

Special Development Assessment Panel Minutes

10 May 2017

Our Vision

*A City which values its heritage, cultural diversity,
sense of place and natural environment.*

*A progressive City which is prosperous, sustainable
and socially cohesive, with a strong community spirit.*

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City of
Norwood
Payneham
& St Peters

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VENUE Mayors Parlour, Norwood Town Hall

HOUR 7pm

PRESENT

Panel Members Mr Terry Mosel
Mr Phil Smith
Mr Carlo Dottore
Mr Kevin Duke
Ms Fleur Bowden
Mr John Frogley
Ms Evonne Moore
Ms Jenny Newman

Staff Mr Carlos Buzzetti (General Manager Urban Planning & Environment)
Mr Mark Thomson (Manager Development Assessment)
Mr Graeme Gibson (Urban Planner)
Mr Nenad Milasinovic (Acting Senior Urban Planner)
Mr Dylan Furnell (Urban Planner-Minor Assessments)

APOLOGIES Mr Don Donaldson

ABSENT

1. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 19 APRIL 2017

Mr Smith moved that the minutes of the Meeting of the Development Assessment Panel, held on 19 April 2017 be taken as read and confirmed,

Seconded by Mr Duke and carried

2. STAFF REPORTS

- Items to be starred (2.1)

2. STAFF REPORTS

2.1 DEVELOPMENT APPLICATION 155/154/2016 – BUNNINGS GROUP LTD – 3-5 PENNA AVENUE, 37-43 GLYNBURN ROAD, 37 PROVIDENT AVENUE & 35 BARNETT AVENUE, GLYNDE

DEVELOPMENT APPLICATION:	155/154/2016
APPLICANT:	Bunnings Group Ltd
SUBJECT SITE:	3-5 Penna Avenue, 37-43 Glynburn Road, 37 Provident Avenue and 35 Barnett Avenue, Glynde
DESCRIPTION OF DEVELOPMENT:	Demolition of existing structures and the construction of a bulky goods outlet with associated car parking, signage, landscaping including amending the boundary layout to facilitate alterations to the road and kerbing, and intersection upgrade works associated with the installation of a signalised intersection (Non Complying)
ZONE:	Light Industry Zone Norwood, Payneham and St Peters (City) Development Plan (dated 15 July 2015)
PUBLIC NOTIFICATION CATEGORY:	Category 3

Purpose of Report

The purpose of this report is to provide information to the Panel in order for a determination to be made on an Application for the demolition of existing structures and the construction of a bulky goods outlet with associated car parking, signage, landscaping including amending the boundary layout to facilitate alterations to the road and kerbing, and intersection upgrade works associated with the installation of a signalised intersection.

Staff do not have delegated authority to determine the Application, as it is a non-complying form of development. As such, the Application is referred to the Panel for determination.

In making its determination, the Panel is required to determine whether, on balance, the proposal is firstly seriously at variance with the Development Plan as a whole. If so, the Application must be refused consent pursuant to Section 35(2) of the *Development Act 1993*. If not, the Panel must go on to consider whether the proposal sufficiently accords with the Development Plan to merit consent.

Being a non-complying form of development, if the Panel determines to grant consent, the Application will be referred to the Development Assessment Commission (DAC), which will subsequently determine whether or not to concur with the decision of the Panel. If the DAC does not concur with the decision of the Panel to grant consent to the Application, then the Application cannot proceed. If the Panel does not grant consent to the Application, then the concurrence of the DAC is not required.

Subject Land Attributes

Shape:	Irregular
Frontage width:	Glynburn Road - 92 metres; Penna Avenue - 146 metres; Provident Avenue - 35 metres; and Barnett Avenue - 17 metres.
Depth:	146.0 metres - 177.5 metres

Area:	15,600m ²
Topography:	Slightly sloping
Existing Structures:	Glynde Auto Wreckers and car yard on lot 38, including a number of built structures; a two-storey former dwelling on lots 51-52; a two-storey former dwelling on lot 41; storage and parking area on lot 42; a building yard on lot 40; and a mobile phone tower on lot 8.
Existing Vegetation:	Low level shrubs and trees

The substantive part of the subject land at 3-5 Penna Avenue, is used as a junk yard and contains a significant number of scrap vehicles as well as a series of sheds. Vehicular access and egress is gained via numerous vehicle crossing points on Glynburn Road, Penna Avenue, Provident Avenue and Barnett Avenue.

The natural topography of the subject land is sloping, with a fall of approximately 2.0m from eastern to the western boundary and a fall of approximately 2.0m from southern to northern boundary across the Glynburn Road frontage of the site.

Locality Attributes

Land uses:	mix of commercial land uses
Building heights (storeys):	mix of single and two storey commercial buildings
Streetscape amenity:	low streetscape amenity. Whilst a number of commercial uses exist in the locality, they are generally heavily paved and devoid of landscaping.

The locality of the subject land contains a mix of commercial land uses, as outlined in detail below.

North of the Subject Land

All land within the locality to the north of the subject land is located within the Light Industry Zone. Adjoining the subject land to the north is an integrated food manufacturing premises and café, two (2) crash repairers, a vacant yard (former motor trimmers) and a number of office/warehouses.

South of the Subject Land

On the southern corner of Glynburn Road and Provident Avenue is a crash repairer and an office, directly adjacent the subject land, is an office warehouse. Barnett Avenue contains a mix of land uses including crash repairers, furniture manufacturing, engineering services, office/warehouses and service trade premises.

East of the Subject Land

The eastern side of Glynburn Road is located within the City of Campbelltown and contains a mix of residential and commercial land uses. The latter includes a relatively new homemaker centre containing three (3) tenancies, relatively small scale retail premises and several dwellings in the form of residential flat buildings and group dwellings.

West of the Subject Land

Along Barnett Avenue, a number of office/warehouses exist along with a service trade premises, two (2) food manufacturing facilities and several stores.

A plan of the subject land and its surrounds is contained in **Attachment A**.

Proposal in Detail

The Applicant seeks consent to demolish all existing buildings and to construct a bulky goods retail outlet, together with associated earthworks, signage, car parking, landscaping as well as amending the boundary layout to facilitate alterations to the road and kerbing, and intersection upgrade works associated with the installation of a signalised intersection. More specifically, the proposed outlet is to be occupied by Bunnings, a large-scale retailing hardware supplies store.

A trade centre for the sale and pick up of larger building materials is proposed at the western end of the building, with its own access and egress via Penna Avenue.

