Notice of Council Assessment Panel Meeting

Tuesday 19 November 2019

MEMBERSHIP

Mr R McBryde Independent Member (Presiding Member)
Mr P Dungey Independent Member
Mr G Salmon Independent Member
Ms B Merrigan Independent Member
Mr D Wyld Elected Member

NOTICE is given pursuant to Sections 87 and 88 of the Local Government Act 1999 that the next COUNCIL ASSESSMENT PANEL MEETING will be held in the Council Chambers, 571 Montague Road, Modbury on TUESDAY 19 NOVEMBER 2019 commencing at 10.00AM

A copy of the Agenda for the above meeting is supplied

JOHN MOYLE
CHIEF EXECUTIVE OFFICER

Dated: 13 November 2019
CITY OF TEA TREE GULLY
COUNCIL ASSESSMENT PANEL MEETING
19 NOVEMBER 2019

AGENDA

1. Attendance Record:

   1.1 Present
   1.2 Apologies

2. Minutes of Previous Meeting

   That the Minutes of the Council Assessment Panel Meeting held on 15 October 2019 be confirmed as a true and accurate record of proceedings.

3. Business Arising from Previous Minutes

   3.1 CAP.070/117547/2019 - Carport Forward of the Dwelling at 128 Perseverance Road, Vista

       That the above application be deferred to allow the applicant the opportunity to provide the following—
       - Detailed, scaled drawings demonstrating the materials, colours and finishes of the proposed carport; including design levels in relation to the house and the road boundary; and
       - A detailed landscaping plan to assist in screening the proposed carport.

       Outcome: Council officers continue to liaise with the applicant in relation to this matter.

4. Reports and Recommendations

   4.1 CAP.070/117543/2019 - Non-Complying: Two (2) Residential Flat Buildings at 806-808 Lower North East Road Dernancourt

       Recommended to Grant Development Plan Consent

   4.2 CAP.070/117127/2019 - Alterations and Additions to Existing Shop and Signage at 52 Berryman Drive Modbury

       Recommended for Refusal

   4.3 CAP.070/117858/2019 - Demolish and Re-construct Changerooms Ancillary to Existing Sporting Facilities at 68 Valley Road Hope Valley

       Recommended to Grant Development Plan Consent
5. Other Business

5.1 E.R.D. Court Matters Pending

5.1.1 CAP.070/116253/2018 - Removal of a Regulated Tree (River Red Gum) and Removal of a Significant Tree (SA Blue Gum) at 2B Kinnaird Crescent, Highbury

Outcome: The Court upheld the Panel’s decision in this matter, and the appeal has been refused. ERD-19-88.

5.2 Policy Considerations

Planning policy considerations will be recorded in the minutes following discussion by members.

5.3 Pending State Commission Assessment Panel Concurrence - Nil

6. Information Reports - Nil

7. Date of Next Meeting

17 December 2019
REPORT NO:  CAP.070/117543/2019
RECORD NO:  D19/68147
TO:  COUNCIL ASSESSMENT PANEL MEETING - 19 NOVEMBER 2019
FROM:  Timothy Bourner
Planning Officer
SUBJECT:  NON-COMPLYING TWO RESIDENTIAL FLAT BUILDINGS AT 806 LOWER NORTH EAST ROAD DERNANCOURT

SUMMARY

Applicant:  The Balmoral Group Pty Ltd

Nature of Development:  Construction of residential flat buildings, landscaping, retaining walls and fencing, and associated earthworks in association with Balmoral Village Retirement Village (Non-complying)

Address:  806 Lower North East Road DERNANCOURT, SA, 5075

Application No:  070/117543/2019

Lodgement Date:  2 August 2019

Development Plan:  Consolidated 27 December 2018

Zone and Policy Area:  Residential (no Policy Area)

Relevant Development Plan Provisions:

Objectives:  Design and Appearance: 1, Residential Zone: 1 and 2, Design and Appearance: 1, Landscaping, Fences and Walls: 1 and 2, Medium and High Density Residential (3 or More Storeys): 1, 2 and 4, Natural Resources: 5, Residential Development: 1, 2, 3 and 5, Supported Accommodation: 1, Transportation and Access: 2(c, d & e)

Principles of Development Control:  Residential Zone: 1, 3(a), 4(b), 5, 8 and 17, Design and Appearance: 1, 2, 3, 5, 9, 10, 11, 12, 14, 15, 16, 17, 22 and 24, Heritage Places: 5, Landscaping, Fences and Walls: 1 and 4, Medium and High Density Residential (3 or More Storeys): 2, 3(a, b & c), 4, 5, 12, 13 and 16, Natural Resources: 5, 7(a & b), 8, 9, 11, 14 and 28
Residential Development: 19 and 23
Sloping Land: 3
Supported Accommodation: 1, 2 and 4
Transportation and Access: 22, 23, 31, 45 and 50

Public Notification: Category 3

Representations:

Number of Properties Notified: 23
Number of Representations Received: 0

Schedule 8 Referral: Not Required

Was a request for additional information made? Yes

Issues: Non-complying development, building height, land use, interface, amenity

Recommendation: Development Plan Consent

1. PROPOSAL

The application before the Council Assessment Panel (CAP) seeks consent to extend an existing retirement village at 796-804 Lower North East Road, Dernancourt, known as 'Balmoral Village'.

This extension comprises the construction of two three-storey residential flat buildings comprising eight dwellings in total. The dwellings are referred to as independent living units and will all have similar floor plans consisting of three bedroom units.

The residential flat buildings will consist two three-storey elements, with a height of 11.537m. The total building footprint of each residential flat building will be 342m².

The buildings will comprise the following boundary setbacks:

- 5.225m from Lower North East Road;
- 4m from Jarrah Road;
- 2.09m from the south-western common boundary shared with the existing retirement village.

The proposal includes the provision of 24 on-site vehicle parking spaces, including 16 spaces within the buildings themselves allocated at a rate of two per living unit, and a further eight (8) vehicle parking spaces for visitors.

Retaining walls and fencing to the perimeter boundaries of Lower North East Road and Jarrah Road in a stepped arrangement have also been included.

Finally, the proposal includes comprehensive landscaping to the Lower North East Road and Jarrah Road frontages, and other landscaping within the boundaries of the site to common areas.

For plans and supporting documentation of the proposal, see Attachments 4, 5 and 6.
2. BACKGROUND

The land has been the subject of previous applications and subsequent approvals.

On 14 August 2017, the Council Development Assessment Panel (CAP) granted Development Plan Consent for development application 070/111721/2016 which was described as “Extension of existing retirement village by constructing a three storey residential flat building (maximum height of 11.15m) comprising 26 individual dwellings (independent living units) with associated above ground and basement vehicle parking areas, landscaping, fencing and retaining walls.”

This development has since been superseded by development application 070/116985/2019 which was assessed by Council staff under delegation and relates to the eastern portion of the subject land. This application received full Development Approval on 22 October 2019 and is described as: “The Construction of Six Single Storey Independent Living Units, Landscaping, Retaining Walls and Fencing, and associated Earthworks in association with Balmoral Village Retirement Village.”

