

Members – Council Assessment Panel
CITY OF MARION



**NOTICE OF
COUNCIL ASSESSMENT PANEL MEETING**

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

Wednesday 01 December 2021

Commencing at 6.30 p.m.

Council Chambers

Council Administration Centre

245 Sturt Road, Sturt

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

A handwritten signature in blue ink, appearing to read "Alex Wright", is positioned above the printed name and title.

Alex Wright
ASSESSMENT MANAGER

24 November 2021

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

**CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 01 DECEMBER 2021
COMMENCING AT 6.30PM**



1. MEETING PROCEDURES

1.1 OPEN MEETING

1.2 PRESENT

1.3 APOLOGIES

1.4 IN ATTENDANCE

2. GENERAL OPERATIONS

No items listed for discussions

3. DEVELOPMENT ACT 1993 APPLICATIONS

No Items Listed for discussions

4. PDI ACT APPLICATIONS

4.1 DEVELOPMENT NO 21016900

33 HELMSDALE AVENUE GLENGOWRIE

Upper storey dwelling additions and alterations

Report Reference: CAP011221 - 4.1.....2

4.2 DEVELOPMENT NO 21025439

26 PERCY AVENUE, MITCHELL PARK

The removal of existing transportable classrooms and outdoor basketball courts and construction of an indoor recreation facility comprising two (2) basketball courts change rooms, function/event space and ancillary spaces as well as eight (8) classrooms, covered learning area, three outdoor netball courts and associated fencing, modified vehicle and pedestrian linkages and removal of two (2) regulated trees and temporary parking and drop off.

Report Reference: CAP011221 - 4.2.....15

5. APPEALS UPDATE

Verbal Update Provided

5.1 APPEALS AGAINST PANEL DECISIONS

Verbal Update Provided

5.2 APPEALS AGAINST DELEGATED APPLICATIONS

Verbal Update Provided

6. POLICY OBSERVATIONS

No items listed for discussions

7. OTHER BUSINESS

No items listed for discussions

**8. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING
HELD ON 01 DECEMBER 2021**

9. MEETING CLOSURE

**2. GENERAL OPERATING PROCEDURES
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 1 DECEMBER 2021**



No Items Listed For Discussion

REPORT REFERENCE: CAP011221 – 4.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 1 DECEMBER 2021



Originating Officer:	Joanne Reid Development Officer – Planning
Applicant:	KC Design and Drafting
Development Description:	Upper storey dwelling additions and alterations
Site Location:	33 Helmsdale Avenue Glengowrie
Zone & Policy Area:	Established Neighbourhood Zone
Lodgement Date:	02/08/2021
Planning and Design Code:	Version 2021.10 (Operational 29 July 2021 to 11 August 2021)
Referrals:	Nil
Application Type:	Performance Assessed
Delegations Policy:	Instrument of Delegation – CAP, Clause 5.1.1.1 <i>The delegation of the power to grant or refuse planning consent pursuant to Section 102(1)(a) of the Act is limited to applications in relation to which:</i> <i>Any Performance Assessed application that has undergone Public Notification where at least one representor has expressed opposition to the proposed development and has expressed their desire to be heard by the Panel.</i>
Public Notification	Public Notification IS Required <i>Development that exceeds the maximum building height specified in Established Neighbourhood Zone DTS/DPF 4.1 is subject to Public Notification as per Table 5, Part 3 of the Established Neighbourhood Zone.</i>
Application No:	21016900
Recommendation:	That Planning Consent be GRANTED subject to Conditions

Appendices

Appendix 1: Planning and Design Code guidelines

Attachments

Attachment I: Proposal Plans

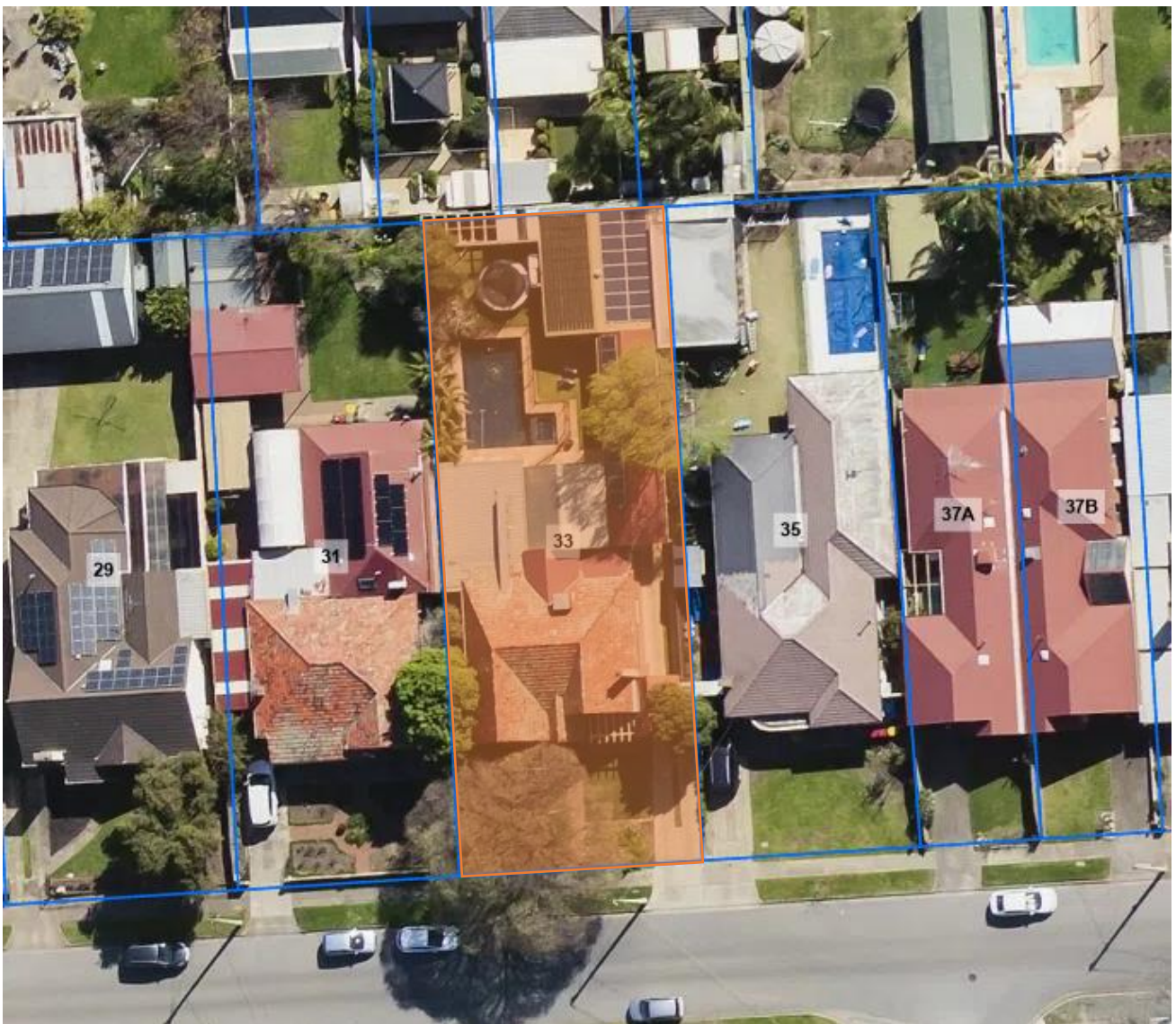
Attachment II: Statement of Representations

Attachment III: Applicant's Response to Representations and supporting documentation

SUBJECT SITE

The subject site is located at 33 Helmsdale Avenue, Glengowrie and contains an existing single storey 'Tudor style' dwelling, swimming pool and ancillary outbuildings. The site has a site area of 773.3m² with a primary street frontage of 16.51m and a depth of 46.84m.

The site has existing access along the eastern side of the allotment. There are no easements nor current encumbrances registered to the property. There are no regulated trees located on or within immediate proximity of the subject site, however an existing non-regulated elm tree is located at the front of the site.

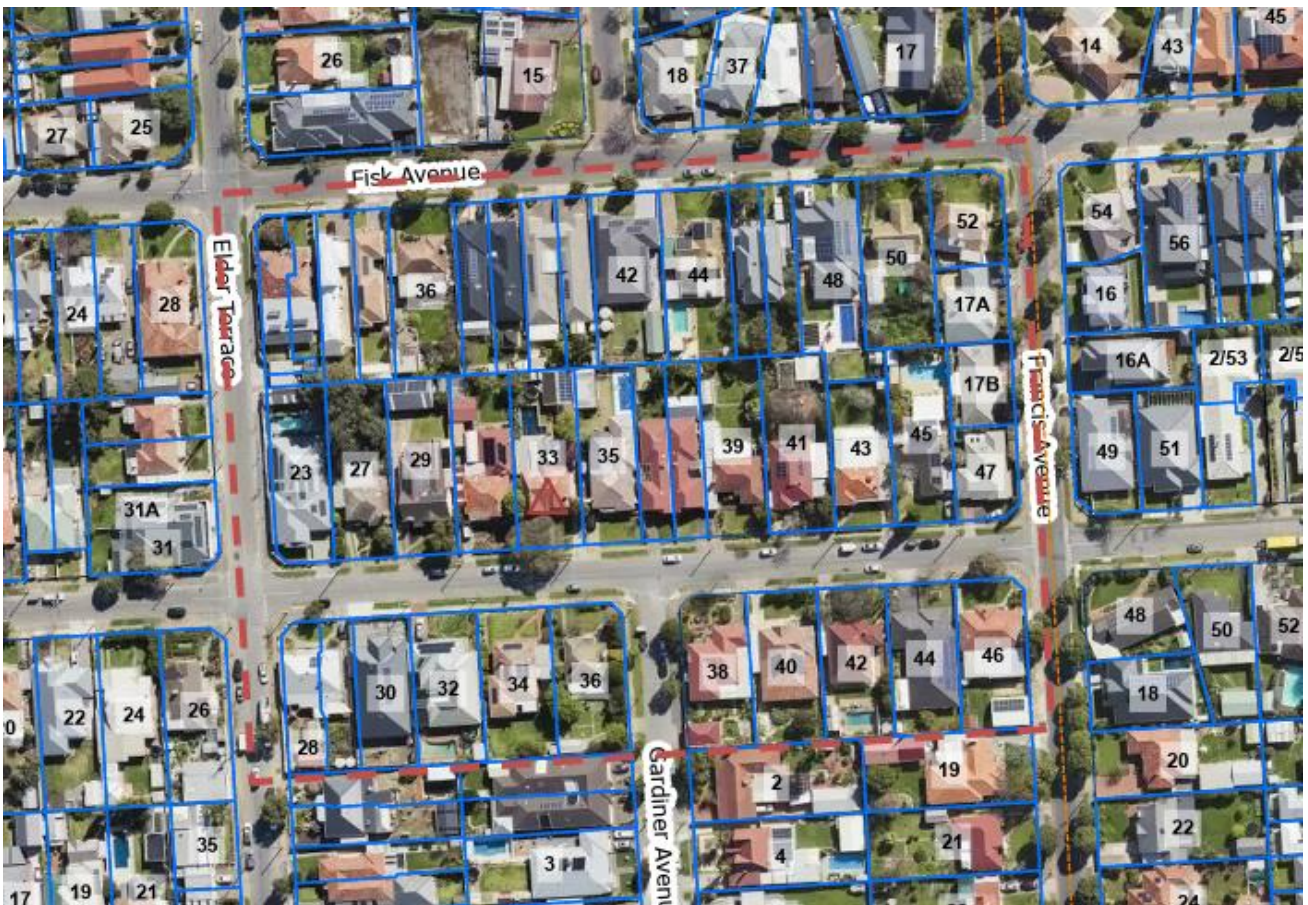


LOCALITY

The site is located on the northern side of Helmsdale Avenue. The locality is predominantly residential and mainly consisting of single storey detached dwellings on large allotments.

