, with all car parking spaces and manoeuvring areas consistent with relevant Australian Standards.

A review of car parking requirements indicates that, at peak periods, the demands associated with the site would be adequately accommodated within the on-site parking areas and surrounding street frontage. Typically, however, the general demands associated with the site would easily be accommodated within the off-street parking areas and not require use of on-street parking.

The development further achieves relevant transportation and access provisions for the following reasons;

- All movements into and out of the site will be able to be undertaken in a forward direction;
- The parking areas and associated access points will comply with relevant Australian Standards;
- A turn path assessment demonstrates vehicles to enter and exit the site in a forward motion and appropriate turn movements;
- No detrimental impacts of the development on the adjacent road network or car parking demand in the street would result due to dispersion from two car parking areas;
- An appropriate level of car parking is provided for the use;
- The disabled car parking spaces are located in proximity to the entrances on the western and eastern side of the building;
- The car parking areas are separated to reduce the visual impact on car parking expanses across the site.
- Appropriate pedestrian access and movement through the site;
- Limited impact on the safety of pedestrian's in the car parking areas due to the low speed environment and pedestrian network.
- 12 Bicycle parking spaces are provided in proximity to the eastern and western entrances. Should bicycle parking demand exceed the supply, there is ample room within the site to supply additional bicycle parking spaces in the future.

Council's traffic engineer has reviewed the proposal and is satisfied the development achieves relevant transportation and access provisions.

On the basis of the above the development achieves the relevant Council Wide Transportation and Access provisions.

Regulated and Significant Trees

The application proposes the removal of five trees including; Significant tree including 10 (River Red Gum – *Eucalyptus camaldulensis*), Regulated tree 16 (River Red Gum – *Eucalyptus camaldulensis*), Regulated tree 17 (River Red Gum – *Eucalyptus camaldulensis*), Regulated Tree 22 (River Red Gum – *Eucalyptus camaldulensis*), Regulated tree 25 (River Red Gum – *Eucalyptus camaldulensis*).

The Applicant has engaged an arborist to prepare a tree assessment report that considers significant and regulated trees. A copy of the report forms part of the attachments and can also be read in conjunction with the demolition plan. It is noted that the consultant's report also reviews the Council asset trees. Council asset trees are not governed by the Development Act 1993 and Development Regulations 2008. Therefore the assessment focus will be on the trees requiring a development authorisation for removal.

The Consultant report details that Significant Tree 10 has a low life expectancy from 1-5 years and is in fair health with a poor structure and low retention value. Notable comments detailed the tree has an included bark union between codominant stems and moderate decay within the primary structure. Although this tree is not impacted by the development it has been recommended by the arborist to be removed as it is a poor quality specimen and is not recommended to be retained.

Regulated Tree 22 has been identified to have a low life expectancy from 1-5 years, poor health and a low retention value. The arborist concluded that the tree was a poor quality specimen which should not form a material constraint to any future development.

Regulated Trees 16, 17 and 25 are proposed to be removed as their location impacts on the proposed development.

The following provision are relevant for assessment of the removal of Regulated Trees;

Objective 1:

The conservation of regulated trees that provide important aesthetic and/or environmental benefit.

Objective 2:

Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:

- (a) significantly contributes to the character or visual amenity of the locality*
- (b) indigenous to the locality*
- (c) a rare or endangered species*
- (d) an important habitat for native fauna.*

Principle of Development Control 1:

Development should have minimum adverse effects on regulated trees.

Principle of Development Control 2:

A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:

- (a) the tree is diseased and its life expectancy is short*
- (b) the tree represents a material risk to public or private safety*
- (c) the tree is causing damage to a building*
- (d) development that is reasonable and expected would not otherwise be possible*
- (e) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.*

The Environment, Resources and Development Court (ERD Court) has provided guidance as to how applications for the removal of significant and regulated trees should be assessed. The ERD Court has determined there is an initial question that must be asked as follows:

Does the proposal amount to the removal of a tree that has a high aesthetic merit by making an important contribution to the character or amenity and/or forming a notable visual element of the landscape?

Although the trees provide some contribution to the character and visual amenity of the locality this contribution is not considered to be to a significant degree. There are larger more prominent trees within the locality that have a greater structure and contribution to that of the trees proposed to be removed.