The current application has been described by the applicant as the second stage of the development, and follows the first stage which is the recently approved development. The approved plans for the first stage can be found in Attachment 9.

3. PROCEDURAL MATTERS

The proposed development is listed as non-complying development in accordance with the following section of the Residential Zone Procedural Matters:

“Building where (a) or (b) applies:

(a) any part will exceeds a vertical distance of 9 metres from the finished ground level
(b) the vertical distance of any exposed continuous wall exceeds 6 metres from the finished ground level

Except where one of the following applies, the building is located within the:

(a) Golden Grove Residential Policy Area 15
(b) Target Hill Policy Area 17
(c) Residential Growth Policy Area 11.

The maximum height of the proposed buildings is 11.537m and the subject land is located outside the specified Policy Areas, therefore the proposal is a non-complying form of development.

As required by 17(1) of the Development Regulations 2008 (the ‘Regulations’), a statement in support of the application was supplied by the applicant, see Attachment 7.

Council staff resolved to proceed with the assessment of the application pursuant to Regulation 17(4), and the applicant of this by email on 21 August 2019.
A Statement of Effect was subsequently submitted by the applicant on 23 August 2019 addressing the relevant criteria under Regulation 17(5), see Attachment 8.

The proposal is of a scale that is listed as non-complying, however the proposed use is envisaged in the Residential Zone and therefore considered appropriate. Subsequently, the application is not considered to be seriously at variance with the Development Plan.

4. PUBLIC NOTIFICATION

Pursuant to Section 38 of the *Development Act 1993* (the ‘Act’), the Regulations or a Development Plan may assign a form of development to Category 1 or to Category 2 for the purposes of public notification.

Buildings that exceed 9m in total height (when measured from the top of the footings) within this area of the Residential Zone are not assigned a public notification category in the Development Plan.

Schedule 9, Part 1, Clause 3 of the Regulations suggests certain developments can be assigned to Category 1 despite their non-complying nature. However, as the proposal is for a new three storey residential flat building, the development does not satisfy the criteria listed within this clause. Furthermore, the development is not assigned to Category 2 within Schedule 9 Part 2 of the Development Regulations.

The application therefore defaults to Category 3 pursuant to Section 38(2)(c) of the Act.

The application underwent Category 3 notification where 23 adjacent land owners and occupiers, and properties potentially affected by the development, were directly notified in writing. A public notice was also placed in The Advertiser.

No representations were received during the notification period.

5. SITE AND LOCALITY

The subject land comprises two allotments, being 806-808 Lower North East Road, Dernancourt and 20 Karri Drive, Dernancourt. The land is located entirely within the Residential Zone.

The land is irregular in shape, comprising a total site area of approximately 4,378m², with frontages to Lower North East Road (arterial road), and Jarrah Road, Karri Drive and Walnut Grove.

The subject land is currently vacant, formerly comprising a large single storey detached dwelling. The land is currently fenced with temporary fencing and vehicle access primarily via Jarrah Road.

The land has a maximum fall of approximately 3m from North to South. There are no easements on the land, with easements indicated on the site plans having been extinguished. Further, there are no regulated trees on or in close proximity to the land.
The locality determined as applicable to the subject site is identified in Figure 1 below:

![Locality plan](image)

**Figure 1 – Locality plan**

The locality consists predominantly of residential properties with a generally low density supporting a wide variety of dwelling types.

The majority of residential properties within the locality contain open and landscaped front yards, providing a pleasant visual amenity to the local area.

Single storey detached dwellings are the predominant built form, however some allotments have been improved in more recent times with semi-detached and row dwellings.

The existing retirement village to the south of the subject land supports an increase in residential density within the locality, comprising residential flat buildings up to three storeys in height and a local heritage place known as Balmoral House.
6. PLANNING ASSESSMENT

6.1 Land Use

The development comprises two land uses. These are ‘residential flat building’ (defined as a ‘dwelling’ in the Development Plan) and a ‘retirement village’ (defined as “supported accommodation” in the Development Plan).

**Residential Zone Principle of Development Control (PDC) 1** lists both dwelling and supported accommodation as envisaged land uses within the Zone.

The development proposes the construction of dwellings that will be used in conjunction with an existing retirement village and does not introduce a new land use to the locality.

Noting that the development comprises a residential land use and the continuation of an existing retirement village, the proposed land uses are considered to satisfy the envisaged use for the Residential Zone.

6.2 Impact on the Amenity of the Site and Locality

6.2.1 Building Height

As previously stated, buildings greater than 9m in height within the Residential Zone (except within the Golden Grove Residential Policy Area 15, Target Hill Policy 17 and Residential Growth Policy Area 11) result in a non-complying assessment, and **Residential Zone PDC 2** advises that non-complying development is generally inappropriate.

**Residential Zone PDC 8** also states that heights of buildings within the Zone should be a maximum of 9.0m when measured from finished ground level.

The proposed building has maximum height of 11.537m and is therefore at odds with the above provisions. It is noted, however, the proposed buildings are to be sited with two facades fronting public roads, of which one is an arterial road, with the remaining two façades facing the existing retirement village development.

The impacts resulting from the increased height such as overshadowing, overlooking, amenity and visual intrusion are appropriately mitigated given the context of the development within existing land uses and built form.

These elements will be discussed further in the following sections 6.2.2 and 6.2.3, however the height variation of 2.5 metres above the maximum of the Residential Zone is considered to be of limited consequence to the locality.

6.2.2 Siting of the Development

The proposal satisfies the minimum setback requirements listed in **Residential Zone PDC 8**.

The proposed buildings will be setback in excess of 4m from all road frontages, satisfying **Design and Appearance PDC 4(b)**.
Landscaping has been included within these setbacks to soften the built form when viewed from nearby public spaces. The use of landscaping between the boundary and building also satisfies Residential Development PDC 3(a) in that “front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants.”

Design and Appearance PDCs 22 and 24 are also satisfied in that the road boundary setbacks will be compatible with the setbacks of adjoining, adjacent, and envisaged development.

Subsequently the proposed siting and setbacks proposed as part of this development are compatible with the desirable outcomes of the Development Plan.

6.2.3 Design and Appearance

The proposed buildings are to be a contemporary design including a range of external materials, articulations, windows and balconies. This satisfies Design and Appearance PDC 1(b).

External walls of the buildings are to be a mix of pre-coloured aluminium, painted cladding, painted render and pre-coloured steel louvres. These materials are not considered to be highly reflective and as such the finishes satisfy Design and Appearance PDC 3.

With the significant separation distances from nearby residential properties, the building’s height, mass and general proportions are considered to be sensitive to the existing scale of development in the locality.

Despite the height of the buildings, this separation will ensure a consistency of development, satisfying Design and Appearance PDC 1(a).

The design and orientation of the development is also consistent with Design and Appearance PDCs 14, 16 and 17 as the articulated facades of the building will address two road frontages.