The locality has a mix of new and original dwelling stock. The original dwelling stock is mostly made up of post-war 1950's housing with brick and stone facades and some art deco features. The subject dwelling, as a tudor style dwelling, does not reflect the general character of the locality. The newer dwellings are modern interpretations of the original dwelling stock, which incorporate features that are common within the traditional housing styles of the area.

The subject site and locality can be viewed via this [Google link](#).



PROPOSED DEVELOPMENT

The proposed development comprises alterations and upper storey additions to the existing dwelling.

Changes to the ground floor consist mainly of internal alterations which include a set of stairs leading to a new upper level.

The additional level incorporates two bedrooms, a bathroom and an open 'games' area.

The upper storey takes a similar form to the existing roof line with the exception of dormer windows along the western side of the additions.

The roof will be changed from tiles to steel roof in colorbond Woodland Grey or similar and all additions will be clad in colours and materials to match the existing dwelling.

PROCEDURAL MATTERS

Classification

The increase in building height to incorporate an upper storey defaults to a Performance Assessment, due a maximum building height of 1 level being the Deemed-To-Satisfy criteria within the assessment of the Established Neighbourhood Zone.

Categorisation

Development that exceeds the maximum building height specified in Established Neighbourhood Zone DTS/DPF 4.1 is subject to Public Notification as per Table 5, Part 3 of the Established Neighbourhood Zone.

Given the scale and location of the development in context of the subject site and locality, Council Administration formed the opinion the development is *not* of a minor nature.

As such, the development was publicly notified in accordance with the Act.

ASSESSMENT

Planning and Design Code

The subject land is located in the Established Neighbourhood Zone under the Planning and Design Code. The below assessment criteria is relevant to the Performance Assessed pathway for a dwelling addition. A copy of the code rules, including the Character Area Statement is in Appendix 1:

Overlays

Airport Building Heights (Regulated) Overlay DO 1; PO 1.1

Building Near Airfields DO 1, PO 1.3

Character Area (MarC1) DO 1, PO 1.1, PO 2.2, PO 2.3, PO 2.4, PO 2.5, PO 3.1, PO 3.2, PO 6.2

Zone

The following Variations apply to the subject land:

Maximum Building Height (Levels) – 1 level

Site Coverage (Maximum site coverage is 40%)

Established Neighbourhood Zone (ENZ) PO 3.1, PO 4.1, PO 4.2, PO 8.1, PO 9.1, PO 10.2

General Policies

Clearance from Overhead Powerlines DO1, PO 1.1

Design in Urban Areas DO1, PO 10.1, PO 18.1, PO 20.3, PO 21.1, PO 21.2, PO 22.1

Infrastructure and Renewable Energy Facilities DO 1, PO 12.2

Interface between land uses – DO1, PO 3.1, PO 3.2, PO 3.3

Quantitative snapshot

Provisions	DTS/DPF Guideline	Proposed Development
Site coverage	40%	50.7%
Building Height	1 level	2 building levels
Primary Street Setback		No change
Setbacks (two storey)	West (side) 900mm plus 1/3 of	2.195 metres
	East (side) building height above 3m = 1.85m	9.6 metres
	North (rear) 4m for 1 st level, 6m for 2 nd level	17.9 metres
Private open space		No change
Car parking spaces		No change
Pervious Surfaces / Soft Landscaping	25%	30% (No change)

Established Neighbourhood Zone

Built Form

DO 1 states *A neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.*

DO 2 states *Maintain the predominant streetscape character, having regard to key features such as roadside plantings, footpaths, front yards, and space between crossovers.*

PO 3.1 states *Building footprints are consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.*

PO 4.1 states *Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.*

HOME

PO 4.2 states *Additions and alterations do not adversely impact on the streetscape character.*

PO 10.2 states *The appearance of development as viewed from public roads is sympathetic to the wall height, roof forms and roof pitches of the predominant housing stock in the locality.*

The proposed dwelling additions have been designed to be sympathetic with the existing dwelling and surrounding locality despite adding an additional level to the dwelling. The numerical and technical variation of maintaining one building level is one way of achieving the above Desired and Performance Outcomes of the Zone. As an alternative, the applicant has sought to restrict the building height to no more than the existing ridgeline of the roof in an effort to achieve a sympathetic built form without significantly altering the streetscape character.

The upper storey addition seeks to enhance the function and enjoyment of the dwelling for existing occupants. The addition aims to do so without further adding to the ground level, which incorporates relatively high site coverage. This outcome avoids a further loss of private open space and soft landscaping/permeable surfaces.

The proposed upper storey will remain a relatively subtle addition when viewed from the street with the majority of built form hidden behind the existing roof. A small section will protrude past the roofline, namely a section of the upper storey addition and the dormer windows. These elements will be set back 5.4m from the main face of the dwelling and have limited visual impact when viewed from the street. An existing elm tree will screen a large proportion of the dwelling on the western side where the additions will be located.

The appropriateness of the development will be further considered within the Character Area Overlay and the how it responds the Character Area Statement; however, when assessed against the Zone Performance Outcomes, I consider that the second storey element is reasonably embedded into the roof form of the existing dwelling such that it has limited impact on the street and displays relative consistency with the scale of the surrounding built form.

Setbacks

PO 8.1 states *Buildings are set back from side boundaries to provide:*

- (a) separation between buildings in a way that complements the established character of the locality*
- (b) access to natural light and ventilation for neighbours.*

PO 9.1 states *Buildings are set back from rear boundaries to provide:*
separation between dwellings in a way that

- (a) complements the established character of the locality*
- (b) access to natural light and ventilation for neighbours private open space*
- (c) space for landscaping and vegetation.*

The proposed additions are considered to be setback an appropriate distance from all boundaries such that they will not adversely impact neighbouring properties.

The length of the additions will align with the building on the adjoining land at 31 Helmsdale, the wall of which is situated on that boundary with no windows.

The additions maintain a consistent line with the existing dwelling and given the limited visibility of the additions from the street or the adjoining properties, the established character is not compromised in any way.

Overlays

Character Area Overlay

DO 1 States *Valued streetscape characteristics and development patterns are reinforced through contextually responsive development, design and adaptive reuse that responds to the attributes expressed in the Character Area Statement.*

PO 1.1 states *All development is undertaken having consideration to the valued attributes expressed in the Character Area Statement.*

PO 2.1 states *The form of new buildings and structures that are visible from the public realm are consistent with the valued streetscape characteristics of the character area.*

PO 2.2 states *Development is consistent with the prevailing building and wall heights in the character area.*

PO 2.3 states *Design and architectural detailing of street-facing buildings (including but not limited to roof pitch and form, openings, chimneys and verandahs) are consistent with the prevailing characteristics in the character area.*

PO 2.4 states *Development is consistent with the prevailing front and side boundary setback pattern in the character area.*

PO 2.5 states *Materials are either consistent with or complement those within the character area.*

PO 3.1 states *Additions and alterations do not adversely impact on the streetscape character.*

PO 3.2 states *Adaptive reuse and revitalisation of buildings to retain local character consistent with the Character Area Statement.*

PO 6.2 states *Development maintains the valued landscape pattern and characteristics that contribute to the character area, except where they compromise safety, create nuisance, or impact adversely on existing buildings or infrastructure.*

The Character Area Statement identifies a number of attributes that are common within the Glengowrie area with respect to its general character, the majority of which, the proposed additions are in keeping with. This includes, retaining the Tudor style front appearance, the nature of the dwelling and general pattern of development on the street as well as maintaining the generous front setback with landscaped garden at the front, such as retaining the elm tree which will play a role in limiting the view of the proposed additions on the street.

It is noted that the scale of dwellings in the locality is predominantly single storey, however, the Character Statement references second storey in the roofline. It is therefore considered that the Character Statement contemplates additional building levels when designed sympathetically and without appearing as a two storey dwelling when viewed from the street.

The proposed additions make use of the high pitched roof to effectively screen the upper level additions at the rear of the building. The overall building height does not increase as a result of the upper level additions. As such, the proposal is considered to appropriately respond to that part of the Planning and Development Code which seeks for prevailing building heights to be maintained as well as a consistent streetscape character.

The additions are reasonably embedded into the roof form by having the side walls of the additions mimic the roof with respect to its pitch and use of materials.

In order to receive natural light and create a sense of space internally, dormer windows have been added to the western side of the upper level. Whilst this element results in some protrusion from the consistent pitch of the roof, I am of the view that this will have limited visibility from the street. The windows are located some 6m behind the main face of the dwelling and 15m from the front boundary and as such will not present dominantly on the street.

The materials used will complement the existing dwelling, particularly when viewed from adjoining land. It is noted the addition will have limited visibility from the street and generally maintain the existing streetscape character.

To this end, I am of the view that the proposed additions satisfactorily reflect the Character Area Statement and responds appropriately to its surrounding locality. The proposal has little impact on the streetscape character or views from adjacent land and utilises a novel approach to adapt a dwelling where ground level space is limited.

Airport Building Heights

The scale and location of the proposal will not adversely impact upon the operational nor safety requirements of any airports or similar facilities.

Building Near Airfields

The location and scale of the building will not pose a hazard to aircraft flight movement.

General Assessment Policies

Overlooking

Design in Urban Areas 10.1 states *that Development mitigates direct overlooking from upper level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.*

All windows to the upper level will have obscured glazing fixed to a height of 1.5m above the finished floor level to mitigate against direct overlooking to adjoining occupiers.

External Appearance

Design in Urban Areas PO 20.3 states that *the visual mass of larger buildings is reduced when viewed from adjoining allotments or public streets.*

Whilst the built form includes an additional level internally, the height and scale of the building will be maintained and does not present as a dominant feature to the street or adjoining land.

The neighbouring property to the west has a wall on the boundary which will limit views from within the dwelling. The building is considered to be adequately set back from the private open space of adjoining land such that it will not be visually intrusive.

Landscaping

Design in Urban Areas PO 22.1 states *Soft landscaping is incorporated into development to:*

- (a) minimise heat absorption and reflection*
- (b) contribute shade and shelter*
- (c) provide for stormwater infiltration and biodiversity*

HOME

(d) enhance the appearance of land and streetscapes.

The proposed upper storey additions will enable the site to maintain its existing landscaping and continue to contribute the benefits outlined in Performance Outcome 22.1.

Overshadowing

Interface between land uses PO 3.1 states *Overshadowing of habitable room windows of adjacent residential land uses in:*

- (a) a neighbourhood-type zone is minimised to maintain access to direct winter sunlight*
- (b) other zones is managed to enable access to direct winter sunlight.*

Interface between land uses PO 3.2 states *Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in:*

- (a) neighbourhood type zone is minimised to maintain access to direct winter sunlight*
- (b) other zones is managed to enable access to direct winter sunlight.*

Interface between land uses PO 3.3 states *Development does not unduly reduce the generating capacity of adjacent rooftop solar energy facilities taking into account:*

- (a) the form of development contemplated in the zone*
- (b) the orientation of the solar energy facilities*
- (c) the extent to which the solar energy facilities are already overshadowed.*

The proposed additions will not result in any overshadowing to habitable rooms or private open space as it is not sited directly adjacent to any windows or entertaining areas.

The adjacent dwelling to the west has solar panels installed on the roof which are directed towards the subject land to the east. It is not considered that the proposed additions will significantly reduce the level of solar generation, as any shadow cast over the panels will be gone by mid-morning leaving them free of shadow from this time.

CONCLUSION

The proposed dwelling additions are not considered to detrimentally impact upon the character of the street, despite incorporating a second level.

The majority of the built form will sit within the roof space of the existing dwelling and will not result in an increase in height above the existing roofline. To this end, the proposed built form will not present to the street as a two storey dwelling nor will it significantly alter the streetscape. The additions are consistent with the Performance Outcomes sought within the Character Area Overlay in that the additions are sympathetic to the existing built form as well as the streetscape.

