

18 January 2021

City of Onkaparinga
Ramsey Place
NOARLUNGA SA 5168

Dear Sir/Madam,

9 Seaford Road Seaford Meadows - Change the use of the land from a bulky goods outlet to a fitness centre.

Town Planning Advisors have been engaged to prepare a brief Planning Assessment Report concerning the merits of the above change of use proposal.

I have inspected the subject land, locality and have reviewed the proposal against the relevant provisions of the City of Onkaparinga Development Plan (Consolidated 2 July 2020).

1.0 Subject Land and Locality

The subject land is located at 9 Seaford Road Seaford Meadows, which is formally described as Allotment 3 in File Plan 142763 CT Reference Volume 6176 Folio 967. The subject land is located in the Bulky Goods Zone on the corner of Seaford and McMillan Road.

The subject land comprises a stepped rectangular allotment with a total area of 7,647sqm. The subject land is developed with a large single storey commercial building that is split into three tenancies. Two tenancies are currently occupied with bulky goods outlets in the form of an auto parts and bathrooms business. The proposal is to occupy the middle tenancy which is currently vacant.

The existing two bulky goods outlets on the site contain the following hours of operation:

Friday	8:30am–5pm
Saturday	9am–4pm
Sunday	Closed
Monday	8:30am–5pm
Tuesday	8:30am–5pm
Wednesday	8:30am–5pm
Thursday	8:30am–5pm

The Bulky Goods Zone is bound by Railway Road and Seaford Road and abuts an Open Space Zone, Residential Zone and Urban Employment Zone. The immediate locality contains a majority of commercial uses in-line with the zoning of the locality. Adjoining the subject site to the west of the subject site are long standing residential dwellings, albeit located in the Bulky Goods Zone.



Figure 1: Subject site



Figure 2: Subject land and locality



Figure 3: Streetscape view of subject site

The amenity of the area is generally low as there are a range of commercial activities in operation and no buildings of high amenity value.

3.0 Proposal

The application proposes the change of use from a bulky goods outlet to a fitness centre. There is a shop located within the proposal however, it is ancillary to the primary use. The shop will not be a standalone business but will sell fitness related items such as clothing and nutritional supplements.

Details of the use are as follows:

- The centre will operate 24 hours a day and 7 days a week.
- The centre contains an open area with equipment for use and will also contain fitness classes.
- The busy periods are between 6pm and 8pm on Monday's and Tuesday's . The number of patrons will be between 60-70 (including Classes).
- There will be a minimum of a 30 minute break between Classes.
- Between 8pm and 10pm there are likely to be around 40 people.
- Between 10pm to 6am there are likely to be around 10 people.
- Between 6am and 6 pm around 40 people (including Classes).

The centre is split into the following areas

- Open gym area housing equipment = 975sqm
- Shop = 99sqm
- Ladies specific gym = 172sqm
- Aerobics (fitness class area) = 172sqm
- Amenities 288sqm

The fitness centre contains office spaces, lunchroom, storage facilities and amenity areas for patrons such as saunas and shower facilities.

4.0 Planning Assessment

4.1 Procedural Matters

The Procedural Matters section of the Bulky Goods Zone does not list the proposed use as either being a complying or non-complying kind of development as such, the proposed development requires the consent of Council and must, therefore, be assessed as a merit application.

4.2 Public Notification

The Procedural Matters section of the Bulky Goods Zone does not list the proposal as a Category 1 or Category 2 development. Further, when referencing Schedule 9 of the Development Regulations, the proposed use is not listed as a Category 1 or Category 2 development.

Considering the above, the proposal is a Category 3 development subject to Section 38 (2)(b) of the Development Act:

38—Public notice and consultation

(2) *Subject to subsection (2a), the following provisions apply in relation to the assignment of developments to those categories:*

(a) the regulations or a Development Plan may assign a form of development to Category 1 or to Category 2 and if a particular form of development is assigned to a category by both the regulations and a Development Plan, the assignment provided by the Development Plan will, to the extent of any inconsistency, prevail within the area to which the Development Plan relates; and

(b) any development that is not assigned to a category under paragraph (a) will be taken to be a Category 3 development for the purposes of this section.

4.3 Referrals

The application will not warrant any referrals subject to Schedule 8 of the Development Regulations 2008.

5.0 Assessment Against Development Plan

5.1 Land Use

The subject land is situated within the Bulky Goods Zone. The Desired Character and objectives for the Bulky Goods Zone, specifically anticipates bulky goods outlets and service trade premises. Although the middle tenancy has never been tenanted, the application seeks to change the use from its approved use as a bulky goods outlet to a 24/7 fitness centre.