The clearly identified entryways for the buildings are oriented towards the internal common driveway, with the frontage to Jarrah Road allowing access to both this development and the recently approved six single storey independent living units. This is generally compliant with Medium and High Rise Development (3 or More Storeys) PDC 3(a), (b) & (c) and Residential Development PDC 5.

The development displays a compatible yet contemporary form that is otherwise envisaged by the Desired Character of the locality. The design and appearance of the proposed development is considered appropriate when assessed against the relevant Development Plan criteria, despite its overall height variance.
6.2.4 Overlooking

The proposed development does not adjoin the boundary of any existing dwelling nearby, other than a dwelling within the existing retirement village development. Overlooking from upper storeys of the development into neighbouring properties is therefore limited.

It is noted that the two properties to the north at 812 Lower North East Road and 22 Karri Drive have private open space orientated adjacent to road frontages. To avoid doubt that privacy is to be impacted, the applicant has provided a photo taken from a scissor-lift replicating the upper-level windows/balconies on the northern elevation of the building. The photograph is shown in figure 2:

![Figure 2 – Resulting views from development facing north](image)

This photo demonstrates that the rear yards of these properties will not be directly overlooked. The overlooking is mitigated by not only separation distance, but also by the properties having structures located on their southern side boundaries which currently obscure large portions of their rear private open space.

The privacy of nearby residents is therefore considered to be respected through the siting layout and design of the development, thus satisfying Residential Development PDC 19(a), (b) and (e).

Obscure glazing will be fitted to the habitable rooms opening on the southern elevation of ‘Lot 7’ and the northern elevation of ‘Lot 8’ to minimise overlooking into other units. This proposal has sufficiently mitigated any overlooking impacts and therefore appropriately satisfies Residential Development PDC 19(a), (b) and (c).

6.2.5 Overshadowing

As the proposed building will stand alone on the subject land and is bound by public roads to the west and north, direct winter sunlight will remain accessible for all adjacent residential properties.

Whilst the separation distance is a minimum of 2.090m from the southern boundary, this distance increases progressively to 7.259m due to the orientation of the adjacent proposed building. Further, due to the orientation of the subject site to the residential buildings forming part of the adjacent existing retirement village, sufficient solar access will be afforded to these dwellings.

Therefore, the proposal satisfies relevant provisions with regard to overshadowing, namely Design and Appearance PDCs 9, 10 and 11.
6.3 Dwelling Density

**Residential Zone PDC 15** suggests that residential flat buildings should comprise a minimum 300m² site area per dwelling.

The proposed density is supported on the basis that the entire site is has a total of 14 dwellings with an average land size per dwelling of 312m². This figure includes the recently approved six independent living units to the eastern portion of the site. This density is consistent with the wider locality that has a mix of dwelling types and allotment sizes.

Additionally, **Residential Zone Objective 1** promotes a zone comprising a range of dwellings types, and **Residential Zone Objective 2** and **Residential Development Objective 3** seek increased densities in close proximity to centres, public transport routes and public spaces.

Whilst the overall density is only partially greater than the surrounding residential area, the increase in density is supported due to the close proximity to public transport, activity centres and public open spaces being the adjacent arterial road of Lower North East Road, Dernancourt Shopping Centre 100m to the north, and public reserves 40m to the north east.

The proposed development therefore maintains an envisaged low density consistent with the Desired Character of the Residential Zone.

6.4 Private Open Space

All dwellings as part of the development are located above the ground floor and provide private open space through balconies. **Residential Development PDCs 14 and 15** states that three bedroom dwellings above ground level require a minimum of 15m² and a minimum dimension of 2 metres. Private open space provided through private balconies. These balconies are generally 14m² in area, resulting in a 1m² shortfall.

**PDC 16** continues to advise that private open space may be substituted for the equivalent area of communal open space.

Communal private open space consistent with the requirements of **PDC 16** has been provided for in a single 90m² area to the south of the building.

The combined total of private open space and communal open space satisfies the relevant requirements of the Development Plan and is considered to appropriately service the needs of the future inhabitants.
6.5 Vehicle Parking and Access

6.5.1 On-site Vehicle Parking

The development proposes both garaged and uncovered vehicle parking areas.

Table TTG/2 states that retirement villages should provide on-site vehicle parking in accordance with the following:

- one space per residential unit; plus
- one common visitor space per four units; plus one additional space per staff member.
- Provision should also be made for the parking of boats, caravans, etc in a secure parking area at a rate of not less than one space per six independent living units.

With eight units proposed, the required vehicle parking amount is:

- eight spaces for the proposed eight units
- two common visitors spaces (one per four units)
- one space for a staff member
- 1.3 spaces for caravans etc. (rounded up to two)

The total number of spaces required for this development is 13 vehicle parks.

Each unit is provided with two covered vehicle spaces within the garages and one visitor park in front of the garage entry. This provides a total of 16 covered vehicle spaces and eight uncovered visitor spaces, resulting in a total of 24 vehicle spaces.

The proposal exceeds the total number of required parks by almost two-fold.

The additional covered spaces would be sufficient to accommodate modest caravans or boats. Each unit is afforded their own visitors space negating the requirement for common visitors spaces.

Further, as the proposal is directly linked to and operated by the existing retirement village complex, the need for onsite staff parking is unlikely given the staff from the primary complex will service the subject site directly.

The development will comfortably meet the required parking demand as a total of 24 on-site vehicle parking spaces will be provided. Therefore, in accordance with Transport and Access PDC 31, the development complies with Table TTG/2 of the Development Plan.
6.5.2 Vehicle Access and Manoeuvring

Two way vehicle access is to be provided from an entry point via Jarrah Road. Jarrah Road is an all-weather public road, meaning compliance with Transport and Access PDC 22 is assured.

This access point is shared with the approved development to the east, and is in the form of two separated crossovers with one being an entry and the other being an exit.

The access point is compliant with Transport and Access PDC 23 insofar as it is sufficiently separated from Lower North East Road by some 30m, and ensures safe and convenient access whilst avoiding any interference with traffic on adjoining roads.

The internal common driveway is 7m wide allowing ample space for reversing and turnaround movements to enable forward exit onto Jarrah Road.

The layout of the enclosed vehicle parks has also been designed to meet Australian Standard AS: 2890 – Parking facilities, complying with Transport and Access PDC 29(e).

Vehicle access and manoeuvring is therefore considered to be acceptable.

6.6 Earthworks, Retaining Walls and Fencing

The development proposes a benched and level site by filling the western portion of the site. Retaining walls are used to support the proposed fill.

The majority of the earthworks comprise fill to address the natural fall towards Lower North East Road and the need for finished levels to integrate with the common driveway.

The total height of fill will be to a maximum of 1.4m to the western corner of the site, with the majority of the fill at the Lower North East Road frontage. In order to minimise the visual impact of this fill, a series of two landscaped tiered retaining walls are proposed to this elevation. The walls are to be a maximum of 1.0m high and have a 1.0m separation between walls to incorporate landscaping.