A small ancillary café within the building (approx. 171m²) is proposed in the centre of the building.

The ground floor level of the building is proposed to comprise a car parking area, accommodating 333 car parking spaces. The level of the car parking area is approximately 1.3m below the level of Glynburn Road and 300mm below Barnett Avenue. Access to the basement car parking area is proposed via three (3) access ramps; one via Penna Avenue, one via Barnett Avenue and one via Provident Avenue. Trade sales are accessed via Penna Avenue at the western end of the building. Deliveries of goods to the subject land is proposed via Penna Avenue, with vehicles circulating around the building, unloading at the southern end of the building and exiting onto Glynburn Road via a ramp. Deliveries are to be one-way traffic movements.

At first floor level, the Glynburn Road frontage of the building is to be occupied by a bagged goods area (potting mix, manure, cubby houses, fertiliser etc.) and plant nursery. This area is partly open-air, partly covered with solid roof over the bagged goods area and shade sales over the nursery.

The indoor component of the hardware store is set back 40 metres from Glynburn Road and results in a total building height of 20.6m.

The Glynburn Road facade of the building is proposed to be set back between 5.5 and 6.0m from a revised street boundary, with landscaping within that setback. The facade consists of a combination of 'finger mesh' to the car park which is to be largely screened by the landscaping, while above that, at first floor level, powder coated aluminium louvres incorporating the Bunnings corporate logo form a facade, suspended approximately 800mm in front of the edge of the bagged goods area and nursery, which itself is comprised of finger mesh and precast concrete panels. This façade treatment returns along the north and south of the building.

The Penna Avenue facade of the building is proposed to be set back 3.0 metres from the street boundary, with some areas landscaping within that setback. The facade consists of a combination of fibre-reinforced cement sheets and reinforced concrete tilt up panelling and glazing.

Plans and details of the proposed development are contained in **Attachment B**.

Notification

The proposal has been identified and processed as a Category 3 form of development.

Seventy seven (77) representations were received (seventy two (72) opposed and five (5) in favour) in response to this notification, copies of which are contained in **Attachment C**.

In addition a petition opposed to the proposal with a total of 3433 signatures was received outside of the notification period.

The key issues raised by representors are, in summary:

- The proposal is seriously at variance with the development plan, being a shop use in a Light Industry Zone;
- Economic impact on nearby businesses as a result of the proposed development due to less capacity for customers to park in the street;
- Concern over additional vehicle movements parking in the local area;

- Traffic congestion concerns;
- 'Rat Running' through residential areas;
- Concern with the proposed access/egress points;
- Inconsistency with the Council's Strategic Plan;
- Inconsistency with the 30 Year Plan for Greater Adelaide;
- Concern over the built form and aesthetics of the proposed building;
- Concern over the movement of people and goods around the development site;
- Concern with delivery times;
- Potential heritage impacts of the proposed building on the adjoining Local Heritage Place (31-33 Glynburn Road, Glynde – Pasta Deli)

The following representors desire to be heard personally by the Development Assessment Panel (DAP):

- Mr Terry E. Giacommi
- Mr Pasquale Clemente
- Mr Albert Lombardozzi
- Mr Tony Telegramma
- Mr Mark Osment
- Ms Rosa Radogna
- Sharma Rowland
- Parminder Khangura
- Mrs C Etscheid
- Mr Jack Scalzi
- Mr Philip Bronzin
- Ms Maria Manno
- Mr John Capaldo
- Mr Luigi Caretti
- Mr Antonio Pizzino
- R & L Bella
- Rolla Engineering
- Ms Amanda Price-McGregor
- Ms Naomi Parry
- Mr Vincent Tarzia MP
- GF Accountants
- Mr David & Ms Lorna Adrian
- Mr John Capaldo
- Mr David Gilbert
- Mr Michael Burgess
- Mr Kevin Gooch
- Senator Nick Xenophon

The Applicant has responded to the representations received and a copy of their response is attached (**Attachment D**). Panel members are advised that the plans quoted in the response to representations have been omitted as they have been subsequently amended since the response was prepared.

A summary of the response is provided below:

- The applicant has provided a legal opinion from Botten Levinson regarding the "seriously at variance" question;
- Essential Economics Response to the potential economic impacts;
- MFY response to the traffic management queries,

- DPTI will upgrade the Glynburn Road/Lower North East Road/Payneham Road intersection which will also cater for the likely increase in traffic generated as a result of the proposed development;
- Existing parking issues in the Light Industry Zone adjacent the subject land are generally illegal parking manoeuvres on the verge;
- Any loss of on street car parking spaces will be offset as a result of the closure of crossovers adjacent the subject land;
- The representations are somewhat contradictory stating how heavily congested the local streets are, and therefore not conducive for 'rat running'. Drivers will not choose a congested local street over an arterial road.
- Nothing precludes any applicant from pursuing a non-complying development application. Bunnings Ltd are excising their right to pursue this avenue;
- City Plan and the 30 Year Plan for Greater Adelaide are not relevant assessment tools for a Development Application;
- Bulk and scale is what could reasonably be anticipated on the subject land and is consistent with nearby buildings;
- Deliveries will occur within trading hours with the majority occurring between 7am and 5:00pm Monday to Friday with a nominal thirty (30) deliveries per day, two of which being articulated vehicles;
- The applicant is unaware of any heritage impacts associated with the proposed development.

State Agency Consultation

The Application was referred to the Transport Services Division of the Department of Planning, Transport and Infrastructure, pursuant to Schedule 8 of the *Development Regulations 2008*.

As a result of the consultation process, the proposal has been amended to incorporate new slip lanes to north and south of Penna Avenue to facilitate traffic movements to and from the site. The Transport Services Division has advised that it, in principle, raises no objection to the proposed development and has requested that in the event that consent is granted, a number of conditions be imposed. The requested conditions relate to:

- Access and egress from the site;
- Road work upgrades
- Creations of a signalised intersection;
- Relocation of an adjacent bus stop;
- Signage associated with the site;
- Reinstatement of redundant crossovers; and
- Management of stormwater run off.

A copy of the referral response from the Transport Services Division is contained in **Attachment E**.

Discussion

The subject land is located within the Light Industry Zone of the Norwood, Payneham and St Peters (City) Development Plan. The proposed development is a non-complying form of development, on the basis that a bulky goods outlet is a type of shop and a shop or group of shops with a gross leasable area of greater than 250m² is contained within the list of non-complying land uses within both of the applicable zones.

