Development Assessment Panel

18 December 2008

MID MURRAY COUNCIL

DEVELOPMENT ASSESSMENT PANEL

Agenda

Meeting to be held in the Council Chambers, Main Street, Cambrai

Thursday 18 December 2008, 10.00am

1. PRESENT

Frank Wieser (Presiding Member), Graham Gaston, Ross Dawkins, James Miller, Brian Taylor and Inez Bormann

2. IN ATTENDANCE

Kelvin Goldstone, Environmental Services Manager
Geoff Parsons, Senior Development Officer – Planning
Melissa Marschall, Minute Secretary

3. COMMENCEMENT AND WELCOME AM

4. APOLOGIES

5. DEVELOPMENT REPORT

RECOMMENDATION

moved that the report be received.
Seconded

6. CLOSURE

MID MURRAY COUNCIL

DEVELOPMENT ASSESSMENT PANEL

Development Report

Meeting to be held in the Council Chambers, Main Street, Cambrai

Thursday 18 December 2008, 10.00am

Table of Contents

Item No.	Subject	Page No.
	Development Report	
6.1	711/300/08 – T Siciliano	1

6.1 DEVELOPMENT APPLICATION 711/300/08 – T SICILIANO

Reporting Officer:	*Geoff Parsons*
Development No.	711/300/08
Applicant	T Siciliano
Subject Land	Allotment 887 of FP209263, 67/75 Adelaide-Mannum Road, Mannum, Hundred of Finniss
Proposal	Shopping Centre (including Supermarket & 15 Specialty Shops) together with associated Car Parking, Signage and Landscaping

INTRODUCTION

The application seeks Development Plan Consent for a Shopping Centre (including Supermarket & 15 Specialty Shops) together with associated Car Parking, Signage and Landscaping.

The development will provide a service centre, separate from that located along the Main Street precinct (i.e. Randell Street), capable of supporting the frequently occurring retail needs of the local community.

SUBJECT LAND

The subject land is identified as Allotment 887 of FP209263, 67/75 Adelaide-Mannum Road, Mannum, Hundred of Finniss, as identified in Certificate of Title Volume 5817 Folio 502.

The allotment has frontage to both Adelaide-Mannum Road and Male Road. The total area of the site is 15 283 square metres.

The site was previously occupied by the Mannum Sawmill. The use has since ceased and currently the site is vacant with the exception of several dilapidated buildings and some separate materials (loose timber etc.).

The site slopes from the north west to the south east, but the gradient is gradual. Some scattered vegetation exists on site which will be required to be removed.

Attachment 1 identifies the subject site and locality of the subject site.

DESCRIPTION OF PROPOSAL

As previously noted the proposal constitutes a supermarket together with 15 specialty shops and associated car parking, signage and landscaping.

The supermarket has an area of 2 614 square metres, with the specialty shops having a total area of 2391.7 square metres. This provides for a total leasable floor area of 5005.7 square metres. The supermarket and specialty shops will be arranged in an “L” shape formation from the northern corner of the site in a south easterly and south westerly direction.

The floor levels of the specialty shops will alter to align with the natural contours of the land, thereby minimizing the need for alteration to the natural landform (i.e. cut/fill).

A number of different access/egress points are proposed for the site including:

- One access point from Adelaide-Mannum Road for general vehicular traffic.
- Two egress points to Adelaide-Mannum Road. One for general vehicular traffic and one for heavy/loading vehicles.
- Two access points from Male Road. One for general vehicular traffic but both for heavy/loading vehicles.
- One egress point to Male Road for heavy loading vehicles.

A total of two hundred and fifty six car parking spaces are to be provided on site. Four of these will be for disabled persons. The car park will be illuminated during the hours of 6pm and 12 midnight 7 days per week.

Landscaping is proposed along a majority of the perimeter of the site. The only exception to this is along the north western boundary of the site where the service road is located.

An advertisement is proposed adjacent the "main" entrance to the complex off Adelaide-Mannum Road. The advertisement is proposed to have a total height of 8.3 metres and be of a square design.