The fitness centre would provide a convenient health and lifestyle service in an area which is currently experiencing considerable growth in its number of residents. There has been an increase in the number of dwellings built on existing farmland in the Seaford Meadows Policy Area 44 located to the west of the subject site. This growth is expected to continue as land approximately 1.5km to the

south of the site adjacent to Robinson Road in the Seaford Heights Policy Area 43 branded as 'Vista at Seaford Heights' is currently being developed with a vast number of residential dwellings.



Figure 4: New housing development 'Vista at Seaford Heights'

The proposed use will primarily serve as a neighbourhood catchment linked by Seaford Road, a prominent road in the locality that will connect the community to the subject site. The use would not undermine the function of zone as the established uses satisfy the objectives and desired character of the Bulky Goods Zone. The zone provides a form of flexibility where it does not list certain uses as 'non-complying' allowing land uses that are not explicitly envisaged to be considered on their merits.

An example of this is the following reference taken from the Desired Character Statement:

Due to former industrial uses within the zone, sensitive development (such as childcare facilities) is expected to occur on a precautionary basis where a site contamination audit verifies that a site or sites are suitable and safe for the intended use.

It is evident that the zone is open to the assessment of uses that are not bulky goods outlets or service trade premises which are clearly listed as envisage uses. The subject site lends itself to this flexibility as the majority of the zone contains bulky goods outlets and the inclusion of the fitness centre would not put the zone at odds with the desired character statement.

The proposal's nature is flexible as the fit-out associated with the fitness centre is benign as it does not require substantial modifications to the existing building. Bulky Goods Outlets provide the ideal canvas for fitness centres as they require large floor spaces to function along with access to ample parking areas. The proposal benefits from the existing building where a minor fit-out is required with no major modifications required. If the fitness centre were to cease operating the building would

quickly be returned as a vacant tenancy where it could accommodate a bulky goods outlet without any compromise.

Since the building's construction, the middle tenancy has been vacant due to the lack of demand for the uses anticipated by the zone. It is not uncommon to see fitness centres located amongst bulky good outlets and retail showrooms for the reasons mentioned above. The subject site is well suited to the proposal as it contains a commercial-grade building capable of attenuating noise and many parking spaces available to cater to its patrons. Further, the inclusion of fitness centres in such zone results in the land use generally located away from residential properties, mitigating potential interface issues.

5.2 Interface Between Land Uses

General Section – Interface Between Land Uses

Objectives – 1, 2

- 1 Development located and designed to minimise adverse impact and conflict between land uses.
- 2 Protect community health and amenity from adverse impacts of development.

Principles of Development Control – 1, 2

- 1 Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:
 - (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants
 - (b) noise
 - (c) vibration
 - (d) electrical interference
 - (e) light spill
 - (f) glare
 - (g) hours of operation
 - (h) traffic impacts.
- 2 Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.

The subject land interfaces with established residential properties which adjoin the site to the west. The above provisions seek to ensure that new development is designed and operated to “minimise” adverse amenity impacts. While the proposed fitness centre would generate an increase in traffic and would operate on a 24-hour basis, the amount of noise and general disturbance is not expected to be significant in the context of the site and surrounding area. Minimal commercial deliveries will be required associated with the shop component of the proposal. Accordingly, the proposal would not unduly impact the amenity of nearby residential properties and the locality by way of noise, dust, fumes, traffic or vibration.

Sonus Acoustic Engineers have produced an Environmental Noise Assessment (ENA) for the development. The report has analysed the existing acoustic environment and the predicted noise levels against the Environment Protection Authority (EPA) noise criteria. Specifically, the assessment considered the noise from the proposal, being 24 hour operation of the car park, workout activity and music inside the building, mechanical plant operation and rubbish collection.

The report concluded the following:

With the acoustic treatments described in this report, the noise levels from the development will achieve the relevant noise criteria, determined in accordance with the Development Plan and Environment Protection (Noise) Policy 2007. These treatments consist of;

- *Limiting the level of music within the different areas of the gym to those specified within this report;*
- *Specific Building constructions to the roof system;*
- *Constructing an airlock entry/exit to the workout space; and*
- *Restricting the times for rubbish collection.*

The proposal was supported by Sonus subject to acoustic measures being put in place in order to achieve the relevant noise standards. With the acoustic measures implemented to the proposal, the facility will minimise adverse impacts, avoid unreasonable interference on amenity, and will not detrimentally affect the locality by way of noise, thereby achieving the relevant provisions of the Development Plan related to environmental noise and interface between land uses.

5.3 Transportation and Access

General Section - Transportation and Access

Principles of Development Control – 23, 32, 33

- 23 Development should be provided with safe and convenient access which:
- (a) avoids unreasonable interference with the flow of traffic on adjoining roads
 - (b) provides appropriate separation distances from existing roads or level crossings
 - (c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision
 - (d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.
- 32 Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with *Table Onka/3 - Off Street Vehicle Parking Requirements* unless all the following conditions are met:
- (a) an agreement is reached between the Council and the applicant for a reduced number of parking spaces
 - (b) a financial contribution is paid into the Council Car Parking Fund specified by the Council, in accordance with the gazetted rate per car park.
- 33 Development should be consistent with *Australian Standard AS: 2890 - Parking facilities*

The above principles seek to ensure that new development provides safe and convenient access for vehicles and pedestrians and sufficient on-site car parking for customers and staff.