Pursuant to Regulation 17(3)(b) of the Development Regulations 2008, it was determined by Council staff under delegated authority, to proceed with a full assessment of the Application.

The key issues, specific to this Development Application, are discussed in detail below.

Land Use

The following Development Plan provisions provide guidance relevant to the question of the suitability of the proposed use of the subject land:

Light Industry Zone Objectives: 1

Light Industry Zone Principles of Development Control: 1, 3 & 5

City Wide Objectives: 1, 2, 6, 7, 8, 12, 26, 27, 72, 77, 78, 79, 81

City Wide Principles of Development Control: 1, 3, 4, 5, 6, 12, 18, 19, 80, 276, 279, 300.

The proposed large scale retail use is clearly not an anticipated use within the Light Industry Zone, as is evidenced by the listing of shops over 250 square metres in area as non-complying and the Objective of the zone, which encourages primarily industries which manufacture on a small scale.

However, it is necessary to assess the Application against the entirety of the Development Plan, including all City Wide provisions, to gain an understanding of the policy intent as it applies to the Application at hand and ultimately determine whether, on balance, the proposal is firstly seriously at variance with the Development Plan as a whole and if not, whether the proposal sufficiently accords with the Development Plan to merit consent.

It has been put by one of the representors that the Application must be determined to be seriously at variance with the Development Plan, due to the obvious inconsistency with the objectives of the relevant zone. Whilst the inconsistency with the stated objectives of the zone is an important factor in the assessment, the following comments made by the Supreme Court are relevant:

“the assessment of the planning merits of a development is assessed “by reference to the Plan” and not by a mechanical application of its express provisions. It cannot be expected that the express provisions will speak directly to every conceivable development. A development may merit approval on balance even if it is not expressly supported by a particular provision, whilst another, perhaps more exceptionally, may not warrant approval even if it is not inconsistent with any of the Development Plan’s express provisions.”

(Lakshmanan & Anor v City of Norwood Payneham & St Peters & Anor [2010] SASCFC 15 (30 July 2010))

One of the main arguments for the suitability of the subject land for the proposed retail land use, as put by the Applicant, is essentially that there is a considerable undersupply and associated high demand for bulky goods retailing in the eastern region and that there are no suitably zoned locations to accommodate large format bulky goods retailing within the Council area, due primarily to the size of the parcel of land required.

In a Productivity Commission Inquiry into Economic Structure and Performance of the Australian Retail Industry, the following comment was made:

“While the amount of retail space per capita has grown in recent years, it is not clear what the optimum level may be from a community-wide perspective taking into account all costs and benefits. This inquiry has not attempted to assess whether there is an under or over supply of retail floor space in specific locations.”

The Housing and Employment Land Supply Program Report was released by the former Minister for Urban Development and Planning in October 2010 and updated in 2012. It is intended to assist in delivering on the principles and objectives of the 30-Year Plan for Greater Adelaide. In particular, the Report is intended to guide more effective management of land supply for residential, commercial and industrial purposes, and assist Local Government to better align Development Plan Amendments with the key targets in the Plan. The availability of industrial land within eastern Adelaide has been reduced to zero within the report. In relation to industrial land in Eastern Adelaide, the updated HELSP report states:

“The area recorded here has been adjusted due to the lack of supply in Eastern Adelaide. To produce a more accurate indication of industrial land demand, Eastern Adelaide’s estimated demand has been re-allocated elsewhere in Greater Adelaide. ”

The report goes on to say that there are more appropriate opportunities for industrial development in other areas of the state and resources should be allocated to further developing those areas with access. The report states:

"In particular, future stocks should be located close to:

- ports*
- services (power/water)*
- airports*
- railway interchanges / inter-modals*
- major arterial roads / expressway junctions. "*

City Wide Objectives 72 and 73 appear to recognise that bulky goods retailing may be appropriate outside of centres in some circumstances, stating:

City Wide Objective 72

Retail showroom development should only be allowed outside of designated centres if it can be clearly demonstrated that it could be undesirable or impractical to locate them in the vicinity of designated centres.

Retail showrooms, trading in furniture, floor coverings, household appliances and other similar bulky merchandise, require extensive indoor areas for the display of products and exhibit a lower parking demand than convenience shops. Retail showrooms complement the overall provision of facilities in centres and should be located on the periphery of those centres.

In inner areas, the designation of service retail zones for retail showroom development may be appropriate in the event that a centre location cannot be achieved. Such a zone should not be created in a linear fashion along arterial roads.

City Wide Objective 73

Retailing not consistent with facilities envisaged in a centre located and operated so as not to adversely affect any designated centre, commercial, business or residential zones or areas and traffic movements on secondary and primary arterial roads.

The diversification of locations for retailing providing goods and services not compatible with the grouping of facilities envisaged for regional, district and neighbourhood centres may be considered so long as the integrity of the centre hierarchy is not compromised and the development is compatible with land uses in the locality.

Retail development of this kind should be evaluated having regard to:

- (a) its locational and operational compatibility with existing shopping, business, commercial zones, or areas, including the nature of the goods and materials to be stocked, and the noise levels of vehicles and plant used on, and servicing, the site;*
- (b) its effect on adjacent residential development;*
- (c) the increased use of local and arterial roads;*
- (d) the adequacy of vehicular access and car parking; and*
- (e) the maintenance of building and site development standards required for centres.*

Having regard to Objectives 72 and 73, it is considered that the proposed development is a specific kind of bulky goods outlet which is not likely to compromise core retailing activities within existing centres zones in the area. An assessment of the proposal against considerations (b) to (e) of Objective 73 is provided under the relevant headings later in this report.

Evidence of the pressure for the provision of bulky goods retailing outside of centre zones is provided in the HELSP Report. The following are pertinent extracts from the report:

In the 15 years since the 1991–92 Retail Census, there has been a significant growth in retail floor space in Greater Adelaide, with average per capita provision increasing from 1.98 m² to 2.34 m².

Retail floor space growth from 1999 to 2007 has mainly involved the replacement of small supermarkets with larger ones, and a significant increase in homemaker shopping. The latter partly explains the substantial amount of development that has occurred outside designated higher-order centres from 1999 to 2007.

Growth outside these centres is occurring faster than growth in the centres, and there has been only limited success in directing retail development to identified centres. As well as the boom in homemaker retail, another likely reason for this is difficulty in accommodating new retail formats into the existing policy hierarchy.