A bus parking area is proposed to be located along Adelaide-Mannum Road. A pedestrian path through the road reserve will be developed in conjunction with this.

NATURE OF THE LOCALITY

The subject land lies along the main entrance to the Mannum Township. It is surrounded by a range of different land uses including industrial, commercial, residential, educational and vacant land.

To the south west of the subject land, across the Adelaide-Mannum Road, lie a number of dwellings interspersed with some commercial and light industrial development. To the south east lie a number of educational and public facilities including the kindergarten, school and Council office.

The area to the north east of the subject land comprises residential development including the new Paddlesteamer Estate. Land to the north west consists of some commercial facilities and vacant land.

The locality is principally comprised of low density development serviced by a network of wide public roads. A relatively high level of vehicular traffic (within the context of the township) traverses the locality.

The locality serves as a commercial centre for the town. The proposed development will add a retail component to this area.

REFERRALS

The application was required to be referred to the Department of Transport, Energy and Infrastructure (DTEI) pursuant to Schedule 8 Part 2 (3) (a), (b) & (c) of the Development Regulations 2008.

The response provided by DTEI is attached. While DTEI raised no direct opposition to the proposal they did raise a number of concerns, some of which required additional information to be submitted, and upgrade works to the existing road network to be undertaken.

PUBLIC NOTIFICATION

The proposal was classified as a Category 2 form of development pursuant to Schedule 9 Part 2 (19) of the Development Regulations 2008.

Council received one written representation in regards to the proposal which, while not directly opposing the development, raised issues of stormwater run-off in the locality and how it would be managed in order to prevent flooding of the subject land and other land in the downstream flow path.

The applicant provided a written response to the representation in an attempt to address the concerns that were raised.

Given the application was advertised at a Category 2 level the representor does not have the right to be heard by Council's Development Assessment Panel or a right of appeal against a decision of the Panel to grant Development Plan Consent.

A copy of the representation and the applicant's response are attached.

RELEVANT PROVISIONS OF THE MID MURRAY COUNCIL DEVELOPMENT PLAN

Council Wide

Objectives: 1, 2, 3, 5, 7, 8, 9, 11, 13, 14, 15, 16, 17, 19, 48, 49 & 50
Principles of Development Control: 1, 2, 4, 16, 17, 18, 19, 20, 22, 23, 24, 25, 28, 29, 30, 31, 32, 34, 35, 36, 39, 40, 41, 45, 46, 47, 48, 167, 168, 169, 171, 172, 175, 176, 177 & 180

Mannum Neighbourhood Centre Zone

Objectives: 1, 2, 3, 4 & 5
Principles of Development Control: 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18 & 19

ASSESSMENT

An assessment of the various components of the proposal against the relevant provisions of the Development Plan is provided for below.

<u>Land Use</u>

In 2004 Mid Murray Council agreed to partake in a 'developer funded' Development Plan Amendment (DPA) to rezone the subject land and surrounding allotments, specifically for the purposes of accommodating a shopping complex & supermarket.

The DPA has subsequently been incorporated into Council's Development Plan and now forms part of the basis for the assessment of this application. Various provisions of the zone note the intended use of the land:-

> *Mannum Neighbourhood Centre Zone Objective 1 – A centre providing a range of facilities to meet the shopping, community, business, and recreational needs of the surrounding area.*
>
> *Mannum Neighbourhood Centre Zone Objective 2 – A centre that provides the main focus of the business and community life outside the Mannum main street (Business Zone) and provides for the more frequent and regularly recurring needs of a community.*
>
> *Land Use*
> *The following forms of Development are envisaged in the Mannum Neighbourhood Centre Zone:*
> *……*
> - *Shop;*
> - *Supermarket.*
>
> *……*

It is considered that the proposal accords to the above objectives providing a facility that will cater to the regular and frequent retail needs of the community through both a supermarket and specialty shops. The proposed land use is appropriate on the subject land.

<u>Impact on Mannum Main Street</u>

While the land use/location is considered appropriate, it is worthwhile briefly discussing the way this development will relate to the existing main street precinct of Mannum.

