

**NOTICE OF  
COUNCIL ASSESSMENT PANEL MEETING**

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

**Wednesday 03 November 2021**

**Commencing at 6.30 p.m.**

**Council Chambers**

**Council Administration Centre**

**245 Sturt Road,**

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.



Alex Wright  
**ASSESSMENT MANAGER**

27 October 2021

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**CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 03 NOVEMBER 2021  
COMMENCING AT 6.30PM**

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**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 21022140**

**142-144 MORPHETT ROAD, GLENGOWRIE**

Variation to Application ID 21011513 (DA 100/2020/1028): Partial change of use from shop (pharmacy) to consulting room (dental practice); alterations to the use of rooms within the general medical consulting room component; and alterations to advertisements, including additional attached signage, enlarged freestanding sign and hoarding including LED display, and internal illumination to selected signage

Report Reference: CAP031121 - 4.1 .....2

**4.2 DEVELOPMENT NO 21012625**

**10-12 RENOWN AV, CLOVELLY PARK**

Construction of a child care centre with associated advertising, masonry walls and ancillary storage shed.

Report Reference: CAP031121 - 4.2 .....28

**4.3 DEVELOPMENT NO 21012619**

**1-3 FREYA AVENUE, HALLETT COVE**

Change in land use from two detached dwellings to pre-school (childcare centre) with associated advertisements and advertising hoarding, outbuilding, earthworks, retaining walls and fencing

Report Reference: CAP031121 - 4.3 .....64

**5. APPEALS UPDATE**

- Verbal update to be provided

**5.1 APPEALS AGAINST PANEL DECISIONS**

- Verbal update to be provided

**5.2 APPEALS AGAINST DELEGATED APPLICATIONS**

No items listed for discussions

**6. POLICY OBSERVATIONS**

No items listed for discussion

**7. OTHER BUSINESS**

No items listed for discussion

**8. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING  
HELD ON 03 NOVEMBER 2021**

**9. MEETING CLOSURE**

**2. GENERAL OPERATING PROCEDURES  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 19 AUGUST 2020**

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No Items Listed for Discussion

**REPORT REFERENCE: CAP031121 – 4.1  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 3 NOVEMBER 2021**



<b>Originating Officer:</b>	<b>Kai Wardle Development Officer – Planning</b>
<b>Applicant:</b>	<b>Adroit Developers Pty LTD</b>
<b>Development Description:</b>	<b>Variation to Application ID 21011513 (DA 100/2020/1028): Partial change of use from shop (pharmacy) to consulting room (dental practice); alterations to the use of rooms within the general medical consulting room component; and alterations to advertisements, including additional attached signage, enlarged freestanding sign and hoarding including LED display, and internal illumination to selected signage</b>
<b>Site Location:</b>	<b>142 Morphet Road, Glengowrie 144 Morphet Road, Glengowrie</b>
<b>Zone:</b>	<b>General Neighbourhood Zone</b>
<b>Lodgement Date:</b>	<b>23/09/2021</b>
<b>Planning and Design Code:</b>	<b>23 September 2021 Version 2021.14</b>
<b>Referrals:</b>	<b>Commissioner of Highways (DIT)</b>
<b>Application Type:</b>	<b>Performance Assessed</b>
<b>Delegations Policy:</b>	<b>Instrument of Delegation – CAP, Clause 5.1.1.1</b> <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>
<b>Public Notification</b>	<b>Public Notification required</b> <i>The partial change in use is contrary to General Neighbourhood Zone DTS/DPF 1.1(d) due to proposing additional consulting room floor area, with the total exceeding 200 square metres in a single building. This requires public notification pursuant to Clause 4(a) Column B 1(a) of Table 5 of the General Neighbourhood Zone.</i> <i>Advertisement and advertising hoarding are not listed in Table 5 of the General Neighbourhood Zone to exclude them from Public Notification.</i>
<b>Application No:</b>	<b>21022140</b>
<b>Recommendation:</b>	<b>That Planning Consent be GRANTED subject to Conditions</b>

## **Appendices**

*Appendix 1: Planning and Design Code guidelines*

## **Attachments**

*Attachment I: Certificate of Title  
Attachment II: Proposal Plan and supporting documentation  
Attachment III: Statement of Representations  
Attachment IV: Applicant's Response to Representations  
Attachment V: External Agency Referral Response*

## BACKGROUND

### *Original Development Application*

Members of the Panel may recall the original development application (DA 100/2020/1028) being presented at the CAP meeting held 2 December 2020, where the Panel resolved to grant Development Plan Consent.