In Greater Adelaide it is expected that the new retailing formats, including homemaker and factory outlet centres and large discount warehouses, will continue to emerge. They will need to be accommodated if we do not want to lose this new investment.

For the reasons outlined above, it is considered that there are compelling reasons, supported by the Development Plan, for enabling a bulky goods outlet such as that proposed to establish outside of a centre zone. Having said that, it is also relevant to consider the relative suitability of the subject land to continue to be used for industrial purposes, in accordance with the primary intent of the Light Industry Zone.

The Light Industry Zone exists in two main locations within the Council area; Stepney and Glynde, in addition to a number of sites which have been 'spot zoned' to reflect long-standing manufacturing land uses. The subject land is located at the eastern extremity of the Light Industry Zone in Glynde, the entirety of which is approximately 18.1 hectares in area and includes land fronting onto sections of Glynburn Road, Provident Avenue, Penna Avenue, Barnett Avenue, Sunbeam Road, Home Avenue and Barnes Road.

The subject land is approximately 1.56 hectares in area and as such, represents approximately 8.6% of the Glynde portion of the Light Industry Zone. A range of types of manufacturing activities occur within the Glynde portion of the zone, including the manufacture of food products such as pasta, cheese, baked goods, coffee and confectionary. Other uses include building material supplies, printers and a range of other generally small scale wholesaling and manufacturing activities.

The following are pertinent extracts from the HELSP report in relation to industrial land supply and demand in the eastern region of Greater Adelaide:

In 2008, there was a total of 106 ha of industry zoned land in the Eastern Adelaide region, of which 9 ha (8.4 per cent) was vacant. Of this, there is 6 ha of government-owned developable land. Eastern Adelaide is a major employer in the commercial and retailing sectors; however, it contains only 0.8 per cent of Greater Adelaide's industrial land and has little potential for future industrial expansion.

Therefore, manufacturing demand in Eastern Adelaide has been re-allocated to other areas in Greater Adelaide. Consequently, the supply targets for industrial land are set at zero for Eastern Adelaide and any planning decisions covered in section 4.6 of the HELSP Report will be specific to any limited local site opportunities.

It is important that the region's existing industrial areas, because they are service related, are preserved and appropriately buffered from incursion from other land uses and that efficient use of the land is encouraged. Further, freight traffic access to industrial areas must be maintained.

Accordingly, it is evident that while the supply of vacant industrial land in the Eastern Adelaide region is low, so too is the demand, as new industrial areas with more appropriate transport connections and opportunities for economies of scale are available north and south of Adelaide. It is also evident that existing industries are important due to being service related and should be protected and buffered from inappropriate uses.

The proposed development represents an incursion into an existing industrial area, which is contrary to the HELSP Report recommendations. By the same token, the establishment of a large scale bulky goods outlet on the subject land appears to be consistent with the recommendations in the retail section of the Report.

An important consideration in trying to determine whether the proposed use of the site is appropriate, is the major arterial road frontage and resultant commercial exposure and accessibility. A retail land use benefits from that arterial road frontage more than does a manufacturing land use. In addition, the fact that the subject land is located on the edge of the Light Industry Zone and has a number of non-manufacturing land uses nearby, means that the impact on the continued viability of the zone as a whole to operate for service related industry is far lower than would otherwise be the case.

Notwithstanding the merits of the proposed land use, it can also be argued that out-of-centre developments of this kind may affect the future viability of the Light Industry Zone and the employment it supports, by way of inflating the value of the land within that zone. In this instance, the location of the subject land at the periphery of the zone, combined with the fact that the majority of other land parcels in the zone do not have an arterial road frontage, weaken the relevance of the argument as it relates to the subject development and it is not considered to outweigh the arguments in favour of the proposed land use.

Accordingly, whilst finely balanced, it is considered that the proposal is appropriate from the perspective of the nature of the land use.

streetscape/bulk/scale/height/character/set-backs/

The following Development Plan provisions provide guidance with respect to considerations relating to appearance, streetscape, bulk, scale and character:

Light Industry Zone Principles of Development Control: 3

City Wide Objectives: 18, 19 & 20

City Wide Principles of Development Control: 29-35, 37-39, 41- 44, 50-55

The Light Industry Zone Objectives and Principles of Development Control do not provide any guidance on the height of buildings, however it is a zone in which warehouses and light industries, amongst other things, are listed as complying forms of development (subject to conditions).

The purpose of listing the above complying land uses is to highlight the land uses that can be established on the subject land 'as of right'. The Environment Resources and Development (ERD) Court places considerable emphasis when assessing merit and non-complying forms of development, on what can be established on a property 'as of right'. The implication is that 'as of right' development is somewhat of a benchmark of what can be anticipated in a zone, both in terms of built form and land use impacts.

In this instance, the developments which could be undertaken 'as of right' include warehouses and light industries, which typically comprise buildings of considerable height and floor area. The conditions which must first be satisfied in order for those uses to be classed as complying do not include a limitation on height, however do include a requirement for an 8 metre set-back from a road. Accordingly, it is feasible that a warehouse or industrial building could be constructed on the Light Industry Zone portion of the site, 8 metres from the road, with an uncontrolled height. The ERD Court made the following comment in *Juczenko v City of Mitcham* [2006] SAERDC 91 (18 December 2006) on the issue of giving consideration to complying forms of development when considering another Application:

"I consider that "as of right " complying development must be taken as a conservatively acceptable form of development in the applicable zone. Counsel for the Council is not correct therefore in saying that such a position or outcome does not mean that it is a good development."

Therefore, when considering the suitability of the proposed 11.1 metre height of the building fronting Glynburn Road with a 5.5 – 6.0 metre setback and 20.6m height fronting Penna Avenue with a 3.0m setback, it is relevant to consider a substantial warehouse or industrial building set back 8 metres from Glynburn Road, as a conservatively acceptable form of development in the zone and as such, a form of benchmark. In this respect, it is considered that the visual impact of the two scenarios on the streetscape would be similar, all other things (form, materials etc.) being equal.

Turning to the City Wide provisions of the Development Plan, there are several highly relevant Principles of Development Control which relate to the design and appearance of the proposal. Discussion has been provided in relation to each below:

City Wide Principle of Development Control 30

"Building and structures should have a visual bulk and architectural scale consistent with structures on adjoining or nearby land and should not visually dominate surrounding spaces, unless the zone or policy area objectives or principles of development control provide otherwise."