The proposed additions also display satisfactory merit against the Zone, design and interface performance outcomes and will not result in unreasonable impacts upon the neighbouring properties.

Given the above, the proposed development is considered to appropriately satisfy the applicable relevant provisions of the Planning & Design Code. The development would not be unreasonably at odds with, nor adversely impact upon neighbouring properties nor the local area.

The proposed development is not seriously at variance with the Planning and Design Code, in accordance with Section 126(1) of the Planning, Development and Infrastructure Act 2016.

Subject to the conditions and notes listed below, the development warrants Planning Consent.

RECOMMENDATION

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

- (a) The Panel notes this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concurs that the proposed development is not seriously at variance to the Planning and Design Code, in accordance with Section 126(1) of the Planning, Development and Infrastructure Act 2016; and
- (c) That Planning Consent for Development Application ID: 21015900 for upper storey dwelling additions and alterations at 33 Helmsdale Avenue, Glengowrie be GRANTED subject to the following Conditions.

CONDITIONS

1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
2. All devices/treatments proposed and nominated on the approved plans, and forming part of the Development Application, to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises and maintained for the life of the building.
3. Prior to the use and/or occupation of the structure(s), all stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details.

NOTES

1. The owner/applicant is advised that consent from any relevant easement or encumbrance owner may be required prior to any construction.
Easements may include, but are not limited to: drainage, Council easements (i.e. stormwater, encroachments, access etc), power transmission (SA Power Networks), telecommunications, or other forms of access (such as vehicle) rights of way.
Easements and encumbrances would be registered on the relevant Certificate of Title. The location of easements on the land would be shown on the Deposited Plan. A copy of the Certificate of Title and Deposited Plan can be obtained from the South Australian Integrated Land Information System (SAILIS) at: <https://sailis.lssa.com.au/home/auth/login>.
2. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.

**REPORT REFERENCE: CAP011221 – 4.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 1 DECEMBER 2021**



Originating Officer:	Matt Falconer Planning Consultant
Applicant:	Badge Constructions (SA) Pty Ltd
Development Description:	The removal of existing transportable classrooms and outdoor basketball courts and construction of an indoor recreation facility comprising two (2) basketball courts change rooms, function/event space and ancillary spaces as well as eight (8) classrooms, covered learning area, three outdoor netball courts and associated fencing, modified vehicle and pedestrian linkages and removal of two (2) regulated trees and temporary parking and drop off.
Site Location:	26 Percy Avenue, Mitchell Park
Zone & Policy Area:	General Neighbourhood Zone
Lodgement Date:	17/09//2021
Planning and Design Code:	Version 2021.13 (Operational 9 September 2021 to 23 September 2021)
Referrals:	Internal Development Engineer Arborist
Application Type:	Performance Assessed
Delegations Policy:	Instrument of Delegation – CAP, Clause 5.1.1.1 <i>The delegation of the power to grant or refuse planning consent pursuant to Section 102(1)(a) of the Act is limited to applications in relation to which: Any Performance Assessed application that has undergone Public Notification where at least one representor has expressed opposition to the proposed development and has expressed their desire to be heard by the Panel.</i>
Public Notification	Public Notification IS Required <i>The proposed development is NOT excluded from Public Notification by Table 5 of the General Neighbourhood Zone.</i>
Application No:	21025439
Recommendation:	That Planning Consent be GRANTED subject to a Reserved Matter and Conditions

Appendices

Appendix 1: Planning and Design Code guidelines

Attachments

Attachment I: Proposal Plan and supporting documentation

Attachment II: Statement of Representations

Attachment III: Applicant's Response to Representations and supporting documentation

SUBJECT SITE

The subject land is located at 26 Percy Avenue, Mitchell Park and comprises the Sacred Heart College Champagnat Campus for years 7-9.

The total area encompassing the school grounds, including associated buildings, carparking and sports fields equates to 61,518 square metres. The land is made up of numerous land titles given the schools expansion over the years. The land comprises of the following Titles:

- Allotment 116 – Volume 5805 Folio 327
- Allotment 117 – Volume 5311 Folio 530
- Allotment 118 – Volume 5106 Folio 753
- Allotment 119 – Volume 5805 Folio 471
- Allotment 122-124 – Volume 5152 Folio 585
- Allotment 125 – Volume 5742 Folio 575
- Allotment 126 – Volume 5318 Folio 475
- Allotment 127 – Volume 5805 Folio 482
- Allotment 128-132 – Volume 5805 Folio 848
- Allotment 133 – Volume 5846 Folio 288
- Allotment 134 – Volume 5805 Folio 848
- Allotment 135 – Volume 5805 Folio 847

The main parcel of land on which a majority of the buildings are sited is Lot 133 which is also subject to a number of Easements. Easement marked 'A' to the minister for Infrastructure extends along the eastern property boundary for a width of 3 metres whilst Easement 'B' is for stormwater and is 10.42 metres in width and extends from the eastern side of the subject land through to the western property boundary just north of the existing school buildings.

The land has frontage to Walter Avenue (120 m), Thirza Avenue (165 m), Percy Avenue (244 m) and English Avenue, (15 m). The City to Flinders railway line extends along the western property boundary of the subject land whilst directly to the south is the Clovelly Park Primary School.

For the most part, the subject land is bordered by road, railway line or adjoining the school; however, there are a number of residential properties that abut the subject land which are highlighted in the map below and located at the following addresses;

- 18 Walter Avenue;
- 21A Walter Avenue;
- 36 Thirza Avenue; and
- 78 English Avenue

The School has two entrance points with the main entrance located in the south eastern corner of the site from Percy Avenue and provides access to 69 car park parking space. The other vehicular access point is from Walter Avenue which provides access to a further 63 car parking spaces.

A majority of the school buildings are sited on the southern portion of the subject land with transportable classrooms and basketball courts as well as one of the carparks extending along the western boundary. The school ovals and netball courts are located to the north of the school buildings.



Aerial view of subject site.

LOCALITY

The locality has been identified in the map below and is typically residential in nature comprising of low-medium density housing both single and double storey.



Locality Map.

The locality extends along the western boundary of the site which is bordered by the City to Flinders railway line. Whilst it is acknowledged that there are residential properties sited within close proximity to the school on the western side of the railway line, the railway line performs as a buffer between those residents and the school largely due to the fact there is limited access from one side of the railway line to the other. The closest pedestrian crossings are at Thirza Street to the north and Celtic Avenue to the south whilst the closest vehicle crossings are located at Daws Road to the north and Celtic Avenue to the south.

[HOME](#)

The subject site is bordered by Clovelly Park primary school to the south and residential properties to the north and east.

Recent residential development has occurred along Walter Avenue, to the north of the subject land with development typically occurring at higher densities than the remainder of the locality. Whilst many of the surrounding residential properties resemble the original housing stock of the 1970's and 1980's and remain on large allotments there is evidence of regeneration in the form of detached dwellings on smaller allotments as well as semi-detached and row dwellings.

The roads surrounding the subject land are typical residential streets with a maximum speed limit of 50 kilometres per hour.

Public transport located is available in close proximity to the site with a bus route extending along English Avenue, Percy Avenue and Beaumont Street. The subject land is also approximately halfway between the Mitchell Park and Woodlands Park railway stations.

PROPOSED DEVELOPMENT

The proposed development seeks to construct an indoor recreation facility comprising two (2) basketball courts, change room facilities, function and events rooms and ancillary spaces. A smaller second building incorporates eight (8) classrooms. The two buildings are connected by a covered outdoor learning area.

The main sports hall has an overall height of 10.95 meters and features a 3 degree skillion roof form. The building height on the lower side of the building is calculated at 9 metres when measured to the eaves.

The smaller of the two buildings has a maximum building height of 6.65 metres and features a modulated skillion roof with a 9 to 12 degree roof pitch.

The total floor area of the building including all outdoor undercover spaces measures 3404 square metres.

The proposed building shall replace the need for the existing transportable buildings and outdoor basketball courts.

In addition to the above the proposed development proposes the following;

- three netball courts with associated fencing to be located in the north western corner of the subject land, just south of the existing netball courts.
- modified vehicle and pedestrian linkages including;
 - removal of the southern maintenance vehicle carpark with much of the equipment to be stored off site;
 - new access road for maintenance vehicles adjacent western property boundary;
 - modified internal roads and creation of pedestrian paths
- removal of two (2) regulated trees;
- temporary parking and drop off: and
- landscaping including the planting of 20 new trees throughout the site.

The proposed development does not result in any change to staff or student numbers.

PROCEDURAL MATTERS

Classification

The proposed development comprises of the following elements;

- | | | |
|-----------------------------|---|-----------------------|
| • Educational establishment | - | Performance Assessed; |
| • Demolition | - | Performance Assessed; |
| • Tree Damaging Activity | - | Performance Assessed; |
| • Recreation Area | - | Performance Assessed; |
| • Fence and Walls | - | Performance Assessed; |
| • Solar Panels | - | Performance Assessed; |

An 'Educational Establishment' or any alteration to, such as proposed, defaults to a Performance Assessment, due to these elements not being listed as Accepted, Deemed-To-Satisfy, nor Restricted by the classification tables of the General Neighbourhood Zone.

Categorisation

An 'Educational Establishment' is not excluded from Public Notification by Table 5 of the General Neighbourhood Zone as the proposal does not satisfy the exclusions for notification.

Given the scale and location of the development in context of the subject site and locality, Council Administration formed the opinion the development is *not* of a minor nature.

As such, the development was publicly notified in accordance with the Act.

Referrals

Development Engineer

Council's Development Engineer have reviewed the proposal and advised they are satisfied with the proposed method of stormwater management and consider car parking and manoeuvring, flood risk and stormwater management to be appropriate subject to providing additional detail prior to Development Approval being issued. A reserved matter seeking appropriate construction methods I recommended to be added to the conditions of planning consent.

PUBLIC NOTIFICATION

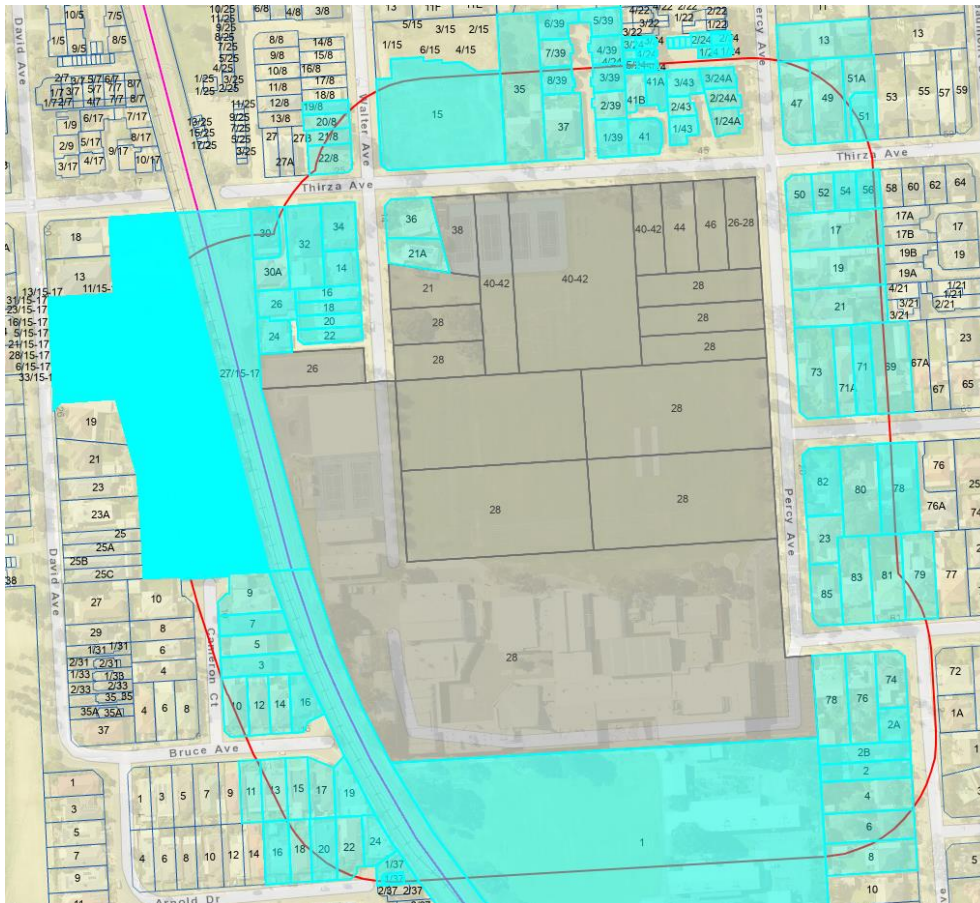


Image showing adjacent land owners/occupiers notified by post. 60 metre buffer shown in red line.