The original application was then granted Building Consent following the activation of the new planning system, and so it became a 'transitional application' with the Application ID 21011513. Development Approval has been granted and construction has substantially commenced.

## SUBJECT LAND

Until recently the subject land comprised two allotments: 142 and 144 Morphett Road, Glengowrie; however, an amalgamation plan has been deposited at the Land Titles Office during the assessment of this application. The amalgamated allotment has been assigned the address of 144 Morphett Road, Glengowrie by Council's Rates department.

The land is situated on the north-western corner of Morphett Road and Stanley Street. It is approximately square in shape, comprising a site area of 1573 square metres, a frontage to Morphett Road of 36.77 metres, and a frontage to Stanley Street of 36.57 metres with a 3 x 3 metre corner cut-off in-between. The land is generally flat.

As detailed within the original report, the land previously accommodated a trailer hire business (service trade premises) and a financial services office. These previous uses have ceased and all previous structures on the land have been demolished. Construction of the medical centre building and associated car parking areas are near completion, as pictured below.



From top: Morphett Road frontage to Stanley Street frontage.



## PROPOSED DEVELOPMENT

The proposal seeks to vary Application ID 21011513 (which was granted Development Plan Consent under the Development Act as DA 100/2020/1028). Put simply, the variation can be split into two broad but distinct elements:

- Partial change of use; and,
- Alterations to advertisements.

The partial change of use involves replacing the medical centre's shop (pharmacy) component with a consulting room land use (dental practice). The application also proposes alterations to the use of individual rooms within the general medical consulting room component (which for brevity will be referred to hereafter as the 'GP' component). The changes are depicted in Figure 1 below.

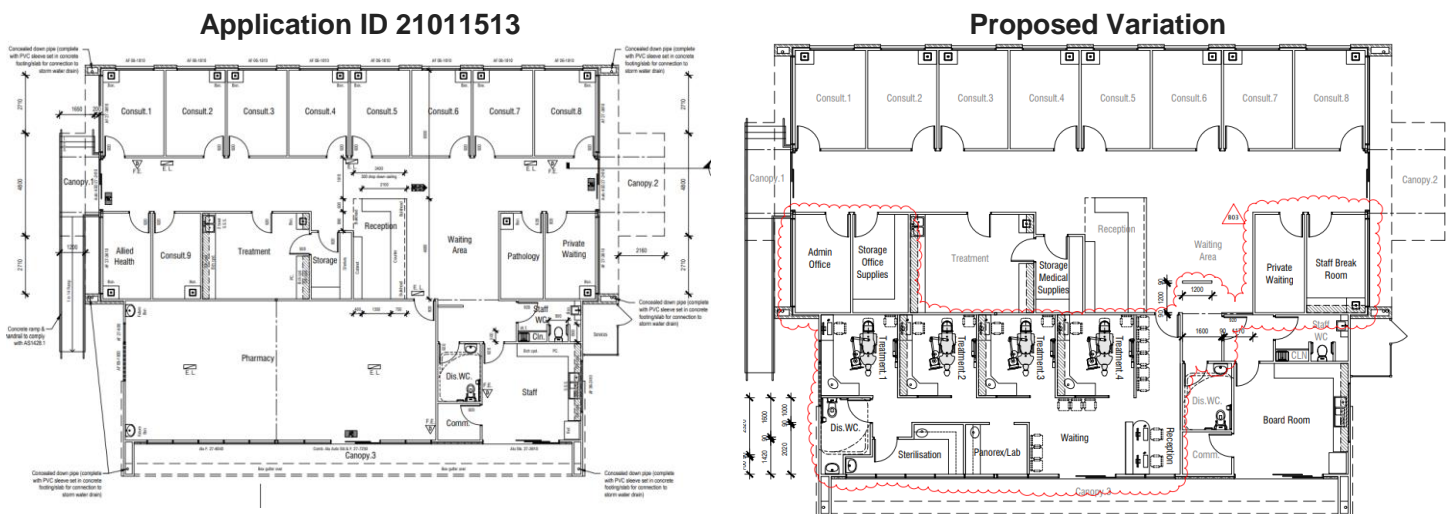


Figure 1: Comparison of internal floor plans.

The newly proposed dental practice comprises four treatment (i.e. consulting) rooms, a sterilisation room, laboratory room, and a reception and waiting area with associated amenities. The practice will be capable of treating up to four patients simultaneously by appointment, and employ up to six staff at a time. Dental appointments will generally take between 30 and 60 minutes.