The following considerations have been made in relation to trees as a result of the removal due to the development that is reasonable and expected would not otherwise be possible;

- The Applicant advises that several design options were perused to prevent a tree damaging activity, with a significant effort to try and maintain as many trees as possible. Delivering a facility of a size to cater for the range of sporting and community groups without impacting on current use of lands was unattainable. The Applicant has further advised that the site constraints, including the location of the oval, energy efficiency requirements, site contours, current use of the southern reserve, indoor courts spatial requirements and vehicle and access and parking requirements have influenced the final proposal;
- The size of the building is required to support future use and growth in demand for the facility;
- All alternative development options have been adequately demonstrated and have been found to be impractical and cost prohibitive;
- The removal of the trees are in balance with achieving appropriate development as envisaged within Recreation Policy Area 22.

It is noted that tree 15 has been indicated in the arborist report that it would be impacted by the development. Council has not included this tree in the assessment of the application as current investigations to retain the tree are continuing. Should the tree be required to be removed, a separate development application will be required.

Having regard to the health of the trees, the level of amenity provided by the trees provide, and considering the development is reasonable and expected would not otherwise be possible without the removal of the trees, the removal of the trees are considered appropriate within context of the relevant Development Plan provisions.

The applicant has provided a landscape plan to offset the removal of the trees and is required to plant 11 replacement trees in accordance with the Development Regulations 2008. The landscape plan details that a far greater number of trees will be provided over the development. A condition has been added to the recommendation should the CAP grant development plan resolve to grant development plan consent requiring replacement trees.

Landscaping, Fences and Walls

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

The Applicant has provided a landscape plan that includes retention of as many existing larger trees and the introduction of additional landscaping of the site. The landscaping proposed satisfies relevant provisions by;

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

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

Energy Efficiency and Waste

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

The Applicant has provided a report prepared by dsquared that provides an overview of the Ecologically Sustainable Design that has been incorporated into the design of the building. A copy of the report is included within the attachments. The facility has been designed to exemplify best practice in sustainable and passive design, in particular focussing on low energy solutions, a healthy indoor environment for users and connectivity with the outdoors.

Aspects of the report that are most relevant to the energy efficiency provisions of the Development Plan include;

- The façade design, including shading, glazing types and daylight access, is designed to prioritise passive daylight and fresh air, whilst minimising heat gains and losses (acknowledging the site context and orientation restrictions). This will assist in reducing the energy consumed by mechanical heating and cooling equipment. Glazing is high performance to assist with indoor thermal comfort and energy use.
- A 30kW solar photovoltaic array is incorporated into the building roof design, to provide renewable energy for daytime energy loads. This accounts for 20-25% of the building's predicted energy consumption.

Notably the report includes numerous initiatives including operation and management considerations, water efficiency, indoor environment health and wellbeing, materials and waste and community aspects to deliver a high standard ecologically sustainable design building.

The Applicant has further provided a waste management plan prepared by dsquared. The waste management plan has assessed the likely generation of waste and considers that a 50 square meter refuse area located within the western car park will suitably cater for the development. The storage area size was based on a number of factors including the likely level of waste to be generated from activities, types of waste, and waste streams. The waste refuse area is located well away from adjoining residents and appropriately accessible for waste collection vehicles.

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

Natural Resources

The relevant natural resources provisions within the development plan seek development to be designed to maximise conservation, minimise consumption and encourage re-use of water resources.

The Applicant has provided a Stormwater Management Report prepared by Triaxial Consulting that forms an Attachment to this Report.

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

Stormwater management strategies include;

- Bioretention basins for the eastern and western car parks. The bioretention basins will only treat stormwater runoff from the car park area. Notched /Slotted kerb and gutter, and spoon drains will be provided to direct stormwater runoff to the bioretention basins.
- The bioretention basins will have a maximum side slopes of 3H:1V side slopes. The vegetated basin will have a 500 mm thick layer of sandy loam material with subsoil drainage under the sandy loam material. The vegetated basin will also provide detention storage on the surface of the basin. Orifices are to be provided at basin outlet pipe to restrict the discharge to the existing Council pipes.

- Litter baskets are to be provided in all bioretention basin overflow pits. The litter baskets will have 200 um screens and will be used to remove gross pollutants and coarse sediment that may be trucked or blown onto hardstand surfaces.
- Council advised that rainwater tanks and/or onsite retention is not required because the site is already receiving supply of water from the wetland as part of 'Oaklands Water Scheme'.
- The proposed stormwater management strategy reduces the post-development 5-yr ARI and 100-yr ARI flow rates to less than the permissible site discharge as required by Council. The proposed stormwater quality improvement measures are also adequate to achieve Council's stormwater quality reduction targets.