Representations 1 received in total (1 property submitted 2 representations)
1 opposes the development

Representations received:

Wish to be heard

1 – Antonio CARUSO of 37 Thirza Avenue, Mitchell Park - *Opposed*

Yes

Applicant Response

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

ASSESSMENT

The following Planning and Design Code criteria have been identified as relevant to the assessment of the subject application. These criteria are listed in full (together with their associated DPFs) in Appendix 1:

Overlays

Airport Building Heights (Regulated) Overlay DO 1; PO 1.1.

Regulated and Significant Tree Overlay DO 1, PO 1.1, PO 1.2, PO 2.1, PO 1.4.

Hazards (Flooding - Evidence Required) Overlay DO 1, PO 1.1

Stormwater Management Overlay DO 1.

Zone

General Neighbourhood Zone (GNZ) DO 1; PO 1.1, PO 1.2, PO 1.3, PO 1.5, PO 3.1, PO 4.1, PO 5.1, PO 6.1, PO 8.1, Table 5.

General policies

Clearance from Overhead Powerlines DO 1; PO 1.1

Design in Urban Areas DO 1; PO 1.1, PO 1.3, PO 1.4, PO 1.5, PO 2.1, PO 2.2, PO 2.3, PO 2.4, PO 2.5, PO 3.1, PO 4.1, PO 4.2, PO 4.3, PO 5.1, PO 6.1, PO 7.2, PO 7.3, PO 7.4, PO 7.5, PO 7.6, PO 7.7, PO 8.1, PO 9.1, PO 11.1, PO 42.1, PO 42.2, PO 42.3

Interface between Land Uses DO 1, PO 1.1, PO 1.2, PO 2.1, PO 3.1, PO 3.2, PO 4.1, PO 4.2

Out of Activity Centre Development DO 1; PO 1.1, PO 1.2

Transport, Access and Parking DO 1; PO 1.1, PO 1.2, PO 1.3, PO 1.4, PO 2.1, PO 2.2, PO 3.1, PO 3.9, PO 4.1, PO 5.1, PO 6.1, PO 6.2, PO 6.4, PO 6.5, PO 6.7, PO 9.1, PO 9.2.

Overlays

Airport Building Heights (Regulated) Overlay

The location of the subject land in addition to the scale of the development shall ensure that there is no adverse impacts upon the operational or safety requirements of any airports or similar facilities. The building does not exceed 45 metres in height and as such, the proposal satisfies Desired Outcome 1 and Performance Outcome 1.1 of the Overlay.

Desired Outcome 1 (Airport Building Heights (Regulated) Overlay)

Management of potential impacts of buildings and generated emissions to maintain operational and safety requirements of registered and certified commercial and military airfields, airports, airstrips and helicopter landing sites.

Performance Out 1.1 (Airport Building Heights (Regulated) Overlay)

Building height does not pose a hazard to the operation of a certified or registered aerodrome.

Regulated and Significant Tree Overlay.

Before discussing the merits of the removal of any trees on site It is worth noting that a case has been heard in the ERD Court (Mackay v Assessment Manager – City of Unley [2021] SAERDC 28) which dealt with an application to remove a significant tree. Of note is that the judgement determined against the Planning and Design Code. The Courts held the view that ‘the planning policies in the new Code relating to significant trees are substantially the same as those which were found in Development Plans prepared under the Development Act 1993. I am of the opinion, moreover, that the approach previously adopted by the Courts in dealing with appeals in application to remove significant trees remains generally appropriate.’

The above mentioned case holds relevance for this proposal that seeks to remove two (2) regulated trees. The relevant provisions in relation to the removal of the trees are DO 1, PO 1.1 and PO 1.4.

Desired Outcome 1 (Regulated and Significant Tree Overlay)

Conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss.

Performance Outcome 1.1 (Regulated and Significant Tree Overlay)

Regulated trees are retained where they:

- a) make an important visual contribution to local character and amenity***
- b) are indigenous to the local area and listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species and / or***
- c) provide an important habitat for native fauna.***

Performance Outcome 1.4 (Regulated and Significant Tree Overlay)

A tree-damaging activity in connection with other development satisfies all the following:

- a) it accommodates the reasonable development of land in accordance with the relevant zone or subzone where such development might not otherwise be possible***
- b) in the case of a significant tree, all reasonable development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.***

There are a number of trees that have been identified on the subject land as being either Regulated or Significant Trees. A report prepared by Project Green identifies five (5) trees (Regulated or Significant) of which three (3) are to be retained and two (2) are sought to be removed.

The two trees that the applicant is seeking to remove are *Corymbia citriodora* (Lemon scented gum) species and are located south of the existing tennis courts in an open grassed area adjacent the playing fields. The two trees are considered to be in good health.

It has been a long-established planning approach that when considering the merits of an application to remove a Regulated/Significant Tree, the 'planning merits' of the tree must first be examined.

In this regard, Performance Outcome 1.1 of the Regulated and Significant Tree Overlay must be met to warrant proceeding to the Performance Outcome 1.4 which is an arboriculture investigation, considering the health and stability of the tree and risk to persons and whether it has been demonstrated that all reasonable alternative development options have been considered for the site (Performance Outcome 1.4 (a)).

As the 'planning merits' assessment criteria of the Code require the assessor to consider the tree's contribution to character, amenity and the environment, the ERD Court has recognised that Landscape Architects are the professionals best placed to consider these matters

The above notwithstanding, in my opinion, both trees attractive specimens, with a healthy canopy spread and good vigour. The trees presence in the locality is notable and provides contribution to the amenity of nearby residents as well as when viewed from within the school grounds. The trees are of reasonable size, and are visible for some distance in the locality (discussed further below), it is considered the trees provides an important aesthetic benefit.

Both the subject trees are *Corymbia citriodora* (Lemon scented gum), which are not indigenous to the Adelaide Plains of South Australia. The trees are not listed as a rare or endangered species under the National Parks and Wildlife Act 1972 and are not part of a wildlife corridor or a remnant area of native vegetation. The trees nonetheless provide some level of visual amenity, food source and habitat for birdlife.

The trees form a notable visual element to the landscape of the local area, particularly when viewed in context of the immediate locality, acknowledging it holds strong presence when viewed from residential properties to the north and west in Walter Avenue and Thirza Street.

HOME

Being several of the larger trees in the locality, the trees contribute significantly to that character due to their height, canopy spread and prominence within the local area. In this regard, it is considered that the removal of the trees offends Performance Outcome 1.1.

The applicant has engaged an independent arborist to assess the health of the Regulated Trees. This assessment identified that the trees do not have a short life expectancy, however this is not necessarily a relevant test for the removal of the tree as the proposed removal is in connection with other development and therefore Performance Outcome 1.3 in my opinion is irrelevant,

The applicant has sought for the removal of the two Regulated Trees on the grounds that the tree damaging activity is in connection with other development and it ***'accommodates the reasonable development of land in accordance with the relevant zone or subzone where such development might not otherwise occur.'***

It is my opinion that considerations for this particular matter should take into account the longstanding use of the subject land and the anticipated development which would occur for an educational establishment.

The land is situated in the General Neighbourhood Zone which anticipates non-residential land uses, including primary schools. This notwithstanding, the Sacred Heart College Middle School has operated from the subject land for some time and has formed the longstanding use of the land. It is also noted that whilst the school has acquired land over the years to provide opportunity to expand there is limited opportunity to do so in the future. The only feasible expansion in the short term is the acquisition of the two properties adjacent the existing netball courts on Thirza Avenue.

The proposal that seeks additional netball courts and an under-cover gymnasium is not in my opinion unreasonable for a school of this size. Further, the facilities proposed shall encourage physical activity and it is noted there is limited opportunity for such additional facilities on the subject land.

Whilst retention of the tree would prevent the opportunity to provide the facilities anticipated by a school, it does not prevent it from being developed for a purpose anticipated in the Zone. In the event the Zone specifically did not envisage the proposed land use, greater weighting may be placed on the tree's retention.

The applicant has altered a previous design to allow the retention of the larger of the three trees in the cluster (tree 4 identified in report by Project Green). The positioning of the courts ensures the retention of the tree with no severe encroachments into the structural root zone around the tree.

To this end, the removal of the tree is considered reasonable. Whilst providing contributions to the character/amenity of the local area and forming a notable visual element in the locality, the tree prevents a balance in achieving appropriate development and has taken into account alternate design options and consideration of alternate design outcomes have identified no solution. As such I am of the view Performance Outcome 1.4.

As a side note, it is worth noting that the proposed development proposes 14 replacement trees at the expense of the two trees sought to be removed. This is considered a reasonable outcome given the locations of the new trees are on the periphery of the site and shall not impact any further expansion. The long term benefits by providing replacement trees in suitable locations will, in my opinion make a positive contribution to the character and amenity of the locality for the long term.

Hazards (Flooding - Evidence Required) Overlay

The applicant has provided an engineered site works and drainage plan, including details of land topography and proposed finish floor levels. Council's Development Engineer has reviewed this element of the proposal and determined the levels to be satisfactory in this regard.

Desired Outcome 1 (Hazards (Flooding Evidence Required Overlay)

Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.

Performance Outcome 1.1 (Hazards (Flooding Evidence Required Overlay)

Development is sited, designed and constructed to minimise the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.

Stormwater Management

The overlay provisions seek that development incorporate water sensitive urban design techniques to capture and re-use stormwater. The proposed stormwater management plan prepared by PT Design has been endorsed by Council's Development engineer as the proposed development integrates with the existing on-site infrastructure to ensure that there will be no added risk from the potential of flooding in the locality.

Whilst Council's Development Engineer has reviewed this element of the proposal and is generally supportive of the methods of stormwater capture and reuse, further detail is required to determine the methods of connection to the existing infrastructure. A reserved matter is proposed to ensure appropriate connections and methods are adopted.

The Stormwater Management Overlay itself speaks principally to smaller scale development, and particularly residential types of development with a minimum prescribed level of retention, detention and slow release from tanks being specified, by reference to site area, amount of roof cover being directed to tanks and the amount of pervious surface on the site.

The overlay is not specifically relevant for the type of development proposed. There are more specific policies that cater for the nature of the development proposed located in the General, Stormwater Management section of the Planning and Design Code. This is to be discussed in greater detail under the General Discussion section of the report.

Desired Outcome 1 (Stormwater Management Overlay)

Development incorporates water sensitive urban design techniques to capture and re-use stormwater.