It is considered that the Light Industry Zone does allow for built form outcomes that differ from the built form on adjoining and nearby land, pursuant to the exclusion clause in Principle 30. A warehouse, for example, could be constructed as of right within the Light Industry Zone, with no conditions relating to the height or scale. Therefore, it is not considered an appropriate assessment approach to expect that development on the subject land will reflect the visual bulk and architectural scale of the cash repairers or warehouses nearby. Accordingly, whilst the building is clearly significantly larger in floor area, length and height than buildings on adjoining and nearby land, it is not considered to be inconsistent with Principle 30.

City Wide Principle of Development Control 31

“New buildings should complement the urban context of existing buildings on adjoining and nearby land in terms of:

- (a) maintenance of existing vertical and horizontal building alignments;*
- (b) architectural style, building shape and the use of common architectural elements and features; and*
- (c) consistent colours, materials and finishes.”*

It is considered that the proposed building is consistent with Principle 31 in terms of its relationship with existing commercial buildings on adjoining and nearby land within the Light Industry Zone, through the use of similar building materials, roof forms and architectural themes.

City Wide Principle of Development Control 33

“Buildings should be designed to minimise their visual bulk and provide visual interest through design elements such as:

- (a) articulation;*
- (b) colour and detailing;*
- (c) materials, patterns, textures and decorative elements;*
- (d) vertical and horizontal components;*
- (e) design and placement of windows;*
- (f) window and door proportions;*
- (g) roof form and pitch;*
- (h) verandahs and eaves; and*
- (i) variations to facades.”*

City Wide Principle of Development Control 35

Buildings should be designed and sited to avoid creating extensive areas of uninterrupted walls facing areas exposed to public view.

It is considered that the visual bulk of the proposed building has been minimised through the use of each of the design approaches listed above, with the exception of roof form/pitch and verandahs and eaves, which are methods used to reduce the scale of residential buildings and as such, are not considered to be of relevance in this instance. The proposed building presents to all streets with a good degree of articulation and mix of materials. Whilst the Barnett Avenue and Provident Avenue frontages are less articulated than the Glynburn Road and Penna Avenue frontages, they are also shorter in length and the void created by the open air car parking areas, assists in reducing the scale. The proposed materials are generally considered to be of a high quality, for example the feature aluminium louvres with integrated signage, giving the overall building a positive streetscape presentation.

City Wide Principle of Development Control 34

“Buildings, structures and associated component parts should not be higher than the number of storeys above the mean natural ground level prescribed for the relevant zone or policy area. For the purposes of this principle ‘storey’ refers to the space between a floor and the next floor above, or if there is no floor above, the ceiling above, and a mezzanine floor level shall be regarded as a floor. A space with a floor located below natural ground level shall be regarded as a storey if greater than one metre of the height between the floor level and the floor level above is above natural ground level.”

The proposal is consistent with Principle 34, as discussed at the beginning of this section of the report.

City Wide Principle of Development Control 36

Development on corner allotments should:

- (a) reinforce the primary and secondary street frontages of the subject site with highly articulated building forms; and*
- (b) be sited to complement the siting of buildings on the adjacent corner sites.*

Typically a large scale bulky goods outlet or homemaker centre would be set back a considerable distance from the road, with open air car parking located between the building and the street. In this context the proposed development is unusual, in that the car parking is provided at grade level and the building occupies the site close to the Glynburn Road and Penna Avenue street frontages. Whilst this certainly increases the prominence of the building in the streetscape, the benefit is that it eliminates the view of extensive open-air car parking from the streetscape. The proposal accords with Principle 35, as it reinforces the primary and secondary street frontages of the site with highly articulated built forms and is complementary to the siting of the building on the adjacent corner at 31-33 Glynburn Road (Pasta Deli).

City Wide Principle of Development Control 37

The external walls and roofs of buildings should not incorporate highly reflective materials which will result in excessive glare.

The proposal does not include any highly reflective materials likely to cause excessive glare. Whilst the roof is zincalume, it is at a very low pitch and behind parapets, such that it is not likely to cause glare.

City Wide Principle of Development Control 39

Building design should emphasise all pedestrian entry points to provide all users with perceptible and direct access from public street frontages and vehicle parking areas.

Due to the fact that the configuration of the proposal is unusual for a large scale bulky goods outlet, with respect to the car parking being below the building, at grade, some customers may not instantly be aware of how to access the car parking area, as they would if the car parking was between the building and the road in the traditional format. That said, it is likely that it would not take long for the access and egress arrangements to be understood, particularly given that the proposal is for a destination land use which would likely cater for a large proportion of repeat customers over time.

City Wide Principle of Development Control 40

Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.

The Applicant has engaged a Landscape Architect to design the landscaping scheme, including all hard paved and soft landscaping. The scheme is well considered and includes dense plantings of a range of trees shrubs and groundcovers, all of which is expected to result in a positive streetscape presentation. Signage is well integrated into the building and does not protrude above the external wall height or result in a proliferation of signage on the property.

On balance it is considered that the proposal is generally consistent with the provisions of the Development Plan relating to the design and appearance of buildings.

Carparking/access/manoeuvring

The following Development Plan provisions provide guidance with respect to car parking access and manoeuvring considerations:

City Wide Objectives: 29, 30, 31, 32, 33, 34

City Wide Principles of Development Control: 92, 93, 98, 99, 100, 101, 102, 103, 104, 112, 113, 115, 117, 118, 119, 120, 123, 124, 125, 126, 127, 128, 129, 130, 134.

Table NPSP/9

The discussion in this section of the report is provided under the following headings, representing the key traffic related issues which have been identified through the course of the assessment of the Application:

- adequacy of on-site car parking provision;
- impact of additional traffic in local streets;
- on street parking matters; and
- access/manoeuvring

Adequacy of On-site Car Parking Provision

Table NPSP/9 in the Development Plan provides a rate of 2-4 car parking spaces per 100m² of floor area for Retail Showrooms (bulky goods outlets are included in this definition).

It is proposed that 333 car parking spaces are to be provided within the car parking area, including four (4) spaces for persons with a disability and three (3) 'car with trailer' spaces. Parking is to be provided at a rate of 2.5 spaces per 100m² of gross leasable floor area.

The Council engaged a Traffic Consultant, Tonkin Consulting, to review the proposal and provide advice on the various traffic related aspects. In relation to car parking provision, Tonkin Consulting advised that they consider the provision of 2.34 spaces per 100m² to be satisfactory for this type of development based on guidelines prepared in New South Wales and the Local Government Association Review of Parking Generation Rates (2013) (**Attachment F1**).