Currently the Mannum Main Street (Randell Street) is the focus of the retailing and business activities for the town. However Randell Street is not able to provide for additional growth of these activities due to the topographical constraints of the locality (the River Murray & floodplain, the cliffs etc.).

Car parking is also significantly restrained in the locality, with minimal areas being available to accommodate further car parking facilities.

Mannum has the potential to experience significant growth in the future, especially given recent residential development and the Mannum Waters Project. Randell Street is not sufficient to cater for the increase in population and accordingly additional retail facilities must be provided in a location where access is easily attainable. The site for the proposed development offers that opportunity.

It is suggested that the Randell Street however will not suffer as a result of the development proceeding. Its role may alter to be focused on tourism rather than retail per se, but it is not considered that the development would be wholly detrimental to Randell Street if this change occurred.

Car Parking

A car parking area comprising two hundred and fifty six car parking spaces (including four disabled) is proposed as part of the development. The applicant has confirmed in writing that the car parking area will be sealed with bitumen and the main entry/exit points and turning areas with concrete.

Council's Development Plan in Table MiMu/1 provides a list of land uses together with the amounts of car parking spaces that should be provided. Unfortunately a category for supermarket is not provided; however the table does specify a requirement for *"shop"* being *"One per 15 square metres of floor area"*. Based on this requirement three hundred and thirty three car parking spaces should be provided.

While the amount of car parking spaces provided is below the specified amount in Council's Development Plan, I note the comments of Mr Phil Weaver of Phil Weaver and Associates in his report dated 12 September 2008 in regards to car parking. In the absence of specific criteria in Council's Development Plan I concur with the comments of Mr Weaver. In addition a level of opportunity exists to develop further car parking areas in the locality if required.

In addition I note Council's Development Plan stipulates the following in regards to car parking:-

> *Council Wide Principle of Development Control 17 – Parking areas associated with development, excluding residential development in the form of a detached dwelling or semi-detached dwelling should:*
>
> *(a) be sited and suitably screened with fencing or landscaping to enhance the amenity of the locality;*
> *(b) provide vehicle parks, service areas and access and manoeuvring areas which are constructed and bituminized or brick paved or concreted in accordance with sound engineering prior to the occupation or the use of the development herein approved; and*
> *(c) be graded so that surface water is directed to the water table of a public road, landscape reserves or otherwise to the satisfaction of the relevant authority;*
> *(d) be designed so that access aisles and manoeuvring areas allow for vehicles to enter a public road in a forward direction; and*
> *(e) be maintained thereafter to the reasonable satisfaction of the relevant authority.*
>
> *Council Wide Principle of Development Control 18 – Development should include an appropriate provision on the site to enable the parking, loading, unloading, turning and fuelling of vehicles and pedestrian or cycle movement in a safe and convenient manner. Shared parking areas or sites located elsewhere other than on site should only be provided where such an arrangement it to be to the benefit of the community.*

In addition there are several relevant provisions within the Mannum Neighbourhood Centre Zone.

Generally, despite the proposals variance with Table MiMu/1, it is considered that the car parking area meets the requirements of Council's Development Plan. It will be sealed to a suitable standard, incorporates landscaping to screen the area, allows for sufficient and safe pedestrian movement, and has strategies in place to manage stormwater run-off (explained further in the "stormwater" section).

The development is satisfactory in respect of this issue.

Traffic Management

The development will have a significant impact on existing levels of traffic movement within the locality. In the report to Council from Phil Weaver & Associates an increase of approximately 600 trips during peak hour on a Thursday is expected and approximately 800 trips during peak hour on a Saturday.

An increase of this magnitude will have a significant impact on the existing external road network, and significantly alter the existing nature of vehicular movements in the locality.

A total of five entry/exit points are proposed for vehicular traffic as part of the development. Council has formally consulted with DTEI (as required by the Development Regulations 2008) and in addition has informally consulted further with DTEI and requested a review of the proposal by Council's Consultant Engineers – Gilbert and Associates.