Fencing is included to all boundaries. The street frontages will have 2m high masonry fencing finished in a dark grey render and four sections of tubular fencing at regular intervals. This tubular fencing will aid in breaking up the visual impact of a solid wall and will allow glimpses of the development beyond.

The southern boundary abutting the adjacent retirement complex is to be 1.8m high pre-coloured steel fencing and will only be visible internally.

The proposed retaining walls and fencing are consistent with Landscaping, Fences and Walls PDC 4(b), (c) and (d) and are therefore supported.
6.7 Stormwater Management and Water Sensitive Urban Design

The applicant has submitted a comprehensive stormwater management plan, see Attachment 5. This plan has included the approved six independent living units to the east of this site for clarity.

Incorporated within the stormwater management plan is a degree of water sensitive urban design (WSUD). This includes rainwater being plumbed to internal laundries or toilets, with the remaining water available for landscaping irrigation.

To confirm the suitability of the stormwater management plan, the application was referred to Council’s stormwater engineer. It was confirmed the proposal is acceptable as it provides the required detention volumes with appropriate stormwater discharge to the street.

The proposal is considered to satisfy Natural Resources Objective 5 and 7 and PDCs 7(a & b), 8, 9 and 11.

6.8 Waste Management

The proposed waste collection method for this development will utilise Council’s standard weekly bin collection.

The proposed units are provided with a shared storage room within the garage area of each building to house the collection bins.

The bins are to be transported to the kerb by Balmoral Village staff and returned to the storage enclosure once the bins have been emptied. Given the ample frontage afforded to Jarrah Road, Karri Drive and Walnut Grove, there is sufficient space to accommodate all necessary bins in the road verge for collection.

For reference, the approved six independent living units will utilise a similar waste management process.

6.9 Landscaping

As shown on the Proposed Site/Level Plan (Attachment 4), the development will include substantial landscaping throughout.

The various species of trees, plants and shrubs to be planted will increase the amenity of the development, from both within the site and when viewed from the public realm.

This is consistent with Landscaping, Fences and Walls Objective 1 and PDC 1.
6.10 **Heritage**

The existing retirement village contains ‘Balmoral House’ which is listed as a local heritage place within Table TTG/6 of the Development Plan.

The proposed development is distanced approximately 65m from the local heritage place and is separated by substantial vegetation and the existing built form.

Previous advice by Council’s Local Heritage Advisor confirmed the need for the development to respect and complement the built form character of the local heritage place is obviated due to the separation distance from Balmoral House, the more recent development that has occurred around Balmoral House, and the screening provided by existing established trees.

The proposal is therefore satisfies **Heritage Places Objectives 1 and 3.**

7. **CONCLUSION**

The proposed development at 806-808 Lower North East Road, Dernancourt is a non-complying development within the Residential Zone given it includes two residential flat buildings that will exceed a total height of 9m from finished ground level.

Despite the non-complying building height, the built form is be sited and designed so as to not cause any unreasonable impacts to the amenity of nearby residential properties by way of visual impact, overshadowing or overlooking.

The land use is compatible with the zone, and will operate in conjunction with the existing retirement village, Balmoral Village.

It has been demonstrated that the proposed development is acceptable from a parking and traffic perspective, and that the design will also adequately manage stormwater on site.

On balance, it is considered that this non-complying application displays sufficient merit to warrant Development Plan Consent, subject to the concurrence of the State Planning Commission and conditions of approval.

8. **RECOMMENDATION**

That pursuant to the authority delegated to the Council Assessment Panel by Council, the Council Assessment Panel:

A. RESOLVES that the proposed development is not seriously at variance with the policies in the Tea Tree Gully (City) Development Plan.

B. RESOLVES to GRANT Development Plan Consent to the application by The Balmoral Group Pty Ltd for a non-complying development to construct two residential flat buildings, landscaping, retaining walls and fencing, and associated earthworks in association with Balmoral Village Retirement Village at 806-808 Lower North East Road Dernancourt as detailed in Development Application No.070/117543/2019 subject to the concurrence of the State Planning Commission, and the following conditions and advisory notes:
Item 4.1

(1) The development shall be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 070/117543/19 and the plans listed as follows:

- Proposed Site/Level Plan, Sheet No 03, Drawn by Abela Design and Drafting, Dated 1 November 2019
- Floor Plans, Sheet 04, Drawn by Abela Design and Drafting, Dated 1 November 2019
- Elevations, Sheet 05, Drawn by Abela Design and Drafting, Dated 1 November 2019
- Retaining Wall and Masonry Fence Details, Sheet 06, Drawn by Abela Design and Drafting, Dated 1 November 2019
- Streetscape Elevations, Sheet 07, Drawn by Abela Design and Drafting, Dated 1 November 2019
- Site Plan, Drawing no 18871-CO1, Revision C, Drawn by Gama Consulting, Dated 31 October 2019

except where varied by any condition(s) listed below.

(2) The premises shall be kept tidy and buildings, fences, landscaping and paved or sealed surfaces shall be maintained in good condition at all times. **Reason**: To maintain the amenity of the site and locality.

(3) All driveways, parking and manoeuvring areas shall be formed, sealed with concrete, bitumen or paving, and be properly drained. They shall be maintained in good condition thereafter. **Reason**: To ensure useable and safe carparking.

(4) Free and unrestricted access shall be available to both the designated carparking spaces and the vehicle access ways at all times. **Reason**: To ensure useable access and appropriate off-street carparking is provided.

(5) Any existing crossing places not providing vehicle access on the approved plans shall be replaced with kerb and watertable and the verge restored with materials consistent with the surrounding verge to a uniform level free of obstructions. **Reason**: To maintain consistency of the streetscape and protect the infrastructure within the road verge.

(6) The materials used on the external surfaces of the development and the pre-coloured steel finishes and paintworks shall be maintained in good condition at all times. All external paintwork shall be completed within two (2) months of the erection of the development. **Reason**: To preserve and enhance the amenity of the site and locality.

(7) The planting and landscaping identified on the proposed site level plan submitted with the application shall be completed in the first planting season concurrent with or following commencement of the use of the development. Such planting and landscaping shall not be removed and any plants which become diseased or die shall be replaced by suitable species. **Reason**: To maintain the amenity of the site and locality.
(8) A device shall be installed to ensure that all surface run-off, stormwater or other liquid, discharging from the site, shall be free of site contaminants. These contaminants include, but are not limited to oils, grease, fuels, rubbish, litter or silt.  
**Reason:** To assist and maintain water quality entering Council’s drainage network.

(9) Any lights on the subject land shall be directed and screened so that overspill of light into the nearby properties is avoided and motorists are not distracted.  
**Reason:** To minimise the impact on adjoining properties and motorists.

(10) The dwellings shall only be used for persons over the age of 55 and shall form part of a retirement village scheme (whether existing or proposed) in accordance with the requirements of the Retirement Villages Act, 2016.  
**Reason:** The proposal has been assessed as a development forming part of an existing retirement village. The use of the dwellings for any other purpose will constitute a change in land use.