It is therefore considered that the provision of car parking is acceptable and in accordance with the relevant provisions of the Development Plan.

Impact of Additional Traffic in Local Streets

A number of the representations opposed proposed development raised concerns with the potential for 'rat running' through the local streets in order to avoid the proposed signalised intersection.

In the response to representations MFY states:

The representations are somewhat contradicting in that they describe how congested the subject area is with the current parking situation and narrow streets but suggests that the proposal will result in "rat-running" to avoid proposed traffic signals and congestion on Glynburn Road. Use of the local streets by drivers to avoid congested arterial roads will only occur where a driver perceives it to be more convenient. A driver will not choose a narrow congested street where manoeuvring is difficult as an alternate route (that is drivers will not choose a congested narrow street over what is perceived to be congested arterial road).

Data provided by MFY (and reviewed by Tonkin Consulting) estimates that forty five (45) vehicles per hour may filter through the local street network during peak times to access Payneham Road.

Tonkin Consulting concur with the peak traffic trip generation figures submitted by MFY and consider this to be a reasonable increase having regard to existing traffic within those streets, however note that some traffic should be allocated to the local street network. Allowing a 5% distribution into the local street network will equate to around (only) 37 vehicle trips in the Saturday peak hour.

Having regard to the advice from both Traffic Consultants, it is considered that the extent of increase in traffic in nearby residential streets, resulting from the proposal, is not likely to have a significant adverse impact on the amenity of residents in those streets and is therefore acceptable. In forming this view, consideration has been given to the possibility of greater impacts on residential amenity resulting from heavy vehicle movements associated with industrial land use on the subject land, which could occur 'as of right'.

On Street Parking

A common concern of many of the representors, is the potential loss of on-street parking surrounding the subject land. In this respect, there is a significant amount of on street parking as well as on verge and on footpath parking. Much of this parking is illegal. If the development were to proceed, then many of the informal and ad-hoc parking arrangements in the locality would be unable to be undertaken or continued as a result of the proposed new road alignment and vehicle access arrangements to the site, particularly in Penna Avenue.

As a result of the proposed works the provision of on street parking will be reduced. A breakdown of the on street parking losses on a street by street basis is detailed below:

- Penna Avenue Northern Side – Five (5) Spaces
- Penna Avenue Southern Side – Twelve (12) spaces
- Barnett Avenue – No Loss
- Provident Avenue Northern Side – Three (3) Spaces
- Glynburn Road Western Side – Ten (10) Spaces
- Glynburn Road Eastern Side – Seven (7) Spaces

A diagram highlighting the affected on street parking has been prepared by Tonkin Consulting and is contained in **Attachment F2**.

The loss of on street car parking spaces is attributed to the proposed road works associated with the development, as slip lanes and a signalised intersection are being created. Typically parking is banned within 20m on the approach and 10m on the departure side of a signalised intersection, as a minimum. This has been extended as a result of the left turn slip lane on the approach. The Tonkin Consulting Report notes that on street parking will effectively be lost on both sides of Penna Avenue between the proposed main access point to the Bunnings car park and Glynburn Road.

Whilst the loss of on street parking is a negative factor, the creation of a signalised intersection which will provide an improvement to traffic management within the locality. This coupled with the significant provision of car parking on the subject land are considered to outweigh the negative aspects of the loss of car parking.

The loss of informal (illegal) parking spaces in the locality is not something that the Panel should be taking into consideration in its assessment of the Application.

Access/manoeuvring

Tonkin Consulting have reviewed the proposed access and manoeuvring arrangements along with DPTI. As a result of the proposed road modifications and kerb re-alignments, articulated vehicles are able to make the turn into Penna Avenue without needing to cross the centre line of the road, therefore having no effect on oncoming traffic. The reports note that articulated vehicles exiting the site onto Glynburn Road will require both lanes to make the manoeuvre, but all traffic experts agree that this is an acceptable outcome, given there will be no queuing issues as only commercial delivery vehicles can exit onto Glynburn Road.

Tonkin Consulting have advised that there is sufficient queuing space on the subject land so that queuing of vehicles along Penna Avenue wanting to enter the parking/delivery areas is unlikely.

Copies of the advices received from MFY and Associates and Tonkin Consulting is contained in **Attachment B and Attachment F** respectively.

Trees (significant, mature, street and proposed)

The following Development Plan provisions provide guidance with respect to considerations relating to significant trees, mature trees, street trees and landscaping:

- City Wide Objectives: 24,
- City Wide Principles of Development Control: 73-76, 78

There are no regulated or significant trees on the subject land or on adjoining land affected by the proposed development.

As a result of the DPTI requirements for slip lanes on the eastern boundary of the site, the proposed development will require the removal of three (3) juvenile street trees. The Applicant has agreed to meet all required costs for the removal of the trees, with replacement trees planted in other locations within the City. With respect to the claret ash adjacent the exit point for delivery vehicles on Glynburn Road, the Councils Urban Services Department have indicated that this tree will be pruned in the first instance and if the pruning measures are deemed inadequate, then the tree will be removed and replaced elsewhere in the city at the applicant expense. The Applicant has agreed to these conditions.

With respect to the proposed landscaping scheme for the development, this has been refined several times in consultation with Council staff. It is considered that the mix of low level, screening bushes and mature trees within the landscaping buffer adjacent Glynburn Road is a positive attribute of the proposal and will effectively screen the at grade car parking area. All other landscaping areas are considered to be of relatively generous proportions and will enhance the locality.

Should the panel determine to support the proposed development, then it is considered appropriate that a condition of consent be included requiring that all trees nominated to be planted on the subject land have a minimum planting height of 3.0m.

As the proposal will involve the construction of new road reserves, new footpaths will be required adjacent the subject land. The Council's Urban Services staff have provided detailed specifications for the proposed works, which the Applicant has agreed to implement.

Overall, the proposed landscaping scheme is considered to be a positive attribute of the proposal.