Land Use

The Desired Outcome, (DO 1) of General Neighbourhood Zone seeks residential development at low to medium densities. The Desired Outcome of the zone preferences residential type development that is close proximity to services and facilities whilst making the neighbourhoods convenient places to live through employment opportunities and availability of community services all without compromising the residential amenity. The types of land uses that are appropriate within the zone include Educational Establishments. Performance Outcome 1.1, 1.3 and 1.5 acknowledge that whilst the zone will be predominantly residential in nature, no-residential uses that support active, convenient and walkable neighbourhoods are appropriate where they don't have a detrimental impact on the residential character and amenity of a locality.

Desired Outcome 1 (General Neighbourhood Zone)

Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.

Whilst the proposed development is an extension to an existing educational establishment, it is worthwhile noting that the use is one which is envisaged in the zone and therefore the expansion and upgrade is reasonable in a land use sense and consistent with both Desired Outcome 1 and Performance Outcome 1.1 of the zone. The location, scale and impact on the residential character of area is reviewed more closely under the sub-heading 'built form' which will make an assessment against PO 1.3 and 1.5 of the zone.

In assessing the proposed land use, it is also important to review the Out of Activity Centre provisions. Of particular note, is the Desired Outcome (DO 1) which is highlighted below.

Desired Outcome 1 (Out of Activity Centre)

The role of Activity Centres in contributing to the form and pattern of development and enabling equitable and convenient access to a range of shopping, administrative, cultural, entertainment and other facilities in a single trip is maintained and reinforced.

Whilst commercial activities in the zone are sought to be of a small scale, the provisions make no such distinction with regard to community services such as schools or pre-schools. The general development policies seek that non-residential development outside of Activity Centres, should preferably support local needs, or provide for services where they cannot readily be located within activity centres. It is reasonable that schools and pre-schools be located within neighbourhood settings, within walking distance of housing. In this regard I am of the opinion that the proposed development does not contradict the Out of Activity Centre provisions DO 1 and PO 1.1.

Built Form & Amenity

Buildings and Siting

As mentioned above, the proposed development seeks a building incorporating a multi-use indoor sports hall with associated change rooms, gym, store rooms and replacement classrooms. This building is referred to as 'the Sports Hall and Hearts Village building' in the report provided by Ekistics.

The Sports Hall and Hearts Village building is to be sited south of the existing carpark on Walter Avenue and adjacent the train line that forms the western property boundary. The main larger building is setback 6.45 metres from the western property boundary whilst the smaller building featuring the classrooms has a setback that increases to 12.6 metres from the western boundary.

When undertaking the assessment of the built form it is considered that the most relevant provisions are Performance Outcomes 1.3, 1.5, 3.1, 4.1, 5.1, 6.1, 8.1, 9.1 of the General Neighbourhood Zone and Desired Outcome 1 of the Design in Urban Areas.

Performance Outcomes 1.3 and 1.5 of the zone seek development that is non-residential in nature to maintain the residential character and amenity of an area. In the case of the proposed development, the Sports Hall and Hearts Village building are sited adjacent the western property boundary which is bordered by the Adelaide to Flinders railway line. The building has a reasonable separation from the residential properties located to the west. The railway line provides a reasonable buffer between the proposed development and the residents to the west. The closest residential property is located approximately 26 metres away.

Performance Outcome 1.3 (General Neighbourhood Zone)

Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.

Performance Outcome 1.5 (General Neighbourhood Zone)

Expansion of existing community services such as educational establishments, community facilities and pre-schools in a manner which complements the scale of development envisaged by the desired outcome for the neighbourhood.

The proposed building is also well removed from the residential properties in both northerly and easterly directions. The dwellings to the north, on Walter Avenue are approximately 55 metres away whilst the residential properties to the east are approximately 210 metres away.

The proposal also seeks to construct three netball courts. Their chosen location is to the south of the existing netball courts, in the north western corner of the subject land. They are setback approximately 2.6 metres to the nearest residential property when measured to the closest point. The setback increases to 6.3 metres behind the existing sheds. A 3.6 metre high mesh fence is proposed to surround the netball courts whilst the fencing directly adjacent the existing residence shall be upgraded to an acoustic fence as per the acoustic engineers recommendation.

There shall be no visual impact on the residential character of the area, largely due to the open nature of the chain mesh fencing. The courts are considered comparable to open space at a playground where tennis courts or basketball courts may be provided. The main impact on the amenity will be noise which is looked at in more detail under the subheading 'noise'.

As far as visual appearance, given the considerable separation from residential properties and the addition of new plantings of trees, the proposed development shall maintain the residential character of the area in accordance with Performance Outcomes 1.3 and 1.5 of the zone.

The proposal when assessed against General Neighbourhood Zone Performance Outcome 4.1 fails to achieve compliance with DTS/DPF 5.1 as the building height exceeds 9 metres (10.95 m) in overall height and has a wall height greater than 7 metres (9 m). However, when considering the development against Performance Outcome 4.1 is considered to comply given that the proposed building is considerably removed from the residential properties and thus has no impact of the desired low-rise suburban character.

***Performance Outcome 4.1 (General Neighbourhood Zone)
Buildings contribute to a low-rise suburban character.***

The proposed development is also consistent with Performance Outcomes 5.1, 6.1, 8.1 and 9.1 of the General Neighbourhood Zone. The building maintains the appropriate setbacks from relevant property boundaries with the closets portion of the Sports Hall and Hearts Village building being setback 6.45 metre from the boundary. The setbacks are considered to provide adequate separation from adjoining buildings to ensure access to natural light and ventilation and maintain suburban character in accordance with the above-mentioned performance outcomes.

Noise

The relevant Planning and Design Code provisions that relate to noise in respect to the proposed development are those that seek to maintain a residential character and amenity. The relevant provisions are the General Neighbourhood Zone Desired Outcome 1, Performance Outcomes 4.1, 4.3 and 4.4 of the Interface between Land Uses.

The applicant provided a report prepared by an acoustic specialist that concluded, 'the noise levels at the nearest noise sensitive receivers will achieve the environmental noise criterion derived in accordance with the Environment Protection (EP) Policy 2007.'

It is noted that calculations at the closest sensitive noise sources being 20 Walter Avenue, David Court and 9 Cameron Street, were undertaken with consideration to the following activities.

- A basketball game within the new sports hall;
- Netball games taking places on all 6 courts;
- Outdoor teaching in the outdoor learning area; and
- Mechanical services plant equipment operating at 100% capacity.

HOME

The Acoustic specialist made recommendations in relation to the proposed and existing netball courts adjacent the residential properties. An acoustic fence to a height of 2.4 metres comprising colorbond and concrete sealed edge strip was recommended and endorsed by the applicant as noted on the plans.

It has been suggested that the mechanical plant equipment be screened to manage acoustic impacts whilst screening will also provide an aesthetic benefit. The plant mechanical equipment is to be sited on the northern side of the sports hall. Whilst it is located in excess of 20 metres from the closest sensitive receiver it is appropriate that the recommendations of the acoustic specialist is endorsed.

Based on the information provided by the acoustic specialist, the performance outcomes 4.1, 4.3 and 4.4 are achieved.

Air Conditioning Plant and Waste Storage

The proposed development details the mechanical plant equipment to be sited on either end of the main sports hall. As discussed above, given the siting of the development and the distance from nearby residential properties it is not considered that the proposal will have a detrimental impact on adjoining properties amenity. This is also reinforced in the report prepared by the acoustic specialist.

I am of the view that the proposal satisfies Performance outcome 1.4 and 12.8 of Design in Urban Area.

Performance Outcome 1.4 (Design in Urban Areas)

Plant, exhaust and intake vents and other technical equipment is integrated into the building design to minimise visibility from the public realm and negative impacts on residential amenity by:

- a) positioning plant and equipment in unobtrusive locations viewed from public roads and spaces***
- b) screening rooftop plant and equipment from view***
- c) when located on the roof of non-residential development, locating the plant and equipment as far as practicable from adjacent sensitive land uses.***

Performance Outcome 12.8 (Design in Urban Areas)

Building services, plant and mechanical equipment are screened from the public realm.

A new waste area is proposed to be sited to the west of the Sports Hall and Hearts Village building. The area previously utilised for waste was close to the base of the significant River Red Gum (tree 2 as identified in Project Green report). The waste area has moved closer to the regulated Leon scented gum however rather than the waste bins being sited on bitumen, the waste bins will be sited on permeable paving and away from students and public view. As such, performance outcome 24.1 is satisfied.

Performance Outcome 24.1 (Design in Urban Areas).

Provision is made for the convenient storage of waste bins in a location screened from public view.

Transport, Access and Parking

When undertaking the assessment of the car parking, access and transport safety and efficiency elements related to the development the most relevant Code policy is derived from the General, Transport, Access and Parking section. The most applicable performance outcomes are considered to be, PO 3.2, PO 3.3, PO 3.4, PO 3.8, PO 3.9, PO 5.1 and PO 6.2.

There are minimal changes proposed to the location, design, appearance, layout, landscaping or access arrangements of the parking area. Therefore, the traffic and parking assessment relates only to changes in expected parking demand and traffic generation, the ability of the current parking supply to accommodate that, and any incidental amenity impacts which may occur. There is a minor change to the design of the car parking area insofar as provision for new pickup and drop-off parallel parking bays. The addition to the car parking area of a child drop-off area close to the main entry does not appreciably change the function of circulation in the car parking area. This is proposed close to the gymnasium and aisle widths of not less than 5.8m wide are maintained.

The proposal will reinforce a formalised one-way circulation arrangement to allow orderly movement through the car parking areas with appropriate line marking. It is noted that the car parking area currently operates in this fashion, with ingress from the southern end of Walter Street and egress from the upper car parking area with access point on the western side of Walter Avenue for egress. The ingress point to the school from Walter Avenue can be seen in the Street-view image below from 2015.



The additional drop-off and pick up parking areas comprise an additional 7 spaces for parallel parking and are arranged close to the proposed new gymnasium. Three of these spaces are located in the 'north-south' alignment on the continuation of Walter Ave into the car parking area, and 4 in front of the proposed building in the east to west alignment. These are to be short-term spaces specifically assigned for school or sports pick-up and drop-off and signposted accordingly. It is expected that the additional drop-off area will provide some relief from the congestion associated with school pick-up and drop-off at the south-eastern end of the school site close to the intersection of English Avenue and Percy Avenue.

Accordingly, the arrangements are considered to improve the function and congestion around each of the main access points to the school, facilitating *'safe and convenient access minimises impact or interruption on the operation of public roads'* in accordance with performance outcome 3.2. as well as *'minimise any adverse impacts on neighbouring properties'* (performance outcome 3.4), given their proximity away from nearby residential properties.

Performance Outcomes 3.2 and 2.4 are outlined below.

Performance Outcome 3.2 (Transport, Access and Parking)

Safe and convenient access minimises impact or interruption on the operation of public roads.

Performance Outcome 3.4 (Transport, Access and Parking)

Access points are sited and designed to minimise any adverse impacts on neighbouring properties.

The southern part of the parking area is presently sealed in concrete and was formerly used for tennis courts, prior to being converted to car parking some 3 years ago. The surface is still in good condition but line-marking will be improved to delineate car parking bays and circulation areas. The car parking area is signposted as a 10km/h environment and the design limits the propensity for higher speed travel

given the short distances between turning areas in the car park. Accordingly, the car parking area is considered to be appropriate from a traffic and pedestrian safety perspective.

The proposed increase in the total floor area of buildings on the site has the potential, in theory, to increase the resulting traffic demand. However, it is noted that the primary focus of the development is to convert outdoor to indoor recreation and sporting facilities. There is also a classroom building proposed in the place of existing transportable classrooms. While some additional storage and administration functions and capacity are expected to be accommodated in the building, there is not a permanent staffing arrangement proposed for the building. It is the same school staff that would otherwise be teaching or in administration in the school that will be staffing the facility.

It is not considered that there are significant factors which influence the development's parking demand. The Planning and Design Code applies a minimum parking rate of 1.1 spaces per FTE staff member plus 0.25 spaces per student for pickup/set down area either on site or within 300m of the site in the public realm.