(11) Where stormwater is to be discharged to the street gutter, the stormwater system installation shall meet the minimum requirements of City of Tea Tree Gully drawing:  
62/15/SD – ‘Stormwater Pipe Connection to Council Kerb and Gutter’.  
**Reason:** To maintain consistency of the streetscape and protect the infrastructure within the road verge.

(12) Stormwater discharge from the subject site is to be restricted to four litres per second (4 L/s) for flows during the 1 in 100 year average recurrence interval storm event.  
**Reason:** The stormwater drainage system in the area surrounding the subject land has limited capacity. The reason for this condition is to reduce the flow of stormwater off the subject land to a rate which does not exceed the system’s capacity.

**Note(s):**

1. The cost of rectifying any damage or conflict with existing services or infrastructure arising out of this development will be borne by the applicant.

2. All earthworks shall be confined to and contained entirely within the property boundaries and shall not encroach on or over the roadside verge/reserve.

3. The Applicant/Owner is advised that any works undertaken on Council owned land (driveways, stormwater connections, etc.) will require formal approval under the *Local Government Act 1999* through Council’s Civil Operations Department prior to any works being undertaken. Please find the relevant application form at [http://cttg.sa.gov.au/drivewaysorstormwaters](http://cttg.sa.gov.au/drivewaysorstormwaters). For further information on this process, or the specifications and conditions relating to works on Council land, please contact Council’s Civil Operations Department on 8397 7444.

4. This consent does not obviate the need to obtain any other necessary approvals from any/all parties with an interest in the land.
(5) NBN Co. is responsible for the installation of National Broadband Network (NBN) fibre for all developments in areas where NBN Co. has already rolled out fibre. To ensure services are available when residents move in, developers and builders shall register their developments and apply to NBN Co. before building has commenced. To determine if your site is in an NBN area and to register your development, please complete the pre-qualifier forms located at [www.nbnco.com.au/newdevelopments](http://www.nbnco.com.au/newdevelopments). For more information, please contact the NBN Co. New Developments Team on 1800 687 626 or email newdevelopments@nbnco.com.au.

(6) No signage, either portable or fixed, are to be erected or displayed on the land or on any building, structure, gate or fence. A further permission is required from Council for the erection or display of any sign.

(7) The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

**Attachments**

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**Report Authorisers**

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SUMMARY

Applicant: Arco Architecture
Nature of Development: Alterations and additions to existing shop and advertising
Address: 52 Berryman Drive MODBURY 5092
Application No: 070/117127/2019
Lodgement Date: 15/05/2019
Development Plan: 27 December 2018
Zone and Policy Area: District Centre Zone (No Policy Area)

Relevant Development Plan Provisions:

Objectives:
- Centres and Retail Development 1
- Design and Appearance 1
- Landscaping Fences and Walls 2
- Orderly and Sustainable Development 1
- Outdoor Advertisements 1, 3, 4, 5, 6
- District Centre Zone 1, 2, 5

Principles of Development Control:
- Centres and Retail Development 2, 4
- Design and Appearance 1, 2, 3, 4, 14, 15, 22
- Landscaping Fences and Walls 4
- Outdoor Advertisements 1, 2, 4, 5, 7, 12, 14
- District Centre Zone 1, 2, 4

Public Notification: Category 2

Representations:

Number of Properties Notified: 10
Number of Representations Received: 0

Schedule 8 Referral: N/A
Was a request for additional information made? Yes

Issues: Built form and excessive advertising

Recommendation: Refusal

1. PROPOSAL

This application seeks consent for alterations and additions to an existing single storey pizza shop.

The alteration works include:

- Internal works and replacement external walls to upgrade the building
- Minor internal reconfiguration, resulting in increased ‘waiting area’, counter area and entry area
- New disabled toilet
- Upgraded external facades, including 6.5m feature panel and increased glazing (sliding doors and windows)
- New undercover play area in the form of a curved roof verandah and attached signage panels with an overall height of 6m
- New glass screens added to existing front fence, replacing black tubular fencing
- Replacement signage on the building
- Removal of existing pylon sign

The external building works will retain the bullnose verandah around the building and replace existing signage structures with new red painted fascia panels that sits 1.43m above the verandah and wraps around the building.

A dark grey painted feature panel is to be installed above a section of wall reaching an overall height of 6.5m and returns around the building for a further 2.5m to create a box-like appearance.

This feature has attached signage on all three sides, which is internally illuminated and sits above the existing verandah. The signs comprise a 2.3m high x 5m wide sign facing Berryman Road (west), and a 2.3m high x 1.7m wide sign facing Montague Road (north) and south.

The new undercover play area is proposed in the form of a pre-coloured steel curved roof verandah with attached signage panels. The verandah and signage structure has an overall height of 6.0m and comprises a 2m wide x 0.9m high sign facing Berryman Drive (west).

The existing masonry fence will also be upgraded to remove the black tubular fencing component and replaced with glass infill screens.

The applicant has confirmed that the alteration and addition works do not seek to increase the gross floor area of the existing shop, nor are they looking to introduce dining areas.
The applicant has advised the building alterations are required to ‘open up’ the existing space by removing existing high level windows and replacing with larger windows and doors. They have also advised the verandah structure is a critical design element that will better define the front area and the signage will enable better customer reach.

The proposal does not seek to alter the existing car park area or access arrangement.

The nature of operations and opening hours will also remain unchanged.

2. PROCEDURAL MATTERS

2.1 Kind of Development

The Development Plan does not assign alterations and additions to a shop, and external advertising as a ‘non-complying form of development, nor is the development listed as ‘complying’ in the Development Plan or the Development Regulations 2008 (‘the Regulations’).

The application has therefore been assessed on merit.

Having regard to the existing use of the land and the nature of the proposed alteration and addition works, it is considered that the development is not seriously at variance with the Development Plan pursuant to Section 35(2) of the Development Act 1993 (‘the Act’).

2.2 Schedule 8 Referral(s)

The subject site is located on an arterial road and does propose illuminated signage, however no access changes are proposed and the nearest signalised intersection is more than 110m away. The site is not subject to road widening.

As such the application does not require a referral to the Commissioner of Highways.

3. PUBLIC NOTIFICATION

Section 38(2)(a) of the Act states that the Regulations or a Development Plan may assign different forms of development to a category for the purposes of public notification.

The District Centre Zone of the Development Plan does not assign any development to a particular category.

Clause 18(c) in Schedule 9 of the Regulations states that any development in a centre zone is assigned to Category 2 where the development is adjacent to land in a zone which is different to the zone which applies to the site of development.

In this instance, as the subject site is located in the District Centre Zone and is adjacent land in the Residential Zone, the application was determined to be Category 2.

Ten (10) properties were notified, however no representations were received.
4. SITE AND LOCALITY

The subject site is 52 Berryman Drive, Modbury, and is located in the District Centre Zone.