Although connected to the GP component by an internal door, the dental practice is expected to operate as a separate business, with a dedicated pedestrian access to Morphett Road. This relationship with the GP component differs to the originally approved pharmacy use, as although the pharmacy would have been capable of operating separately, it was expected to source a reasonable proportion of its business from patients of the consulting rooms. Conversely, the dental practice and the GP will essentially operate as two unrelated tenancies with limited opportunity to share visitors. Despite this, sharing of some on-site facilities including car parking and staff amenities will continue to occur.

As noted, the use of individual rooms within the GP component are proposed to change. In particular, the rooms originally labelled as 'Allied Health', 'Consulting Room 9', and 'Pathology Room' have been replaced with 'Admin Office', 'Storage Office Supplies' and 'Staff Break Room'. These changes are notable as they have decreased the number of consulting rooms within the GP component by three, and have therefore reduced its intensity of land use. The changes to the room designations also respond to operational demands for increased administration and storage space which were identified by the applicant as limitations of the original design.

The alterations to advertisements (outlined in Figures 2 and 3 below) include:

- An additional attached sign on the northern and southern elevations respectively;
- Internal illumination to selected signage (only those adjacent Morphett Road or on the 'front half' of the building); and,
- An enlarged, relocated freestanding sign and hoarding including LED display and light box.