When review of the current car parking numbers and staffing arrangements is had, together with the number of students at the school, there is a significant shortfall of car parking numbers on site, or within 300m of the site for school drop off and pickup. This is a legacy of the historic and existing arrangements of the site, and in this case the Planning and Design Code is superimposed on an existing state of development.

It is acknowledged that *'any existing shortfall is lawful, and cannot be added to any shortfall created by the subject proposal for the purpose of a planning assessment'* (Stamopoulos Pty Ltd v City of Holdfast Bay [2004] SAERDC 45 at paragraph 23).

While there is an increase in the floor area of enclosed buildings, this does not equate to a commensurate increase in car parking demand for the site. There is no additional staffing proposed and the number of students at the school is capped at the current numbers. The classroom area replaces existing transportable classrooms, which are to be moved elsewhere on the site during construction and then removed.

It is noted that the additional 7 spaces proposed for set down and pick up will improve the current supply of car parking for this purpose on the site. In the context of the existing, historical land use rights the site enjoys, the proposal is considered to reasonably meet performance outcome 5.1 in catering for *"sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use"*.

Performance Outcome 5.1 (Transport, Access and Parking)

Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:

- a) availability of on-street car parking***
- b) shared use of other parking areas***
- c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared***
- d) the adaptive reuse of a State or Local Heritage Place.***

The proposal seeks approval for a temporary car park located on the lawned area to the south of the existing netball courts. The car park is for temporary use, whilst the construction of the Sports Hall and Hearts Village takes place and shall be converted to the netball courts once construction is complete. The access point into the car park results in the removal of a small street tree.

Stormwater Management

HOME

In consideration of the stormwater management for the proposed development there are only a few relevant principles to undertake and assessment against. They are the Stormwater management

overlay Desired Outcome 1 and Performance Outcome 1 of Design in Urban Areas. The provisions are outlined below;

Desired Outcome 1 (Stormwater Management Overlay)

Development incorporates water sensitive urban design techniques to capture and re-use stormwater.

Performance Outcome 42.3 (Design in Urban Areas)

Development includes stormwater management systems to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure that development does not increase peak flows in downstream systems.

The proposed development application was accompanied by a report and calculations undertaken by PT Design. The design proposes a system that will connect with the existing on-site infrastructure to ensure the development will not add any greater flood risk within the locality.

A previous application for the construction of the netball courts on Thirza Avenue dealt with on-site stormwater management by proposing a large soakage/evaporation basin on the oval just south of the existing netball courts. This was sought by Council to ensure the proposal did not contribute to the risk of flooding in Thirza Avenue. The proposal seeks to increase the size and relocate its position. It is now proposed north of the football oval. Calculations for the relevant sizing are provided in the report prepared by PT Design.

The stormwater from the Sports Hall and Hearts Village building is to be directed into underground tanks beneath the roadway that will gravity feed to the large diameter pipes located in the easement. The final location of these tanks is unresolved and it is recommended that a reserved matter seeking the final locations and sizes be provided to Council prior to DA being issued.

It is considered that the method of stormwater management satisfies performance outcome 42.3 as the method of disposal ensures stormwater is directed away from the site in a manner that mitigates the risk of flooding in the immediate area.

Landscaping

The applicant engaged Clover Green to prepare the projects landscape master plan which as part of the response to representations has been amended.

The proposed development seeks to remove two (2) Lemon Scented Gum trees to facilitate the construction of three new netball courts. The proposal also seeks to retain 2 other Regulated (Lemon Scented Gum and River Red Gum) Trees and a Significant Tree (River Red Gum).

The Significant River Red Gum (Tree 2 in Project Green report) is located south west of the proposed Sports Hall and Hearts Village building. The arborist report prepared by Project Green provides a relevant structural root zone (SRZ (3.44m)) and tree protection zone (TPZ (13.56m)). It is anticipated that the level of encroachment into the TPZ will be between 28.2% and 40.7%. Whilst it is acknowledged that River Red Gum are a tolerant species, this level of encroachment typically has the potential to cause harm to the tree. With this in mind, it is acknowledged that encroachment with the tree's SRZ and TPZ already occur and with the removal of the bin storage area directly to the south of the tree, there will be less development with the SRZ and TPZ which is considered to be an improvement. The arborist has suggested that appropriate trenching techniques are required within the TPZ and it has been recommended that a pier and beam footing design be used for buildings within the TPZ. Further, the proposed paving within the TPZ is recommended to be permeable paving and the areas within the TPZ without any construction should be mulched.

The regulated River Red Gum (Tree 1 in Project Green report) is located between the railway line and the existing maintenance shed. The arborist provides a relevant structural root zone (SRZ (3.15m)) and tree protection zone (TPZ (9.6m)). It is anticipated that the level of encroachment into the TPZ will be

HOME

18.2% which is considered to be acceptable given the species of tree and the adoption of appropriate construction methods. Those methods include, permeable paving with the TPZ and hand digging with the SRZ.

The regulated Lemon Scented Gum (Tree 4 in Project Green report) is located adjacent Walter Avenue just west of the proposed netball courts. The arborist provides a relevant structural root zone (SRZ (2.91m)) and tree protection zone (TPZ (7.56m)). It is anticipated that the level of encroachment into the TPZ will be 31.6% which is considered to be acceptable given the species has a high tolerance for development activities and the tree shall remain the grassed verge area. It is recommended that all paving within the TPZ is to be at grade level and permeable paving.

The applicant has responded to the arborists advice with respect to the design; however, it is considered that relevant conditions of approval are appropriate to reinforce the arborists recommendations should the recommendation be adopted.

As part of the works a new avenue of trees is proposed on the eastern side entrance driveway (Walter Avenue). A path lined with five (5) Chinese Elm trees provides a link from the carpark to the netball courts.

The area directly to the east of the proposed Sports Hall and Hearts Village building and within the breezeway is to be planted out using vines that will grow up training structures to provide shade and greenery.

Three new Lemon Scented Gum trees are to be planted on the eastern side of Walter Avenue adjacent the netball courts, whilst the existing Lemon scented gum east of the breezeway shall be retained. Further landscaping in the form of twelve (12) eucalyptus trees shall be planted around the perimeter of the site.

It is considered that the extent of landscaping throughout the site will not only have a positive contribution to the amenity of the locality and streetscape, minimise the heat absorption, provide shade and shelter and assist with stormwater infiltration. As such the proposal satisfies Performance Outcome 3.1 outlined below.

Performance Outcome 3.1 (Design in Urban Areas)

Soft landscaping and tree planting are incorporated to:

- a) minimise heat absorption and reflection***
- b) maximise shade and shelter***
- c) maximise stormwater infiltration***
- d) enhance the appearance of land and streetscapes.***

Interface Between Land Uses

As previously mentioned, the proposed development is located within the General Neighbourhood Zone and as such the locality is typically residential in nature. With the exception of the Clovelly Park Primary school to the south, the subject land has sensitive receivers in the form of dwellings located to the north, east and west of the subject land.

It is noted that the Desired Outcome 1 seeks development to be both 'located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.'

Desired Outcome 1 (Interface Between Land Uses) Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.

As discussed earlier in the report, the proposed Sports Hall and Hearts Village building is sited such that there is reasonable separation between the residential dwellings and the proposal to mitigate any visual impact. Further, the acoustic report concludes that there shall not be an unreasonable level of noise generated from the proposed buildings, netball courts or plant and service equipment.

The development is considered to satisfy the Desired Outcome 1 of Interface between land uses as well as PO 1.1, 1.2, 4.1 and 4.2 as the amenity of the locality shall be adversely impacted by visual or noise impacts.

CONCLUSION

The removal of existing transportable classrooms and outdoor basketball courts and construction of an indoor recreation facility comprising two (2) basketball courts change rooms, function/event space and ancillary spaces as well as eight (8) classrooms, covered learning area, three outdoor netball courts and associated fencing, modified vehicle and pedestrian linkages and removal of two (2) regulated trees, additional landscaping including planting of 20 replacement trees and temporary parking and drop off.

The main considerations for assessment relate to the land use, built form, removal of trees and other amenity impacts including noise, and traffic impacts.

The proposed land use and intensity is in-principle envisaged within the zone. It is commonplace for pre-schools to be located within neighbourhood type zones due to their proximity to residential properties and aim to serve the local community.

The built form is in-principle envisaged within the zone. The buildings and associated landscaping will make a positive contribution to the streetscape. Amenity implications are generally appropriately managed throughout the development. As a result of the design and siting of the main building, there would not be any significant overshadowing nor other visual amenity impacts upon adjoining land. The proposed gymnasium building is of a scale and size that is larger than development with the surrounding neighbourhood setting; however, it is nonetheless separated from nearby residential properties and the street. The location of the building is partially screened by landscaping internal to the site as well as existing building within the school grounds.

The car parking design and layout satisfy all relevant standards. Traffic and car parking matters generated from the land use are appropriately managed on-site and achieve safe and convenient vehicle and pedestrian movements.

Given the above, the proposed development is considered to appropriately satisfy the applicable relevant provisions of the Planning & Design Code. The development would not be unreasonably at odds with, nor adversely impact upon neighbouring properties nor the local area.

The proposed development is not seriously at variance with the Planning and Design Code, in accordance with Section 126(1) of the Planning, Development and Infrastructure Act 2016.

Subject to the conditions and notes listed below, the development warrants Planning Consent.

RECOMMENDATION

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

- (a) The Panel notes this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concurs that the proposed development is not seriously at variance to the Planning and Design Code, in accordance with Section 126(1) of the Planning, Development and Infrastructure Act 2016; and
- (c) That Planning Consent for Development Application ID: 21025439 for the removal of existing transportable classrooms and outdoor basketball courts and construction of an indoor recreation facility comprising (2) basketball courts, change rooms, function/event space and ancillary spaces as well as eight (8) classrooms, covered learning area, three (3) outdoor netball courts and associated fencing, modified vehicle and pedestrian linkages and removal of two (2) regulated trees and temporary parking and drop off at 26 Percy Avenue, Mitchell Park be GRANTED subject to the following Reserved Matter and Conditions.

RESERVED MATTERS

Pursuant to Section 102 (3) of the Planning, Development and Infrastructure Act 2016, Council RESERVES its decision in relation to the following matters. Development Approval cannot be issued by the Council unless and until it has assessed such matters and granted its consent thereof.

1. Final stormwater pipe layout, sizes and connection details shall be provided, to the reasonable satisfaction of the Team Leader - Planning.

Pursuant to Section 102 (3) of the Planning, Development and Infrastructure Act 2016 the Council reserves its decision on the form and substance of any further conditions of planning consent that it considers appropriate to impose in respect of the reserved matter outlined above.

CONDITIONS

1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
2. Prior to commencement of any site works, a Tree Protection Zone, including tree protection zone fencing, shall be established around the Trees to be retained in accordance with the tree protection plan contained within the tree report prepared by Project Green.
3. Prior to commencement of any site works, a "Tree Protection Zone", consisting of a 2.0m high solid, chainmesh, steel or similar material fence with posts at 3m intervals, shall be erected in accordance with the report prepared by Project Green. A sign displaying the words "Tree Protection Zone" shall be placed on the fence and no persons, vehicles or machinery shall enter the Area and no goods, materials or waste shall be stored within the Area until after construction is complete. A layer of organic mulch (woodchips) to a depth of 100mm shall be placed over all root systems within the Area to assist with moisture retention and to reduce impact of compaction and supplementary watering shall be provided through any dry periods during the construction process.