Copies of the formal responses received are attached. As can be seen, Gilbert and Associates in particular recommended a number of upgrades to the existing road network be undertaken including the following:-

1. Provide a left turn deceleration lane at the main entrance on Adelaide-Mannum Road;
2. Provide a protected right turn lane at the main entrance on Adelaide-Mannum Road;
3. Provide a left turn deceleration lane at the Adelaide-Mannum Road/Male Road intersection;
4. Provide traffic control devices as necessary (and as shown on the plans) at the entrance to the loading/unloading area at the north western section of the site to ensure heavy vehicles can only enter when travelling from in a north westerly direction along Male Road;
5. Provide a hot-mix seal along the section of Male Road adjacent the subject site (to ensure the road can adequately accommodate heavy vehicle movements);
6. Relocate the bus stop in a south easterly direction to ensure adequate safety distances from the nearby intersections.

The applicant has agreed to undertake the works which will be incorporated into a Deed of Agreement which will be legally binding upon the applicant. The Deed of Agreement is currently being prepared by Council's Legal Advisors – Norman Waterhouse.

It is considered that the upgrades noted above will be sufficient to ensure the existing external road network will be capable of handling the additional traffic movements without significantly inconveniencing existing road users and those residing in the surrounding locality.

Stormwater

Mannum as a whole is subject to a range of different stormwater management issues. While the subject land is not in close proximity to the cliff face near the River Murray it is still subject to overland stormwater flows from land to the north west and, if developed, has the potential to contribute significantly to increased flooding of downstream properties. In addition other issues needed to be considered as part of the assessment including the quality of stormwater run-off leaving the site and existing drainage system external to the site.

Given the range of complex issues Council utilized the services of Gilbert & Associates to ensure a stormwater management system was proposed that would address the concerns noted above.

Through negotiation Council staff and Gilbert and Associates Senior Stormwater Engineer, Mr Rene Basse managed to facilitate a stormwater management system which has been designed to take account of Council staffs concerns. It will incorporate the following elements:-

- Vegetated swales to improve the visual amenity of the site and ensure that the quality of run-off leaving the site is to a reasonable level.
- A small detention pond which will improve the visual amenity of the site and, coupled with the other elements of the system, restrict stormwater flows leaving the site to those that exist now at the pre-development stage.
- A gross pollutant trap (GPT) to ensure the quality of stormwater leaving the site is to a suitable standard.
- The run-off from buildings will be harvested in rainwater tanks and plumbed back into the bathroom systems used in the development.
- The overland stormwater flows coming from the upper catchment will be caught and diverted to the stormwater detention pond.

These measures are considered to be sufficient to ensure that the stormwater management system will satisfy the relevant provisions of Council's Development Plan including:-

> *Mannum Neighbourhood Centre Principle of Development Control 17 – Development and associated car parking areas should incorporate stormwater management techniques to prevent or minimize the discharge of sediment, suspended solids, organic matter, nutrients, bacteria and litter to the stormwater system, and encourage the on-site detention and utilization of stormwater.*
>
> *Mannum Neighbourhood Centre Principle of Development Control 18 – Development should incorporate water sensitive design techniques to assist in the sustainable use of water.*

The development is considered satisfactory in terms of stormwater management.

Landscaping

Given the visual prominence and location of the subject site the developments visual appearance is of critical importance. Landscaping of the site is an important component when considering the visual impact of built form. Council's Development Plan recognises this through a number of provisions:-

Mannum Neighbourhood Centre Principle of Development Control 15 – Development should incorporate open space and landscaping in order to:

(a) compliment the built form and reduce the visual impact of larger buildings (e.g. taller and broader plantings against taller and bulkier building components);
(b) enhance the appearance of road frontages;
(c) screen service yards, loading areas and outdoor storage areas;
(d) minimize maintenance and watering requirements;
(e) enhance and define outdoor spaces, including car parking areas;
(f) provide shade and shelter;
(g) assist in climate control within buildings;
(h) maintain privacy;
(i) maximize stormwater re-use;
(j) compliment existing native vegetation;
(k) contribute to the viability of ecosystems and species; and
(l) promote water and biodiversity conservation.

Mannum Neighbourhood Centre Principle of Development Control 16 – Landscaping and revegetation activities should give preference to the use of locally indigenous species.