Council's Senior Development Engineer has reviewed the proposed development and is satisfied that stormwater management is appropriately designed.

Given the above the proposed stormwater management practices are considered to satisfy the relevant Natural Resources and Hazards provisions.

CONCLUSION

It is considered that the proposed development sufficiently accords with a majority of the relevant Objectives and Principles of Development Control within Council's Development Plan for a development of this kind within the Community Zone and Recreation Policy Area 22.

The proposed development will provide important facilities to a district wide community, and a home for many sporting and recreation clubs and community organisations that can be enjoyed by a wide cross-section of a growing community. The buildings are of a contemporary design, located in an appropriate site on the subject land which will benefit the land uses and community groups using the site.

The development is not considered to detract from the character or amenity of the locality or impinge on the amenity of any adjoining properties, with the operations, management, and building techniques the and substantially setback from all boundaries and providing an appropriate level of amenity to adjoining residences.

For the reasons outlined in this report it is considered that the development proposed will represent a valued community asset for the foreseeable future, and suitably addresses the Development Plan provisions that relate to this form of development.

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

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

RECOMMENDATION

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

- (a) The Panel notes this report and concurs with the findings and reasons for the recommendation;
- (b) The Panel concurs that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for the Demolition of existing community facility and associated facilities and the construction of a new community facility comprising sporting facilities, clubrooms and multi-functional spaces, two indoor multipurpose courts, two outdoor tennis and netball courts, three new retractable cricket nets, associated car parking, landscaping, lighting, fencing, solar photovoltaic panels, and the removal of five regulated trees including; Significant tree 10 (River Red Gum – *Eucalyptus camaldulensis*), Regulated tree 16 (River Red Gum – *Eucalyptus camaldulensis*), Regulated tree 17 (River Red Gum – *Eucalyptus camaldulensis*), Regulated Tree 22 (River Red Gum – *Eucalyptus camaldulensis*), Regulated tree 25 (River Red Gum – *Eucalyptus camaldulensis*), Development Application No: 100/0461/2020 at 139 Bradley Grove Mitchell Park 5043, subject to the following conditions;

CONDITIONS

1. Except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be undertaken in strict accordance with the details and plans submitted in Development Application No.100/2020/0461 and the following documentation,

- An Ecologically Sustainable Design report prepared by dsquared, dated 28 May 2020;
- Waste Management Plan prepared by dsquared, dated 15 May 2020
- Traffic and parking report prepared by CIRQA, dated 29 May 2020;
- Trees Assessment report and associated plans prepared by Adelaide ARB Consultants, dated 25 May 2020;
- Landscape Plan prepared by DesignWell drawings s20-01-100 0103;
- Music and Environment Noise Assessment Report prepared by SONUS, dated May 2020;
- Stormwater Management Plan prepared by Triaxial consulting, dated 15 May 2020;
- Triaxial Drawings 14508 C1.00 – C6.01, dated 29 May 2020.
- Studio Nine drawings 909-089 PA00 – PA08, dated 29 May 2020;

except where varied by the following conditions of consent.

2. The hours of operation of the facility shall be restricted to the following times:
 - Monday to Thursday 5:00am to Midnight;
 - Fridays and Saturdays 5:00am – 1:00am (the following day)
 - Sunday – 8:00am to Midnight
3. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the

occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.

4. Wheel stopping devices shall be placed within each parking bay so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council.
5. Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS 2890.6.2009.
6. All car parking spaces shall be linemarked or delineated in a distinctive fashion prior to occupation of the premises, with the marking maintained in a clear and visible condition at all times.
7. Bicycle parking facilities be provided that are designed and constructed in accordance with Australian Standard, or subsequent standards. The facilities shall be located to ensure ease of access to users.
8. All buildings and paved areas shall be connected to a stormwater collection and disposal system that is connected to the street watertable or, where relevant, back of block drainage pipes.
9. 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.
10. Any existing vegetation nominated to be retained and/or any 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.
11. 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 to the reasonable satisfaction of the Council.
12. Driveways, parking and manoeuvring areas and footpaths must be lit in accordance with the Australian Standards Association Code AS 1158 during the hours of darkness that they are in use. Such lights must be directed and screened so that overspill of light into the nearby properties is avoided and motorists are not distracted. Such lighting shall be maintained at all times, to the reasonable satisfaction of the Council.
13. 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.
14. All waste and other rubbish shall be screened from public view, to the reasonable satisfaction of Council.
15. All waste disposal and pick up shall be undertaken in accordance with the requirements stipulated within the *Environment Protection (Noise) Policy 2007*, or subsequent legislation.