The site is a slightly irregular-shaped corner allotment with an area comprising some 650m², a frontage of approx. 14m to Montague Road and a frontage of approx. 35m to Berryman Drive.

The site currently comprises a single storey shop building currently operating as ‘Australia's Pizza House, and a car park to the rear which accommodates seven (7) vehicle spaces.

The land has a gradual slope from the Montague Road frontage, down towards the car park area at the rear. The site is notably lower than street level and has limited landscaping, however the verge along the two road frontages is landscaped with hedges.

There are no regulated trees or easements on the land.

The locality comprises land both within the District Centre Zone and the Residential Zone. Land to the east comprises the Clovercrest Shopping Centre, land to the north consists of shop and petrol station uses, and land to the south and west contains generally low density residential housing.

The combination of land uses in the surrounding area is reflective of the nearby boundary between the District Centre and Residential Zones.
The scale of development in the locality is a mixture of single storey and two storey buildings that respond to the sloping nature of the locality. There is a relatively low level of landscaping in the locality, with the majority contained within road verge areas and a large open reserve located behind the neighbouring shopping centre.

5. PLANNING ASSESSMENT

5.1 Land Use

District Centre Zone Principle of Development Control (PDC) 1 lists a ‘shop’ as an envisaged land use for the site. Furthermore advertisements are anticipated where they relate to the primary function of the land.

This site is currently operating as a takeaway pizza shop and currently contains a high level of outdoor advertising in relation to the legitimate shop land use on the land. This application does not propose a change in land use nor a change to the existing nature of operations on the land.

The application is therefore acceptable from a land use perspective as the current use remains unchanged, and it is acknowledged as an envisaged use for the site.

Panel members should note there is a Land Management Agreement (LMA) on the land which restricts the nature of operations, including the land not being used for the consumption of foodstuff.

The applicant has advised that they are not proposing a new dining area as part of this application, and have updated their floor plan to reflect this with waiting areas only, see Attachment 5. As such, the proposed development does not contravene any of the clauses in the LMA.

5.2 Built Form

Design and Appearance Objective 1 seeks development of a high standard and appearance that responds to and reinforces positive aspects of the local environment and built form.

Design and Appearance PDC 15 states that buildings and signage should have a co-ordinated appearance that maintains and enhances the visual attractiveness of the locality.

The subject site in its current form does not present as a co-ordinated site, recognising ad-hoc changes to advertising over time and the original design of the building having blank walls and high windows, which does not present well as a shop to the public realm.

The removal of existing panels above the roof and verandah, and upgrading the façade is considered appropriate in this instance as it will significantly improve the appearance of the site as viewed from the street.

The provision of a large feature wall presenting to the Montague Road frontage will considerably increase the bulk of the existing building and increase the overall height from 6.2m to 6.5m.
Item 4.2

It was suggested to the applicant that the height of this feature be reduced to reflect the current maximum height of the existing building at 6.2m, however this was rejected. In isolation the additional 0.3m is not considered fatal from a built form perspective, noting the District Centre Zone does not nominate height restrictions. It does, however, contribute to the overall bulk and appearance of the building.

The scale the building façade treatments and external alterations to the building is considered notable but not unreasonable in the context of the existing District Centre Zone, and is consistent with Design and Appearance PDC 1 in that the building height, mass and proportion reflects the character of the locality.

In addition, the applicant is proposing a 6.0m high verandah structure between the Montague Road boundary and the existing building. This portion of the site is a raised benched area and is currently underutilised.

The design of the covered area is not considered appropriate having regard to its location adjacent the corner and the presentation of bulk to the street as a result of the panels located on top of the roof for signage purposes.

The overall height of the verandah structure does not exceed the overall height of the shop building, however a structure of this height and design on an elevated benched area will dominate the appearance of the site as viewed from Montague Road.

This is not considered to be consistent with Design and Appearance Objective 1 and PDC 15, and as such this aspect of the proposal cannot be supported.

In addition, the proposed verandah structure is not consistent with the District Centre Objective 2 and the Zone Desired Character statement which seeks a visually cohesive and integrated centre in terms of design and exhibiting the unique character of built form.

The locality has a range of single storey and two storey buildings within the District Centre Zone and it is acknowledged that the amenity of the zone is not particularly high with regard to buildings not presenting well to the street and advertising dominating facades. However secondary structures with large bulky signage located in front of the primary building, and large signs located above the roof of the associated building do not form part of the prevailing character of commercial sites within this centre.

Furthermore, whilst the applicant has advised that this area is to be used as an outdoor play area, the need for such a structure is questioned where patrons visit the site for ‘pick up only’. The applicant is seeking exposure for signage, however the provision of a large bulky verandah structure adjacent the street is not considered appropriate.

A suggestion was put to the applicant that the panels on top of the roof of the verandah be removed to reduce the bulk and visual impact of the verandah, however this was declined and instead the panels were reduced in height from 2m to 1m.
5.3 Outdoor Advertising

Outdoor Advertisements Objective 1 states that urban landscapes should not be disfigured by advertisements, Objective 3 seeks advertisements that are designed to enhance the appearance of the building and locality, and Objective 5 seeks advertising that is integrated with and complementary to the design of associated development.

In addition, Outdoor Advertising Objective 6 states that advertising should avoid excessive signage and the loss of effectiveness for individual signs.

Whilst it is acknowledged that there is a large number of signs already present on the site, an opportunity to redevelop the site should seek to consolidate signage and achieve a co-ordinated appearance that is consistent with the character of signage in the locality.

The proposed works and replacement signage panels on the existing building could be considered to comply with Objective 5 in that the signage has been integrated into the design, however the provision of signage panels on the roof of the new verandah structure is not appropriate.

This is also reflected in Outdoor Advertisements PDC 7 which states that advertisements attached to buildings should not be sited on the roof or higher than the walls of the building unless forming part of an integrated extension of the building and contributes to a complementary advertising theme.

Again, the provision of signage above the roof of the existing building may be considered appropriate in this instance where, however an advertising panel proposed on top of a curved roof verandah structure is not considered to contribute to the overall design or advertising theme of the site.

The development proposes a significant amount of advertising above the existing roofline of the building, and whilst it is acknowledged that the finished level below Montague Road reduces visibility, it is considered that the site should maintain the theme of advertising in the locality and not have excessive signage above the roof level.

The development will reduce the clutter of existing advertising and proposes to replace an old pylon sign, however the scale and dominance of advertising proposed is considered to be excessive and out of character for the locality.

The development is therefore not considered to be compatible with nearby buildings and spaces such that it will dominate the site as viewed from the wider locality, and fails to achieve Outdoor Advertising PDC 12.
5.4 **Fencing**

There is an existing rendered masonry fence with painted steel tubular fencing infill that is located along the Montague Road boundary. The applicant seeks to replace the sections of tubular fencing with glass panels.

The use of glass panels enables permeability in and out of the site and does not significantly alter the appearance of the existing fence as viewed from the wider locality.

The upgrade to the existing fence is considered reasonable in the context of the site, notwithstanding this type of fencing is not otherwise found in the locality.