[HOME](#)

4. Any structural roots (i.e. greater than 25mm in diameter) of the Trees to be retained that are uncovered outside of the Tree Protection Zone shall be retained where possible or, if not, shall be severed by saw cutting, sharp axe or secateurs and not with a backhoe or machinery or blunt instrument. Wounds shall be immediately dressed with a commercially available tree-wound healing compound.
5. Landscaping shall be planted and maintained in accordance with the plans and details forming part of the development authorisation.
6. Wheel stopping devices shall be placed and maintained within each parking bay so as to prevent damage to adjoining fences, buildings or landscaping in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6.2009).
7. 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.
8. Designated accessible (disabled) car parking spaces shall be designed, constructed and maintained in accordance with Australian Standards (AS/NZS 2890.6.2009).
9. All car parking areas, driveways and vehicle manoeuvring areas must be constructed in accordance with the approved plans and recognised engineering practices prior to the occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.
10. All car parking spaces shall be linemarked or delineated in a distinctive fashion prior to occupation of the premises, with the marking maintained in a clear and visible condition at all times.
11. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
12. All waste and other rubbish shall be stored in the designated areas and screened from public view in accordance with the approved plans.
13. All waste disposal and pick up shall be undertaken in accordance with the requirements stipulated within the *Environment Protection (Noise) Policy 2007*, or subsequent legislation.
14. All external lighting must be designed and constructed in accordance with Australian Standard (AS 4282-1997).
15. Pedestrian walkways on the subject site shall be adequately lit in accordance with Australian / New Zealand Standard AS/NZS 1158.3.1:1999 "Road Lighting Part 3.1: Pedestrian area (Category P) lighting - Performance and installation design guidelines". Such lighting shall be maintained at all times, to the reasonable satisfaction of the Council.
16. Prior to the use and/or occupation of the structure(s), all stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details.

NOTES

1. It is recommended a Project arborist be engaged to ensure all tree damaging activity be undertaken in strict accordance with AS4970 2009; and
 - a. Works within or adjacent an SRZ to be undertaken with extreme care under the supervision of the Project Arborist
 - b. Construction of buildings within the TPZ should be 'pier and beam' to reduce the need for trenching for footing beams.
 - c. Paving within the TPZ should comprise of permeable paving.
 - d. Paving within the TPZ should be installed above grade, or with manual excavation, to reduce impacts on the trees root system.
 - e. Underground services are to be routed outside the TPZ if possible, where this cannot occur, soft dig methods such as hydro-excavation or direction boring may occur under the guidance of the project arborist; and
2. The owner/applicant is advised that consent from any relevant easement or encumbrance owner may be required prior to any construction.

Easements may include, but are not limited to: drainage, Council easements (i.e. stormwater, encroachments, access etc), power transmission (SA Power Networks), telecommunications, or other forms of access (such as vehicle) rights of way. Easements and encumbrances would be registered on the relevant Certificate of Title. The location of easements on the land would be shown on the Deposited Plan. A copy of the Certificate of Title and Deposited Plan can be obtained from the South Australian Integrated Land Information System (SAILIS) at: <https://sailis.lssa.com.au/home/auth/login>.
3. The Fences Act 1975 details certain requirements and procedures in order to remove, replace or repair boundary fencing. If you intend to remove or repair an existing boundary fence, you are obligated to give the other affected neighbours 30 days notice to comment and respond as per a "Form 2". If a fence is removed (even if only temporarily) by a neighbour without the consent of the adjoining owner, or without following the procedure under the Fences Act, you may be liable to compensate the other owner.

For more information, please refer to the Legal Services Commission brochure titled "Fences and the Law". Copies are available at Council's Administration Centre, or online at <http://www.lawhandbook.sa.gov.au/ch31s02.php>.
4. As the proposal involves work on or near the boundary, it is recommended that the boundaries are clearly defined by a Licensed Surveyor prior to the commencement of any building work.
5. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.
6. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
7. Pursuant to Section 102 (3) of the Planning, Development and Infrastructure Act 2016, the matter(s) listed as Reserved Matters are reserved for further assessment to the satisfaction of the relevant authority prior to the granting of Development Approval.

Appendix 1 – Planning and Design Code guidelines

Zones and Sub Zones

General Neighbourhood Zone

DO 1	Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.	
PO 1.1	Predominantly residential development with complementary non-residential uses that support an active, convenient, and walkable neighbourhood.	DTS/DPF 1.1 Development comprises one or more of the following: <ul style="list-style-type: none"> (a) Ancillary accommodation (b) Community facility (c) Consulting room (d) Dwelling (e) Educational establishment (f) Office (g) Place of Worship (h) Pre-school (i) Recreation area (j) Residential flat building (k) Retirement facility (l) Shop (m) Student accommodation (n) Supported accommodation
PO 1.2	Non-residential development located and designed to improve community accessibility to services, primarily in the form of: <ul style="list-style-type: none"> (a) small scale commercial uses such as offices, shops and consulting rooms (b) community services such as educational establishments, community centres, places of worship, pre-schools, and other health and welfare services (c) services and facilities ancillary to the function or operation of supported accommodation or retirement facilities open space and recreation facilities.	
PO 1.3	Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.	
PO 1.5	Expansion of existing community services such as educational establishments, community facilities and pre-schools in a manner which complements the scale of development envisaged by the desired outcome for the neighbourhood.	DTS/DPF 1.5 Alteration of or addition to existing educational establishments, community facilities or pre-schools where all the following are satisfied: <ul style="list-style-type: none"> a) set back at least 3m from any boundary shared with a residential land use b) building height not exceeding 1 building level c) the total floor area of the building not exceeding 150% of the total floor area prior to the addition/alteration d) off-street vehicular parking exists or will be provided in accordance with the rate(s) specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas to the nearest whole number.

HOME

PO 3.1 Building footprints allow sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.	DTS/DPF 3.1 The development does not result in site coverage exceeding 60%.
PO 4.1 Buildings contribute to a low-rise suburban character.	DTS/DPF 4.1 Building height (excluding garages, carports and outbuildings) no greater than: (a) 2 building levels and 9m and (b) wall height that is no greater than 7m except in the case of a gable end.
PO 5.1 Buildings are setback from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape.	DTS/DPF 5.1 The building line of a building set back from the primary street boundary: (a) no more than 1m in front of the average setback to the building line of existing buildings on adjoining sites which face the same primary street (including those buildings that would adjoin the site if not separated by a public road or a vacant allotment) (b) where there is only one existing building on adjoining sites which face the same primary street (including those that would adjoin if not separated by a public road or a vacant allotment), no more than 1m in front of the setback to the building line of that building
	or (c) not less than 5m where no building exists on an adjoining site with the same primary street frontage.
PO 6.1 Buildings are set back from secondary street boundaries to achieve separation between building walls and public streets and contribute to a suburban streetscape character.	DTS/DPF 6.1 Building walls are set back from the boundary of the allotment with a secondary street frontage: a) at least 900mm or b) if a dwelling on any adjoining allotment is closer to the secondary street than 900mm, at least the distance of that dwelling from the boundary with the secondary street.
PO 8.1 Building walls are set back from side boundaries to provide: a) separation between dwellings in a way that contributes to a suburban character and b) access to natural light and ventilation for neighbours.	DTS/DPF 8.1 Other than walls located on a side boundary, building walls are set back from side boundaries: a) at least 900mm where the wall height is up to 3m b) other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the wall height above 3m and c) at least 1900mm plus 1/3 of the wall height above 3m for walls facing a southern side boundary.

PO 12.1 Advertisements identify the associated business activity, and do not detract from the residential character of the locality.	DTS/DPF 12.1 Advertisements relating to a lawful business activity associated with a residential use do not exceed 0.3m ² and mounted flush with a wall or fence.
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Part 3 - Overlays

Airport Building Heights (Regulated) Overlay

DO 1	Management of potential impacts of buildings and generated emissions to maintain operational and safety requirements of registered and certified commercial and military airfields, airports, airstrips and helicopter landing sites.
PO 1.1 Building height does not pose a hazard to the operation of a certified or registered aerodrome.	DTS/DPF 1.1 Buildings are located outside the area identified as 'All structures' (no height limit is prescribed) and do not exceed the height specified in the Airport Building Heights (Regulated) Overlay which applies to the subject site as shown on the SA Property and Planning Atlas. In instances where more than one value applies to the site, the lowest value relevant to the site of the proposed development is applicable.

Hazards (Flooding - Evidence Required) Overlay

DO 1	Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.
PO 1.1 Development is sited, designed and constructed to minimise the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.	DTS/DPF 1.1 Habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished floor level at least 300mm above: (a) the highest point of top of kerb of the primary street or (b) the highest point of natural ground level at the primary street boundary where there is no kerb

Stormwater Management Overlay

DO 1	Development incorporates water sensitive urban design techniques to capture and re-use stormwater.
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Regulated and Significant Tree Overlay

DO 1	Conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss.
PO 1.1 Regulated trees are retained where they:	1. make an important visual contribution to local character and amenity 2. are indigenous to the local area and listed under the <i>National Parks and Wildlife Act 1972</i> as a rare or endangered native species and / or 3. provide an important habitat for native fauna.
PO 1.2 Significant trees are retained where they:	a. make an important contribution to the character or amenity of the local area b. are indigenous to the local area and are listed under the <i>National Parks and Wildlife Act 1972</i> as a rare or endangered native species c. represent an important habitat for native fauna d. are part of a wildlife corridor of a remnant area of native vegetation e. are important to the maintenance of biodiversity in the local environment and / or f. form a notable visual element to the landscape of the local area.

HOME

PO 1.4

A tree-damaging activity in connection with other development satisfies all the following:

1. it accommodates the reasonable development of land in accordance with the relevant zone or subzone where such development might not otherwise be possible
2. in the case of a significant tree, all reasonable development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.

PO 2.1

Regulated and significant trees, including their root systems, are not unduly compromised by excavation and / or filling of land, or the sealing of surfaces within the vicinity of the tree to support their retention and health.

Part 4 - General Development Policies

Clearance from Overhead Powerlines

DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
PO 1.1	DTS/DPF 1.1
Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.	<p>One of the following is satisfied:</p> <ul style="list-style-type: none"> (a) a declaration is provided by or on behalf of the applicant to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the <i>Electricity Act 1996</i> (b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.

Design in Urban Areas

DO 1	<p>Development is:</p> <ul style="list-style-type: none"> (a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributing to the character of the locality (b) durable - fit for purpose, adaptable and long lasting (c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors (d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.
PO 1.1	Buildings reinforce corners through changes in setback, articulation, materials, colour and massing (including height, width, bulk, roof form and slope).
PO 1.3	Building elevations facing the primary street (other than ancillary buildings) are designed and detailed to convey purpose, identify main access points and complement the streetscape.
PO 1.4	DTS/DPF 1.4
Plant, exhaust and intake vents and other technical equipment are integrated into the building design to minimise visibility from the public realm and negative impacts on residential amenity by:	Development does not incorporate any structures that protrude beyond the roofline.
<ul style="list-style-type: none"> (a) positioning plant and equipment discretely, in unobtrusive locations as viewed from public roads and spaces (b) screening rooftop plant and equipment from view (c) when located on the roof of non-residential development, locating the plant and equipment as far as practicable from adjacent sensitive land uses. 	