A detailed landscaping plan forms part of the site plan. It includes the location of the landscaping and a schedule which outlines the types of species and the approximate height when mature.

In addition the stormwater management system has been designed to incorporate additional vegetated swales and will also be used to water and maintain the landscaping.

It is considered that the landscaping to be planted combined with the existing vegetation in the Adelaide-Mannum Road verge will provide sufficient landscaping to enhance the visual amenity of the proposed development, and satisfy the relevant provisions of Council's Development Plan.

Advertisements

Two advertisements are proposed as part of the development. One will be located adjacent the main entrance to the shopping complex off Adelaide-Mannum Road. The other will be located at the main entrance to the supermarket.

The advertisements themselves will measure 3.3 metres by 2.75 metres. However they will be suspended in overall advertisement structures that will have a total height of 8.3 metres.

Detailed plans including the colour scheme and location of flood lights are depicted on the site plan and elevation plan.

In regards to advertisements I note that Council's Development Plan stipulates the following:-

> *Council Wide Principle of Development Control 167 – The location, siting, size, shape and materials of construction of advertisements should be:*
>
> *(a) consistent with the desired character of areas or zones as described by their objectives;*
> *(b) consistent with the predominant character of urban or rural landscape; or*
> *(c) in harmony with any building or site of historic significance or, cultural or heritage value in the locality.*
>
> *Council Wide Principle of Development Control 168 – Advertisements should not detrimentally affect by way of their siting, size, shape, scale, glare, reflection, or colour, the amenity of areas, zones or localities, in which they are situated.*
>
> *Council Wide Principle of Development Control 171 – The scale of advertisements should be compatible with the buildings on which they are situated and with nearby buildings and spaces.*
>
> *Council Wide Principle of Development Control 177 – Advertisements should not obscure a driver's view of other road vehicles, or rail vehicles at or approaching level crossings, or pedestrians and of features of the road such as junctions, bends, changes in width, traffic control devices and the like, that are potentially hazardous.*

The proposed advertisements are considerable in their bulk and scale. The only other advertisements in the locality that are of comparable size (yet still smaller than those proposed) are those advertising both service stations and the Eichler earth moving business.

The advertisement proposed at the entrance to the shopping centre is likely to have less visual impact given its proximity to the supermarket building which is of comparable size. It is not considered that this advertisement would be detrimental to the amenity of the locality.

The advertisement proposed to be located adjacent the main entrance to the shopping complex however is likely to have a far greater visual impact. Though it is acknowledged that it is unlikely to have any negative impact on passing vehicular traffic, and I note that DTEI did not raise any concern in this regard.

In forming a view on this matter regard has been given to the nature of the existing locality and the design of the development currently within it, the scale of the buildings proposed as part of the shopping complex development, and the future zoning changes which may take place in the Mannum township and the likely development in the future.

While the advertisement is significant in scale it will be located in the section of the Mannum Township which will become a core retail area. The site will be a key component of the centre zone, and the locality is likely to be subject to a number of similar scale developments in the near future.

Taking these factors into consideration it is suggested that the proposed advertisement, while out of character with the surrounding locality at present, is unlikely to be so once the development is undertaken, and the locality further develops.

Accordingly it is considered that the advertisements conform to the relevant provisions of Council's Development Plan.

External Lighting and Hours of Operation

Both of these components have the potential to cause nuisance and discomfort to people residing in close proximity to the subject land. Whilst Council's Development Plan is relatively silent on this issue it is important that these components of the development are managed adequately to ensure the any impacts on surrounding dwellings are minimized.

External lighting is proposed to be undertaken at various points throughout the car parking area (the sites for the light poles are marked on the site plan). In addition the advertisement adjacent the main entrance to the shopping complex off Adelaide-Mannum Road will be illuminated by floodlights.

The applicant has confirmed that the advertisement and car parking area will be illuminated between the hours of 8pm (approximately 6pm in winter) and 12 midnight. These hours of illumination are considered appropriate by Council staff.