This is consistent with *Landscaping, Fences and Walls PDC 4*.

6. **CONCLUSION**

The redevelopment of this site is encouraged as it will improve the external appearance of the building, assist with rationalising the use of signage currently on the land, and will improve safety concerns of the applicant, however aspects of the design are not considered appropriate.

In particular the inclusion of a large verandah structure with signage above the roof does not reflect the character of the locality and does not contribute to a visually cohesive district centre.

It is also considered appropriate that the use of large feature walls on the external façade should be reduced to better reflect the scale of development existing on the land, and because it is proposed to contain large signs above the roof that will dominate the appearance of the locality.

It is recognised that the site already has signage above the roof line so there is opportunity to achieve this style of advertising to a similar extent, but not at the expense of a large and dominant advertising theme, which is out considered of character for the locality.

In light of the above, the application is recommended for refusal.
7. **RECOMMENDATION**

That pursuant to the authority delegated to the Council Assessment Panel by Council, the Council Assessment Panel:

A. RESOLVES that the proposed development is not seriously at variance with the policies in the Tea Tree Gully (City) Development Plan.

B. RESOLVES to REFUSE Development Plan Consent to the application by Arco Architecture to undertake alterations and additions to existing shop and advertising at 52 Berryman Drive, Modbury as detailed in Development Application No.070/117127/2019 on the following grounds:

1. The proposed built form does not respond to or reinforce positive aspects of local built form.

2. The design does not contribute to the development of a visually cohesive district centre.

3. The development does not reflect the character of the locality having regard to building height, mass and proportion, façade detailing and use of verandahs.

4. The building and signage will not have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.

5. The advertising is not located or sized to be consistent with the predominant character of the urban landscape, or with other advertisements and advertising displays of the streetscape in which they are located.

6. The advertising is sited on the roof and does not contribute to the attainment of a complementary advertising theme.

7. The scale of advertisement is not compatible with nearby buildings and spaces.

8. In particular, the proposal is at variance to the following provisions of the Development Plan:

   a. **District Centre Objective 2** that seeks the development of a visually cohesive and integrated district centre.

   b. **Design and Appearance Objective 1** that seeks development of a high standard and appearance that reinforces and responds to positive aspects of the local environment and built form.

   c. **Design and Appearance PDC 1** that states that buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to
   (a) building height, mass and proportion
   (c) roof form and pitch
   (d) façade articulation and detailing
   (e) verandas, eaves, parapets and window screens.

   d. **Design and Appearance PDC 15** that states that buildings and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.
e. **Outdoor Advertisements PDC 1** that calls for advertisements that are located to be consistent with the predominant and desired character of the urban landscape.

f. **Outdoor Advertisement PDC 5(e)** that states that advertisements should be consistent in size and location with other advertisements and advertising displays of the streetscape in which they are located.

g. **Outdoor Advertisement PDC 7** that states that advertisements attached to buildings should not be sited on the roof or higher unless the advertising is appropriately designed to form an integrated extension and contributes to the attainment of a complementary advertising theme.

h. **Outdoor Advertisement PDC 12** that calls for the scale of advertisements to be compatible with nearby buildings and spaces.

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**Report Authorisers**

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SUMMARY

Applicant: City of Tea Tree Gully

Nature of Development: Demolish existing canteen building and construct a new combined canteen and changeroom building with verandah, deck, and access carpark

Address: 68 Valley Road, Hope Valley 5090

Application No: 070/117858/2019

Lodgement Date: 2 October 2019

Development Plan: Consolidated 27 December 2018

Zone and Policy Area: Residential Zone (No Policy Area)

Relevant Development Plan Provisions:

Objectives
Community Facilities 1
Design and Appearance 1
Heritage Places 1, 3
Interface Between Land Uses 1, 2, 3
Open Space and Recreation 1, 2, 3, 4
Regulated Trees 1, 2
Transportation and Access 1, 2

Principles of Development Control
Community Facilities 1, 3
Design and Appearance 1, 2, 6
Heritage Places 2, 3, 5, 6
Interface Between Land Uses 1, 2, 3, 4, 5
Open Space and Recreation 1, 2, 3, 13, 14, 15
Regulated Trees 1
Transportation and Access 6, 32, 36, 37

Public Notification: Category 1

Schedule 8 Referral: Not required
1. PROPOSAL

The proposed application seeks the demolition of an existing building containing a canteen and BBQ area in order to construct a larger building accommodating additional changerooms, a canteen and deck. The proposed works are ancillary to the Hope Valley Sporting Area Clubroom facilities.

The new building measures 20.4m by 12.6m with an area of 240m² replacing the existing building 140m² in area.

The new building has a height of 4.575m, is capped with a skillion roof, and clad with woodland grey ‘Colorbond’ (or similar) and painted cement fibre sheeting. The deck forming part of the building fronts the football oval, provides access to the changerooms and kiosk and is covered by a flat roof verandah.

Two new dedicated access parking spaces will also be installed to the south of the building to provide compliant access parking adjacent to the oval.

For specific details relating to the proposed structures, see Attachment 4.

2. PROCEDURAL MATTERS

The proposal is for building additions to the existing Hope Valley sporting facility ancillary to a larger recreation area.

Additions to a recreation area is not listed as ‘complying’ development within Table TTG/1 of the Development Plan or within Schedule 4 of the Development Regulations 2008 (the ‘Regulations’).

The Development Plan also does not assign the development as a ‘non-complying’ form of development within the Residential Zone.

Being neither complying nor non-complying, the application is to be assessed on merit pursuant to section 35(5) of the Development Act 1993 (the ‘Act’).

The proposal, being works ancillary to a long standing recreation area, is considered as reasonable and envisaged development despite being located within the Residential Zone. Subsequently the proposal is not considered to be seriously at variance with the Development Plan pursuant to Section 35(2) of the Act.
3. **RELEVANT AUTHORITY**

The applicant for this application is the City of Tea Tree Gully, which may suggest the assessment of this application by Council staff presents a perceived conflict of interest.

Pursuant to Section 34(b)(ii) of the Act, the relevant authority for Council applications is generally the State Commission Assessment Panel (SCAP).

Council has previously sought advice from SCAP who has confirmed that Council has the ability to assess its own applications on the basis that there is an independent Panel, specifically the Council Assessment Panel (CAP), available to undertake an unbiased assessment. A determination from CAP provides sufficient independence from the application to resolve any perceived conflict of interest.

4. **PUBLIC NOTIFICATION**

Section 38(2)(a) of the Act states that a Development Plan or the Regulations may assign different forms of development to a category for the purposes of public notification.

This development is not listed as Category 1 or Category 2 development within the Regulations, however additions and alterations to a recreation area is listed as Category 1 development within procedural matters of the Residential Zone.

The application was processed as Category 1 and no public notification was undertaken.

5. **SITE AND LOCALITY**

The subject site is a recreation area accommodating a wide range of sporting facilities and ancillary structures.