[HOME](#)

PO 1.5	The negative visual impact of outdoor storage, waste management, loading and service areas is minimised by integrating them into the building design and screening them from public view (such as fencing, landscaping and built form), taking into account the form of development contemplated in the relevant zone.
PO 2.1	Development maximises opportunities for passive surveillance of the public realm by providing clear lines of sight, appropriate lighting and the use of visually permeable screening wherever practicable.
PO 2.2	Development is designed to differentiate public, communal and private areas.
PO 2.3	Buildings are designed with safe, perceptible and direct access from public street frontages and vehicle parking areas.
PO 2.4	Development at street level is designed to maximise opportunities for passive surveillance of the adjacent public realm.
PO 2.5	Common areas and entry points of buildings (such as the foyer areas of residential buildings) and non-residential land uses at street level, maximise passive surveillance from the public realm to the inside of the building at night.
PO 3.1	<p>Soft landscaping and tree planting are incorporated to:</p> <ul style="list-style-type: none"> (a) minimise heat absorption and reflection (b) maximise shade and shelter (c) maximise stormwater infiltration (d) enhance the appearance of land and streetscapes.
PO 4.1	Buildings are sited, oriented and designed to maximise natural sunlight access and ventilation to main activity areas, habitable rooms, common areas and open spaces.
PO 4.2	Buildings are sited and designed to maximise passive environmental performance and minimise energy consumption and reliance on mechanical systems, such as heating and cooling.
PO 4.3	Buildings incorporate climate responsive techniques and features such as building and window orientation, use of eaves, verandahs and shading structures, water harvesting, at ground landscaping, green walls, green roofs and photovoltaic cells.
PO 5.1	<p>Development is sited and designed to maintain natural hydrological systems without negatively impacting:</p> <ul style="list-style-type: none"> (a) the quantity and quality of surface water and groundwater (b) the depth and directional flow of surface water and groundwater (c) the quality and function of natural springs.

PO 6.1	DTS/DPF 6.1
Dedicated on-site effluent disposal areas do not include any areas to be used for, or could be reasonably foreseen to be used for, private open space, driveways or car parking.	Effluent disposal drainage areas do not: <ul style="list-style-type: none"> (a) encroach within an area used as private open space or result in less private open space than that specified in Design in Urban Areas Table 1 - Private Open Space (b) use an area also used as a driveway (c) encroach within an area used for on-site car parking or result in less on-site car parking than that specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas.
PO 7.2	
Vehicle parking areas appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced and the like.	
PO 7.3	
Safe, legible, direct and accessible pedestrian connections are provided between parking areas and the development.	
PO 7.4	DTS/DPF 7.4
Street-level vehicle parking areas incorporate tree planting to provide shade, reduce solar heat absorption and reflection.	Vehicle parking areas that are open to the sky and comprise 10 or more car parking spaces include a shade tree with a mature canopy of 4m diameter spaced for each 10 car parking spaces provided and a landscaped strip on any road frontage of a minimum dimension of 1m.
PO 7.5	DTS/DPF 7.5
Street level parking areas incorporate soft landscaping to improve visual appearance when viewed from within the site and from public places.	Vehicle parking areas comprising 10 or more car parking spaces include soft landscaping with a minimum dimension of: <ul style="list-style-type: none"> (a) 1m along all public road frontages and allotment boundaries (b) 1m between double rows of car parking spaces.
PO 7.6	
Vehicle parking areas and associated driveways are landscaped to provide shade and positively contribute to amenity.	
PO 7.7	
Vehicle parking areas and access ways incorporate integrated stormwater management techniques such as permeable or porous surfaces, infiltration systems, drainage swales or rain gardens that integrate with soft landscaping.	
PO 8.1	DTS/DPF 8.1
Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.	Development does not involve any of the following: <ul style="list-style-type: none"> a) excavation exceeding a vertical height of 1m b) filling exceeding a vertical height of 1m c) a total combined excavation and filling vertical height of 2m or more.
PO 9.1	
Fences, walls and retaining walls of sufficient height maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to sunlight or the amenity of public places.	

PO 11.1	Development provides a dedicated area for on-site collection and sorting of recyclable materials and refuse, green organic waste and wash bay facilities for the ongoing maintenance of bins that is adequate in size considering the number and nature of the activities they will serve and the frequency of collection.
PO 42.1	Development likely to result in risk of export of sediment, suspended solids, organic matter, nutrients, oil and grease include stormwater management systems designed to minimise pollutants entering stormwater.
PO 42.2	Water discharged from a development site is of a physical, chemical and biological condition equivalent to or better than its pre-developed state.
PO 42.3	Development includes stormwater management systems to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure that development does not increase peak flows in downstream systems.

Interface between Land Uses

DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.	
PO 1.1		
Sensitive receivers are designed and sited to protect residents and occupants from adverse impacts generated by lawfully existing land uses (or lawfully approved land uses) and land uses desired in the zone.		
PO 1.2		
Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.		
PO 2.1	DTS/DPF 2.1	
	Development operating within the following hours:	
	Class of Development	Hours of operation
	Consulting room	7am to 9pm, Monday to Friday 8am to 5pm, Saturday
(a) the nature of the development	Office	7am to 9pm, Monday to Friday 8am to 5pm, Saturday
(b) measures to mitigate off-site impacts		
(c) the extent to which the development is desired in the zone		
(d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.		

	<div>Shop, other than any one or combination of the following:<div><div>(a) restaurant</div><div>(b) cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone</div></div></div> <div>7am to 9pm, Monday to Friday</div> <div>8am to 5pm, Saturday and Sunday</div>
<div>PO 3.1</div> <div>Overshadowing of habitable room windows of adjacent residential land uses in:</div> <div><div>a. a neighbourhood-type zone is minimised to maintain access to direct winter sunlight</div><div>b. other zones is managed to enable access to direct winter sunlight.</div></div>	<div>DTS/DPF 3.1</div> <div>North-facing windows of habitable rooms of adjacent residential land uses in a neighbourhood-type zone receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.</div>

<p>PO 3.2</p> <p>Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in:</p> <p>a. a neighbourhood type zone is minimised to maintain access to direct winter sunlight</p> <p>b. other zones is managed to enable access to direct winter sunlight.</p>	<p>DTS/DPF 3.2</p> <p>Development maintains 2 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following:</p> <p>a. for ground level private open space, the smaller of the following:</p> <p>i. half the existing ground level open space or</p> <p>ii. 35m² of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m)</p> <p>b. for ground level communal open space, at least half of the existing ground level open space.</p>
<p>PO 4.1</p> <p>Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).</p>	<p>DTS/DPF 4.1</p> <p>Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria.</p>
<p>PO 4.2</p> <p>Areas for the on-site manoeuvring of service and delivery vehicles, plant and equipment, outdoor work spaces (and the like) are designed and sited to not unreasonably impact the amenity of adjacent sensitive receivers (or lawfully approved sensitive receivers) and zones primarily intended to accommodate sensitive receivers due to noise and vibration by adopting techniques including:</p> <p>(a) locating openings of buildings and associated services away from the interface with the adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers</p> <p>(b) when sited outdoors, locating such areas as far as practicable from adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers</p> <p>(c) housing plant and equipment within an enclosed structure or acoustic enclosure</p> <p>(d) providing a suitable acoustic barrier between the plant and / or equipment and the adjacent sensitive receiver boundary or zone.</p>	

Out of Activity Centre Development

DO 1	The role of Activity Centres in contributing to the form and pattern of development and enabling equitable and convenient access to a range of shopping, administrative, cultural, entertainment and other facilities in a single trip is maintained and reinforced.
<p>PO 1.1</p> <p>Non-residential development outside Activity Centres of a scale and type that does not diminish the role of Activity Centres:</p> <p>a) as primary locations for shopping, administrative, cultural, entertainment and community services</p> <p>b) as a focus for regular social and business gatherings</p> <p>c) in contributing to or maintaining a pattern of development that supports equitable community access to services and facilities.</p>	
<p>PO 1.2</p> <p>Out-of-activity centre non-residential development complements Activity Centres through the provision of services and facilities:</p> <p>a) that support the needs of local residents and workers, particularly in underserved locations</p> <p>b) at the edge of Activities Centres where they cannot readily be accommodated within an existing Activity Centre to expand the range of services on offer and support the role of the Activity Centre.</p>	

Transport, Access and Parking

DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.	
PO 1.1 Development is integrated with the existing transport system and designed to minimise its potential impact on the functional performance of the transport system.		
PO 1.2 Development is designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive receivers.		
PO 1.3 Industrial, commercial and service vehicle movements, loading areas and designated parking spaces are separated from passenger vehicle car parking areas to ensure efficient and safe movement and minimise potential conflict.		
PO 1.4 Development is sited and designed so that loading, unloading and turning of all traffic avoids interrupting the operation of and queuing on public roads and pedestrian paths.	DTS/DPF 1.4 All vehicle manoeuvring occurs onsite.	
PO 2.1 Sightlines at intersections, pedestrian and cycle crossings, and crossovers to allotments for motorists, cyclists and pedestrians are maintained or enhanced to ensure safety for all road users and pedestrians.		
PO 2.2 Walls, fencing and landscaping adjacent to driveways and corner sites are designed to provide adequate sightlines between vehicles and pedestrians.		
PO 3.1 Safe and convenient access minimises impact or interruption on the operation of public roads.	DTS/DPF 3.1 The access is: (a) provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land or (b) not located within 6m of an intersection of 2 or more roads or a pedestrian activated crossing.	
PO 3.9 Development is designed to ensure vehicle circulation between activity areas occurs within the site without the need to use public roads.		
PO 4.1 Development is sited and designed to provide safe, dignified and convenient access for people with a disability.		

<p>PO 5.1</p> <p>Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:</p> <ul style="list-style-type: none"> (a) availability of on-street car parking (b) shared use of other parking areas (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared (d) the adaptive reuse of a State or Local Heritage Place. 	<p>DTS/DPF 5.1</p> <p>Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant:</p> <ul style="list-style-type: none"> (a) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements (b) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas (c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.
<p>PO 6.1</p> <p>Vehicle parking areas are sited and designed to minimise impact on the operation of public roads by avoiding the use of public roads when moving from one part of a parking area to another.</p>	<p>DTS/DPF 6.1</p> <p>Movement between vehicle parking areas within the site can occur without the need to use a public road.</p>
<p>PO 6.2</p> <p>Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced, and the like.</p>	
<p>PO 6.4</p> <p>Pedestrian linkages between parking areas and the development are provided and are safe and convenient.</p>	
<p>PO 6.5</p> <p>Vehicle parking areas that are likely to be used during non- daylight hours are provided with sufficient lighting to entry and exit points to ensure clear visibility to users.</p>	
<p>PO 6.7</p> <p>On-site visitor parking spaces are sited and designed to be accessible to all visitors at all times.</p>	
<p>PO 9.1</p> <p>The provision of adequately sized on-site bicycle parking facilities encourages cycling as an active transport mode.</p>	<p>DTS/DPF 9.1</p> <p>Areas and / or fixtures are provided for the parking and storage of bicycles at a rate not less than the amount calculated using Transport, Access and Parking Table 3 - Off Street Bicycle Parking Requirements.</p>
<p>PO 9.2</p> <p>Bicycle parking facilities provide for the secure storage and tethering of bicycles in a place where casual surveillance is possible, is well lit and signed for the safety and convenience of cyclists and deters property theft.</p>	

**5. APPEALS UPDATE
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 01 DECEMBER 2021**



5.1 APPEALS AGAINST PANEL DECISIONS

New Appeals

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status
21012619	1 & 3 Freya Avenue, Hallett Cove	10/11/2021	APPROVE	REFUSE	Preliminary Conference scheduled for 10 December 2021
21012625	10 & 12 Renown Avenue, Clovelly Park	10/11/2021	APPROVE	REFUSE	Preliminary Conference scheduled for 10 December 2021

On-going Appeals

DA No.	Address	Appeal Lodged	Recommen- dation	Decision	Current Status
100/2020/2362	411 Morphett Rd, Oaklands Park	9/6/2021	APPROVE	REFUSE	Preliminary argument on whether the compromise proposal has changed the essential nature of development was heard by Commissioner Rumsby on 19 October 2021. Awaiting judgement.
100/2020/534	341 Diagonal Road, Seacombe Gardens	22/3/2021	REFUSE	REFUSE	Conference scheduled for Friday, 12 November 2021 at 9:15am

5.2 APPEALS AGAINST DELEGATED APPLICATIONS

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status
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**6. POLICY OBSERVATIONS
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 01 DECEMBER 2021**



No Items Listed For Discussion