Stormwater Management

The following Development Plan provisions provide guidance with respect to stormwater management considerations:

City Wide Objectives: 42-45

City Wide Principles of Development Control: 147-149, 151, 154, 155, 160-162, 165

CPR Consulting Engineers have completed a Stormwater Management Plan for the site. In summary, the proposed stormwater management approach for the development site achieves the following:

- finished levels designed to maintain an appropriate freeboard level higher than surrounding formed ground surfaces to enable overland flows from 1:100 ARI storm events to exit the site;
- the new garden area to discharge to SA Water sewer system after it bypasses relevant settlement tanks and processing to meet SA Water standards;
- four in ground stormwater collection and re-use tanks of 35,000L each totalling 140,000L for re-use in supply of water to the garden centre for irrigation and for toilet flushing;
- the new roof areas which cover the majority of the remainder of the site, with almost half this area feeding the 4 x 35,000L rainwater re-use tanks;
- discharge points from the site are maintained at the existing kerb and watertable on Penna Avenue, due to the lack of in-ground infrastructure in surrounding street systems;
- gross pollutant trap at Penna Avenue (western side) to clean water run-off from access roads and car park zones; and
- collection of roof stormwater for re-use on the project will be developed with the final design.

The Council's former Project Manager - Civil has advised that the Stormwater Management Plan is considered appropriate, in that it maintains discharge rates from the site in a 1 in 5 year storm event in accordance with the current site conditions and provides sustainable use of stormwater retention.

Given the significant scale of the building, the proposed water recycling measures are considered to be a positive attribute of the development.

It is therefore considered that the stormwater management plan is consistent with the relevant provisions of the Development Plan.

Summary

The proposed development is clearly an unanticipated land use within the Light Industry Zone. That said, the Development Plan acknowledges that bulky goods outlets will be appropriate in some circumstances outside of designated centres. In this respect, there are very limited opportunities in the Council for such a development to establish in a zone which anticipates such a use or at the periphery of established centre zones. Whilst not zoned accordingly, the subject land is considered to be well located to accommodate the proposed use, representing a large land holding with arterial road frontage, on the edge of the Light Industry

Zone, adjacent to an existing homemaker centre and the Glynde Corner, which comprises land uses akin to those anticipated in a Neighbourhood Centre.

The building is large in scale and in this respect does not accord with the scale of existing buildings around it. However, the scale of the building is consistent with that which buildings are able to be constructed to within the Light Industry Zone as of right, albeit with a greater set-back from the street. The siting of the building, reinforcing the edges of the corner site is considered to be a positive outcome, as compared to a more traditional approach of the building being located behind a car parking area. Dense landscaping is proposed within the setbacks, including numerous large trees.

Adequate on site car parking is provided and traffic impacts on the local street network are considered to be acceptable whilst also improving the function of the Glynburn Road/Penna Avenue intersection via a signalised intersection.

Whilst several street trees are proposed to be removed, the extent of replacement tree planting proposed is considered to outweigh the loss of those trees and in any event, there are no practical ways in which the proposal could be amended to prevent that from occurring.

Accordingly, it is considered that the proposal is not seriously at variance with the Development Plan and sufficiently accord with the relevant provisions of the Development Plan to warrant consent.

RECOMMENDATION

That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the *Development Act 1993*, Development Plan Consent be **granted** to Development Application No 155/154/2016 by Bunnings Group Ltd for the demolition of existing structures and the construction of a bulky goods outlet with associated car parking, signage, landscaping including amending the boundary layout to facilitate alterations to the road and kerbing, and intersection upgrade works associated with the installation of a signalised intersection (Non Complying) on the land located at 3-5 Penna Avenue, 37-43 Glynburn Road, 37 Provident Avenue and 35 Barnett Avenue, Glynde subject to the concurrence of the Development Assessment Commission and the following requirements, conditions and notes:

Relevant Plans and Details

Pursuant to Section 44 (2) and (3) of the *Development Act 1993* and except where varied by a Condition specified hereunder, it is required that the development be undertaken, used, maintained and operated in accordance with the following relevant plans, drawings, specifications and other documents:

- Statement of Support/Effect prepared by Fyfe marked Reference 649333-003 dated 7 March 2016 (excluding architectural and landscaping plans);
- Architectural plans prepared by Group 4 Architects marked project number 15012 marked received by the Council on 26 April 2017:
 - DA00 – Existing Site Plan of Layout;
 - DA01 - Site Plan of Layout Ground Floor Plan;
 - DA02 - Site Plan of Layout Level 1 Floor Plan;
 - DA03 - Site Plan of Layout Level 2 Floor Plan;
 - DA04 - Site Plan of Layout Roof Plan;
 - DA05 – Elevations Option 2;
 - DA06 – Typical Sections;
 - DA07 – Typical Sections;
 - DA10 – Site Plan of Layout;
 - DA21 - Site Plan of Layout Ground Floor Plan;
 - DA22 - Site Plan of Layout Level 1 Floor Plan;
 - DA23 - Site Plan of Layout Level 2 Floor Plan;
 - DA24 - Site Plan of Layout Roof Plan;
 - SD01 - Site Plan of Layout Signage Plan; and
 - SD02 - Site Plan of Layout Signage Plan.

- Landscaping Plans, prepared by Citicene marked Drawing Numbers 40-772—SD001F, 40-772—SD002F and 40-772—SD003F received by Council on 26 April 2017;

Conditions

1. All plants within the proposed landscaped areas shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council or its delegate.
2. All trees nominated on the approved landscaping plan shall have a minimum planting height of at least 3.0 metres
3. All plants shall be watered through the installation of a suitable irrigation system which shall be maintained to the reasonable satisfaction of the Council or its delegate.
4. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
5. All refuse and stored materials shall be screened from public view to the reasonable satisfaction of the Council or its delegate.
6. All redundant crossovers to/from the site shall be reinstated to Council standard kerb and gutter at the applicant's expense prior to the operation of the development.
7. All external lighting of the site, including car parking areas and buildings, shall be located, directed and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site to the reasonable satisfaction of the Council or its delegate.
8. All car parking shall be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1.2004 Parking Facilities-Off Street car parking and AS/NZS 2890.6.2009 Parking facilities – Off Street parking for people with disabilities, and the facilities for commercial vehicles shall conform to the Australian Standard AS 2890.2-2002 Parking facilities – Off street commercial vehicle facilities.
9. The proposed civil works on Council land shall be in accordance with the following specifications developed by Councils Urban Services Department:
 - 150mm high unreinforced kerb and watertable (32mpa concrete);
 - 600mm wide reinforced valley drains;
 - 150mm thick reinforced driveway inverts and crossovers;
 - 100mm thick, 1.5m wide, unreinforced concrete footpaths in Penna and Provident Avenues;
 - 60mm thick adbri brick pavers, 1.5m wide to Barnett Avenue;
 - 60mm thick adbri brick pavers, full width to Glynburn Road; and
 - pavements on Council roads in accordance with DPTI figure 7.All civil works on Council land will be at the Applicants expense.
10. The Applicant is responsible for all costs associated with the removal/pruning/relocation of street trees affected by the proposed development. The costs associated with these works are required to be paid to the Council prior to the granting of Development Approval. Further details regarding this can be gained by contacting Council Co-ordinator Horticultural and Arboricultural Services on 8366 4588.
11. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that does not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building and in all instances the stormwater drainage system shall be directly connected into either the adjacent street kerb & water table or a Council underground pipe drainage system.