The recreation area, known as the Hope Valley Sporting Area, accommodates tennis courts to both Leeds Avenue and Valley Road frontages, a football oval central to the grounds, existing clubrooms to the west of the oval, and a local heritage listed building “Highbury and Hope Valley Institute” located adjacent to the Valley Road frontage. The site of the proposed development is to the south of the existing football clubrooms and is identified within figure 1 below.
The recreation area comprises a total of seven allotments with an overall area of 4.08 hectares. The land spans between Valley Road and Leeds Avenue, and is bound to the north and south by established dwellings.

The locality applicable to this development is primarily land belonging to the recreation area, however it does include some residential allotments west of the land which front Leeds Avenue.

The locality applicable to this development is depicted by the dashed line in figure 2 below.
6. PLANNING ASSESSMENT

6.1 Land Use

The proposed development removes an older and obsolete building to make way for an upgraded canteen and additional changerooms. The use is ancillary to the function of the Hope Valley Sporting Area.

The new structure does not result in an intensification of land use or change the nature of activities or functionality of the existing recreation area. The changerooms merely support existing activities whilst the canteen is a reestablishment of an existing activity.

Open space and recreation Objective 2 stating “Pleasant, functional and accessible open spaces providing a range of physical environments”, and Objective 3 stating “a wide range of settings for active and passive recreational opportunities” will continue to be achieved as a result of the proposed development.

6.2 Heritage

The Highbury and Hope Valley Institute building is listed as a Local Heritage Place in the Development Plan and forms part of the wider recreation area.

The application was referred to Council’s Local Heritage Adviser for comment, see Attachment 5.

The advice confirms that the proposed works are sufficiently separated from the Local Heritage place, being some 170m away, and is considered acceptable from a heritage perspective.

Heritage Places Objective 1 “Conservation of State and local heritage places”, and Objective 3 “Conservation of the setting of State and local heritage places” are therefore satisfied.

6.3 Interface

The proposed works will be occurring within reasonable proximity to nearby residential properties fronting Leeds Avenue which back onto the Sporting Area.

Interface between Land Uses Objective 1 seeks for development to be “located and designed to minimise adverse impacts and conflict between land uses”.

PDC 1 continues to advise that “Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:

(a) The emission of effluent, odour, smoke, fumes, dust or other airborne pollutants
(b) Noise
(c) Vibration
(d) Electrical interface
(e) Light spill
(f) Glare
(g) Hours of operation
(h) Traffic impacts
In addition, **PDC 2** continues to state “*Development should be sited and designed to minimise negative impacts on existing and potential land uses desired in the locality.*”

The proposed building is not considered to be an unreasonable noise generator. Activities associated with the changeroom and canteen are consistent with the existing function and management of the greater recreation area which is under control of the Council.

The proposal will not be a contributor to additional noise disturbance to nearby residential land beyond existing site conditions.

No lights are proposed to the building as existing lighting is to be retained.

Hours of operation remain commensurate with the existing function of the recreation area which is under control and management of Council.

Existing thoroughfares, dedicated carparks and ad-hoc parking around the football oval will remain unimpeded by way of the proposal. The change rooms are not considered to add to patron numbers as they are used at existing events, and in turn they will not result in additional parking demand or congestion.

Air emissions, vibration electrical interference and glare are not associated with the proposed building or its use.

The proposed building is not considered to alter, change or intensify the existing functionality of the recreation area, and subsequently is not considered to result in any unreasonable reduction in amenity to residential land uses within the locality.

### 6.4 Regulated Trees

To the immediate south west of the development site is an existing Melaleuca regulated tree.

The tree is regulated due to the combined trunk circumference measured at 1.0m above ground level of 2.25m.

Council’s Arborist has confirmed that the tree will be unaffected by the proposed works given the footprint of the new building is similar to that of the building to be demolished. Root disturbance is therefore unlikely as a result of the proposed works.

The arborist has included a number of recommendations to be adopted during the demolition and construction phases to avoid tree damaging activity occurring. These recommendations form part of recommend conditions in Section 7 of this report.

For the arborist’s comments, please refer Attachment 6.
7. CONCLUSION

The proposed development replaces an old and ageing building with a better fit-for-purpose building.

The changerooms and the new canteen remain consistent with activities associated with the existing recreation area use, whilst providing better facilities for community sporting events.

The proposed use will not result in any undue impact to nearby non-residential land uses, with the building in itself relatively subtle in terms visual impact.

The proposal, when considered on balance with the relevant Objectives and Principles of the Development Plan, is considered to warrant Development Plan Consent subject to conditions.

8. RECOMMENDATION

That pursuant to the authority delegated to the Council Assessment Panel by Council, the Council Assessment Panel:

A. RESOLVES that the proposed development is not seriously at variance with the policies in the Tea Tree Gully (City) Development Plan.

B. RESOLVES to GRANT Development Plan Consent to the application by The City of Tea Tree Gully to demolish existing canteen building and construct new combined canteen and changeroom building at 68 Valley Road, Hope Valley as detailed in Development Application No.070/117858/2019 subject to the following conditions and advisory notes:

1) The development shall be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 070/117858/2019 except where varied by any condition(s) listed below.

2) The materials used on the external surfaces of the building and the pre-coloured steel finishes or paintwork shall be maintained in good condition at all times. All external paintwork shall be completed within 2 months of the erection of the building.

   Reason: To preserve and enhance the amenity of the site and locality.

3) The proposed carparking spaces for motorists with disabilities shall be constructed and linemarked and signposted in accordance with Australian Standard AS 2890.6:2009. The linemarking and signposting shall be maintained to a clear and visible standard at all times.

   Reason: To provide safe and convenient parking for motorists with a disability.

4) Any trenching that will occur within the Tree Protection Zone (5.42m radius from the centre of the trunk) of the regulated melaleuca tree shall use alternative instillation methods such as directional boring, hydro-excavation, air spade, manual excavation.

   Reason: To minimize any impact to regulated trees.
(5) Tree protection fencing is to be installed around the trees to be retained or protected prior to development. The tree protective fencing shall be included on any construction drawings.

Reason: to ensure appropriate protection to trees to be retained.

Note(s):

(1) The development (including during construction) shall not at any time emit noise that exceeds the relevant levels derived from the Environment Protection (Noise) Policy 2007.

(2) This consent does not obviate the need to obtain any other necessary approvals from any/all parties with an interest in the land.

(3) The Disability Discrimination Act 1992 places obligations on the applicant/developer in relation to the provision of facilities and access for people with disabilities.

(4) You are advised that it is an offence to undertake tree damaging activity in relation to a regulated or significant tree without the prior consent of Council. Tree damaging activity means:
- The killing or destruction of a tree; or
- The removal of a tree; or
- The severing of branches, limbs, stems or trunk of a tree; or
- The ringbarking, topping or lopping of a tree; or
- Any other substantial damage to a tree, (including severing or damaging any roots),
and includes any other act or activity that causes any of the foregoing to occur, but does not include maintenance pruning that is not likely to affect adversely the general health and appearance of a tree.

Attachments

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