A car parking study was undertaken by CIRQA traffic consultants which is attached to the application. The report concluded that the level of onsite parking is adequate for the site. Below is a summary of the key findings from the study.

The City of Onkaparinga's Development Plan identifies the following parking requirements relevant to the proposed development:

- *Bulky Goods Outlet – 2 to 4 space per 100 m² of floor area; and*
- *Non-Residential Development (other than defined by Council's Development Plan) – 4 to 6 spaces per 100 m² of floor area.*

On the basis of the above rates, the existing site would have a theoretical requirement for between 63 and 126 parking spaces. Noting that 109 parking spaces are currently provided on-site (equivalent to a provision of 3.46 spaces per 100 m²), the minimum parking requirements of Council's Development Plan are satisfied.

With regard to the proposal, the change-of-use would result in a theoretical requirement for between 99 and 162 parking spaces to be provided on-site. The provision of 109 parking spaces would therefore also satisfy (and exceed) the minimum parking requirements identified by Council's Development Plan.

Further to the above, it is noted that the anticipated peak occupancy of the proposed Derrimut gym will occur (Monday and Tuesday between 6:00 pm and 8:00 pm) outside of the opening hours of the adjoining bulky goods tenancies (Monday to Friday between 8:30 am and 5:00 pm, and Saturday between 9:00 am and 4:00 pm). In the unlikely event that all attendees of the Derrimut gym drove and parked on-site in an individual vehicle, adequate on-site parking provisions would be available.

During regular business hours (i.e. when the adjoining bulky goods tenancies are open), in the order of 40 people are expected to be on-site associated with the proposed Derrimut gym. Again, assuming that each attendee drives and parks on the site in separate vehicles, 69 parking spaces would be available for use by the bulky goods tenancies.

As noted above, the bulky goods tenancies were approved at a parking rate of 3.46 spaces per 100 m². On this basis, in the order of 54 parking spaces would (in theory) be 'associated' with their use. Noting that 69 spaces will be available (taking into consideration the demand for spaces associated with the proposed Derrimut gym), adequate parking will be available to retain (and exceed) the existing parking provision associated with the bulky goods tenancies (parking available for their use would be in excess of four spaces per 100 m²). Accordingly, it is considered that adequate parking will (at all times) be available on-site for use by the bulky goods and proposed Derrimut gym.

The site demands a total of 99 and 162 parking spaces when referencing Table Onka/3 – Off Street Vehicle Parking Requirements. The existing 109 spaces provided on the site will satisfy the minimum demand of the development. When considering the peak periods, the number of spaces on site will be more than adequate.

5.4 Waste

General Section - Waste

Objectives – 1

- 1 Development that, in order of priority, avoids the production of waste, minimises the production of waste, re-uses waste, recycles waste for re-use, treats waste and disposes of waste in an environmentally sound manner.

Principles of Development Control – 5

- 5 Development should include appropriately sized area to facilitate the storage of receptacles that will enable the efficient recycling of waste.

The proposal would generate minimal waste as the gym and associated shop involves a minimal consumption of goods.

The waste generated by the development could be accommodated within the Council's standard three-bin system with kerbside collection by Council weekly for general waste bins and fortnightly for recyclables and organics. The bins would be stored within the storeroom on the ground floor.

The proposal satisfies the above waste management principles

6.0 Conclusion

I consider the proposal to be not seriously at variance with the Onkaparinga Development Plan Consolidated 2 July 2020) and to display sufficient planning merit to warrant the granting of Development Plan Consent.

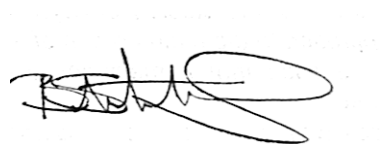
In summary, I find the proposal:

- is a suitable land use for the subject site given the circumstances of the existing building and the increasing population of the locality;
- will not result in a compromise of the desired character of the zone;
- lends itself as an accommodating land use that is not specifically listed and envisaged use in the zone;
- provides sufficient on-site car parking and safe and convenient access for patrons;
- peak times of the fitness centre do not clash with the opening hours of the adjoining business on the site; and
- will not result in unreasonable impacts on the adjoining residential properties as supported by Sonus Acoustics.

For the reasons outlined above, I consider Development Plan Consent to be warranted.

Should you have any queries or require any further information or clarification with any components of this application, please do not hesitate to contact by calling me on 0478 509 777 or by email bill@townplanningadvisors.com.au.

Yours faithfully



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