DPTI Conditions

1. The access on Glynburn Road shall be limited to egress movements only and shall only be used by delivery/service vehicles. The access shall be angled at 70 degrees to the road and a section of upright kerb installed between this access and the access to 47a Glynburn Road in order to reinforce the egress only nature of the access. A 'no entry' sign shall also be installed at the access to prohibit entry movements from Glynburn Road.
2. The Glynburn Road / Penna Avenue junction shall be upgraded to a signalised junction. The works shall include the installation of a channelised left turn lane on the southern approach, including associated realignment of the kerb and footpath and the extension of channelised right turn lane on Glynburn Road to provide a minimum of 60 metres storage to accommodate projected queues.
3. All road works required to facilitate safe access to/from the development shall be undertaken to DPTI and Council's satisfaction. All costs (including design, construction, project management and any changes to road drainage, lighting etc., as well as any community consultation required) shall be borne by the applicant. Prior to undertaking detailed design, the applicant shall contact DPTI's Network Integrity Engineer, Mrs Christina Canatselis on telephone (08) 8226 8262 or via email Christina.Canatselis@sa.gov.au to progress this. All road works associated with the development shall be completed prior to the commencement of operation of the development.
4. The applicant shall enter into a Developer Agreement with DPTI to undertake and complete the required road works.
5. The existing bus stop on Glynburn Road shall be relocated to the satisfaction of DPTI. All costs shall be borne by the applicant.
6. Signage and line marking shall be utilised to reinforce the desired flow of traffic to, from and through the site.
7. The largest vehicle permitted on site shall be a 19 metres semi-trailer. This vehicle shall enter the site via Penna Avenue and exit the site via Glynburn Road at the southern extremity of the site.
8. All service vehicle movements associated with the development shall be undertaken outside of peak traffic hours on the adjacent roads and peak times of site operation.
9. All materials and finishes shall not be permitted to result in glare or other effects that will result in the discomfort or impairment of road users.
10. Signage on this site shall not contain any element that flashes, scrolls, moves or changes.
11. All illuminated signage on this site shall be limited to a low level of illumination ($\leq 200 \text{ cd/m}^2$) and any floodlighting shall be appropriately shielded so as to minimise distraction and discomfort to motorists.
12. All signage on this site shall be finished in a material of low reflectivity to minimise the risk of sun/headlamp glare that may dazzle or distract motorists.
13. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of the adjacent roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

Notes to Applicant

1. The Applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause harm.

2. The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA on 8204 2004.

3. The granting of the consent does not remove the need for the Applicant to obtain all other consents which may be required by any other legislation or regulation.

The Applicant's attention is particularly drawn to the need to consult all relevant electricity suppliers with respect to high voltage power lines.

4. The Applicant's attention is drawn to the Environment Protection Authority's Guidelines IS NO 7 "Construction Noise". These guidelines provide recommended hours of operation outside which noisy activities should not occur. Further information is available by contacting the Environment Protection Authority on 8204 2004.

5. The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Urban Services Department, prior to any works being undertaken. Further information may be obtained by contacting Council's Urban Services Department on 8366 4513.

All works on Council owned land required as part of this development are likely to be at the Applicant's cost.

6. This Development Plan Consent will lapse within 12 months of the date of this notice unless full Development Approval has been obtained.

Ms Amanda Price-McGregor (also representing Mr Mark Osment) , Mr Anthony Kelly, Mellor Olsen and Mr Paul Morris from GTA addressed the Panel from 7:04pm until 7:23pm

Mr Albert Lombardozi addressed the Panel from 7:23pm until 7:26pm

Mr Jack Scalzi addressed the Panel from 7:27pm until 7:32pm

Mr Philip& Mrs Carol Bronzin addressed the Panel from 7:33pm until 7:36pm

Mrs Aeda Manno addressed the Panel from 7:37pm until 7:42pm

Mr John Capaldo (also representing Ms Naomi Parry) addressed the Panel from 7:42pm until 7:53pm

Mr David Adrian addressed the Panel from 7:54pm until 8:00pm

Mr David Gilbert addressed the Panel from 8:01pm until 8:04pm

Mr Pasquale Clemente addressed the Panel from 8:05pm until 8:09pm

Jessica Walbank on behalf Mr Nick Xenophon MP addressed the Panel from 8:10pm until 8:11pm

Mr Tony Telegramma addressed the Panel from 8:12pm until 8:13pm

James Levinson, Botten Levinson Lawyers, Melissa Mellen, from MFY, Jason Eden on behalf of Bunnings Ltd and Michael Osborn from Fyfe, on behalf of the Applicant, address the Panel from 8:15pm until 9:08pm.

Mr Smith moved that the Application is not seriously at variance with the Development Plan.

Seconded by Ms Newman and the vote was tied.

Mr Mosel used his casting vote to vote in favour of the motion and the motion was carried.

Ms Moore

*That having regard to the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan and pursuant to Section 33(1) of the Development Act 1993, Development Plan Consent be **refused** to Development Application No 155/154/2016 by Bunnings Group Ltd for the demolition of existing structures and the construction of a bulky goods outlet with associated car parking, signage, landscaping including amending the boundary layout to facilitate alterations to the road and kerbing, and intersection upgrade works associated with the installation of a signalised intersection (Non Complying) on the land located at 3-5 Penna Avenue, 37-43 Glynburn Road, 37 Provident Avenue and 35 Barnett Avenue, Glynde, for the following reasons:*

The proposed development is contrary to objective 1 of the Light Industry Zone as it will generate heavy traffic and is not manufacturing on a small scale.

Seconded by Mr Dottore and carried.

3. **OTHER BUSINESS**
Nil

4. **CONFIDENTIAL REPORTS**
Nil

5. **CLOSURE**

The Presiding Member declared the meeting closed at 9:53pm.

Terry Mosel
Presiding Member