Hours of operation for the shopping complex are unfortunately complicated. The number of individual tenancies make setting a limit on operating hours virtually impossible (for example setting a limit of 9pm on the opening hours of the complex would be an unsatisfactory limit in regards to a "take-away pizza shop" or similar).

As such it is suggested that a limit on operating hours be imposed which would consist of the complex being able to be operate between the hours of 8am and 11pm, 7 days per week. This will allow smaller shops ("take-away") to operate at peak times without inconvenience. It is certainly not intended that the supermarket would be operating for all hours during those times.

Relevant conditions will be placed on the Development Plan Consent (if so issued) which will enforce the hours of illumination/operation.

Amenity

As previously alluded to the location of the subject land (on the main entrance to the Mannum township) means that the site is of critical importance in terms of its visual amenity.

The design of the site layout and built form must be adequate to ensure a pleasant visual appearance to those residing in close proximity to the site and those travelling on the adjacent public road network. The Development Plan reinforces this through the following provisions:-

> *Council Wide Objective 15 – Amenity of localities not impaired by the appearance of land, buildings and structures including landscape.*
>
> *Council Wide Principle of Development Control 34 – Development, including alterations and additions to buildings, should not be undertaken unless it involves a high standard of design with regard to external appearance, building materials, colours, siting and landscaping, so as to preserve and enhance the character of the locality or the desired future character of an area.*

The design and layout of the development has been altered several times since the application was first lodged with Council. The end result is considered to be the most appropriate given the site constraints.

Essentially all refuse collection points have been placed in locations which are reasonably screened from surrounding residential development and public roadways while still allowing for easy access for collection by refuse vehicles.

The design of the built form has taken into account the natural ground levels of the land by ensuring the floor levels of the specialty shops incorporate a split level design. This provides a pleasant visual appearance for the built form while minimizing the need for excessive cut/fill and the associated retaining walls. In addition the car parking area follows the natural contours of the land.

Unfortunately the nature of the development is such that the view from at least one elevation must consist of the "rear" of the built form (i.e. a solid concrete/brick wall with few architectural design features). In these areas landscaping has been proposed which will hopefully be of assistance in minimizing any significant negative visual impact.

The only exception to this requirement is the service road to the north west. However this was not considered such a significant issue as although two dwellings currently exist on the adjacent allotments, the land is owned by the developers and is zoned "Commercial". As such the development is unlikely to have a significant visual impact on the allotment in the future.

A final external colour scheme is to be submitted to Council for approval prior to construction commencing.

CONCLUSION

It is generally considered that the proposal meets a majority of the relevant provisions of the Development Plan. The assessment provided for above demonstrates this.

The Mannum Neighbourhood Centre Zone has been specifically designed for the purpose of accommodating such development as that proposed. Not only does the development provide adequate outcomes in respect of the potential issues (stormwater, landscaping, visual impact etc.) but also has the potential to be of substantial benefit to the local community and aid in changing and improving the function and character of Randell Street.

One matter remains outstanding at this point being that of traffic management. A Deed of Agreement is currently being prepared by Council's Legal Advisors. It will ensure the Developer is legally bound to undertake all of the upgrade works listed in the traffic management section of this report.

The Deed of Agreement must first be finalised and signed before Development Plan Consent can be issued for this proposal.

Development Application 711/300/08 is considered not to be seriously at variance with the relevant provisions of Council's Development Plan. A recommendation is listed below which reflects the planning assessment which has been undertaken.

RECOMMENDATION

moved that Development Application 711/300/08 is found to not be seriously at variance with the relevant provisions of Council's Development Plan and accordingly delegate authority to the Senior Development Officer – Planning to issue Development Plan Consent subject to the appropriate conditions and notations and subject to the following first being undertaken:-

1. A Deed of Agreement covering (but not limited to) the upgrades to the external road network specified in this report (inclusive of the appropriate plans, detailed designs and bank guarantees for the value of the works) being prepared, signed and finalized to the satisfaction of Council; and
2. Any other issues deemed relevant being resolved to the satisfaction of the Senior Development Officer – Planning.

Seconded

Kelvin Goldstone
MANAGER, ENVIRONMENTAL SERVICES