16. Waste collection and service vehicles (operated by private contractor/s) required to enter and exit the subject land shall be scheduled to occur outside of peak usage periods for the approved land use(s) and peak traffic periods for the local road network.
17. Eleven (11) replacement trees shall be planted to compensate for the removal of the regulated/significant trees. The replacement trees must not be exempt species listed under regulation 6A clause (5)(b) of the Development Regulations 2008, or a tree belonging to a class of plant declared by the Minister under section 174 of the Natural Resources Management Act 2004.

The replacement tree planting shall occur within twelve months of the tree's removal and shall be maintained in good condition at all times and replaced if necessary.
18. All existing regulated and significant trees within the subject site not directly affected by site work and building work must be protected during development and retained. Prior to any earthworks on the site, fencing must be erected around the base of the trees to be retained. Vehicles must not be parked or earth/materials placed under the trees.
19. All trees must be managed in accordance with the tree protection during construction plan and tree protection zone establishment techniques prepared by Adelaide ARB Consultants including tree protecting zone management and pervious pavement areas and pier and beam footed benches. An arborist shall be consulted throughout the construction and ongoing maintenance of the regulated and significant trees to ensure no tree damaging activity occurs.
20. Noise generated from the site shall not exceed the maximum noise levels stipulated within the Environment Protection (Noise) Policy 2007, or subsequent legislation.
21. The development shall be constructed, operated and maintained in accordance with the recommendations of the Sonus Environmental Noise Assessment Report dated May 2020 and include the following, unless where reviewed during the detailed design phase when selections are more defined for an alternative solution that achieves Environment the Protection (Noise) Policy 2007, or subsequent legislation.

The function space to include;

- Windows and glass doors constructed of minimum 10.38mm thick laminated glass that seal airtight when closed;
- Roof and ceiling construction comprising:
 - minimum 0.42mm BMT sheet steel roofing;
 - thermal insulation to the underside of the sheet steel roof sheeting such as *Anticon HD80* or equivalent;
 - 13mm thick fire rated plasterboard fixed to the underside of roof purlins above the function space (or alternatively, a 22mm thick plywood layer fixed under the sheet steel roof sheeting);
 - a layer of 100mm thick insulation of minimum density 60kg/m³ (Rockwool or similar) above the function space ceiling.
- Internal partitions around the function space extending full height and sealing airtight with the plasterboard fixed to the underside of the roof purlins, or to the plywood;

- Ensure all external doors to outside on the ground level, and the internal doors into the function space remain typically closed when music is played at elevated levels (above 80dB(A)).
- Ensure the external doors between the functions space and the deck are not used and remain closed after 10pm, or when music is played at elevated levels (above 80dB(A)).

Mechanical Plant to include;

- Construct a screen on the northern, southern and western sides of the roof mounted evaporative unit that extend 0.5m above the top of the unit. The 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; and,
- Incorporate an attenuator to the discharge side of the kitchen exhaust fan serving the level 1 kitchen that achieves the following minimum insertion loss:

Octave Band Centre Frequency (Hz)	125 Hz	250 Hz	500 Hz	1000 Hz	2000 Hz	4000 Hz
Minimum Insertion Loss (dB)	5	12	20	19	14	8

**4. APPEALS UPDATE
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 19 AUGUST 2020**



4.1 APPEALS AGAINST PANEL DECISIONS

New Appeals

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status

On-going Appeals

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status
100/2019/1957	82 Bradley Grove MITCHELL PARK SA 5043	22/06/2020	Approval	Refused	First preliminary conference held 13 August 2020

4.2 APPEALS AGAINST DELEGATED APPLICATIONS

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status
100/2017/2090	79-81 Thomas Street, South Plympton	30/03/2020	Refused	Refused	Awaiting determination from ERD Court
100/2020/0568	373 Diagonal Road STURT SA 5047	22/07/2020	No determination	No decision	Preliminary Conference set for 24 th August

**5. POLICY OBSERVATIONS
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 19 AUGUST 2020**