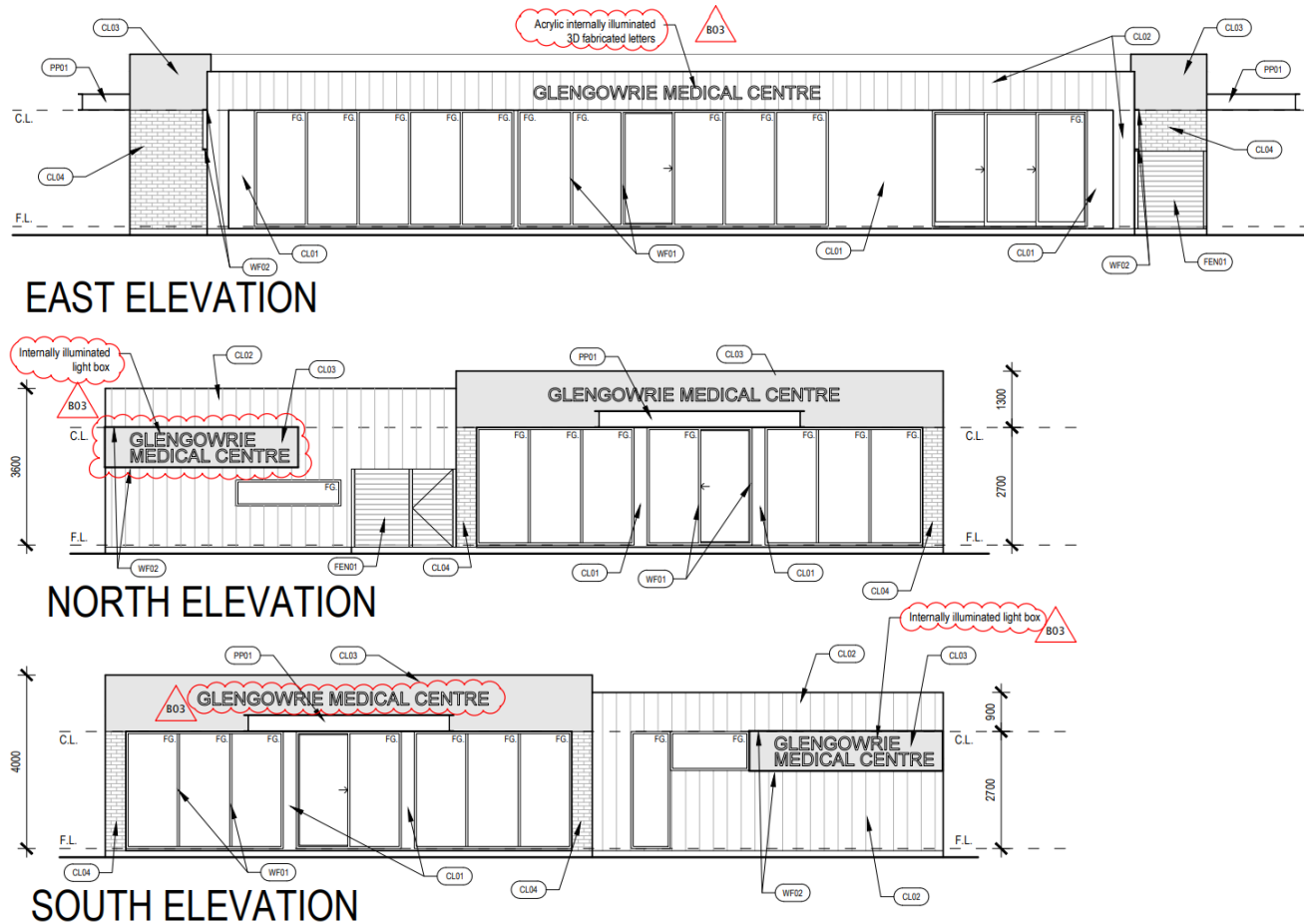


Figure 2: Additional attached signage and illumination (proposed changes outlined in red).

The additional attached sign to the northern elevation is proposed as an internally illuminated light box above the bicycle parking area. It will be a black/dark grey with white illuminated lettering, to match the sign on the opposite southern elevation. It is on the front half of the building and will be visible to southbound users of Morphett Road.

The additional attached sign to the southern elevation is above the southern entrance canopy to Stanley Street, to match the sign on the opposite northern elevation. It is on the rear half of the building and is not proposed to be internally illuminated.

Additionally, internal illumination is proposed to the previously approved 3D acrylic letters above the Morphett Road entrance canopy on the eastern (front) elevation, and to the previously approved sign on the south elevation on the 'front half' of the building, which will match the sign on the opposite northern elevation.

The originally approved freestanding sign was modest in size, at 1.95 metres in height and 1 metre in width. It contained a relatively blank appearance with small, basic lettering, and was single-sided. It was not proposed to be internally illuminated. It was originally proposed to be located in to the

north of the Morphett Road crossover in a landscaping strip, although was relocated by previous variation to adjacent the front of the building.

### Original

### Proposed

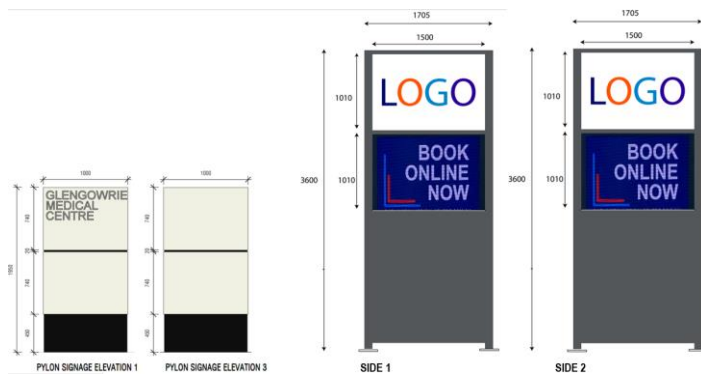


Figure 3: Scaled comparison of freestanding signs.



Figure 4: Render from the south-east.

By comparison, the proposed freestanding sign and hoarding is 3.6 metres in height and 1.7 metres in width. It is proposed to contain a central LED display with an internally illuminated light box above. It will be double-sided and the approximate display area of the advertising will be 3 square metres per side. It is proposed to be located in front of the building, approximately three metres north of the front canopy's southern end. It will be visible to both directions on Morphett Road and mostly obscured from view of Stanley Street due to its position. Cladding of the hoarding is shown to be dark grey in colour. The 3.6 metre height of the sign aligns with the 3.6 metre height of the medical centre building, as shown in Figure 4 above.

Besides the outlined changes to the internal floor plan and the advertisements, the variation does not otherwise propose changes to the site layout or external appearance of the development as approved within Application 21011513.

## **PROCEDURAL MATTERS**

### **Classification**

The subject application is Performance Assessed by virtue of the proposed development not being listed within an Accepted, Deemed to Satisfy or Restricted classification under the Planning and Design Code.

### **Categorisation**

The partial change in use is contrary to General Neighbourhood Zone DTS/DPF 1.1(d) due to proposing additional consulting room floor area, with the total exceeding 200 square metres in a single building. This warranted public notification pursuant to Clause 4(a) Column B 1(a) of Table 5 of the General Neighbourhood Zone.

Advertisement and advertising hoarding are not listed in Table 5 of the General Neighbourhood Zone to exclude them from Public Notification.

Having regard to the content of the proposal and the manner in which it relates to the locality, Council administration were of the view that the proposal was not of a minor nature.

As such, the development was processed in accordance with the Act.

### **Referrals**

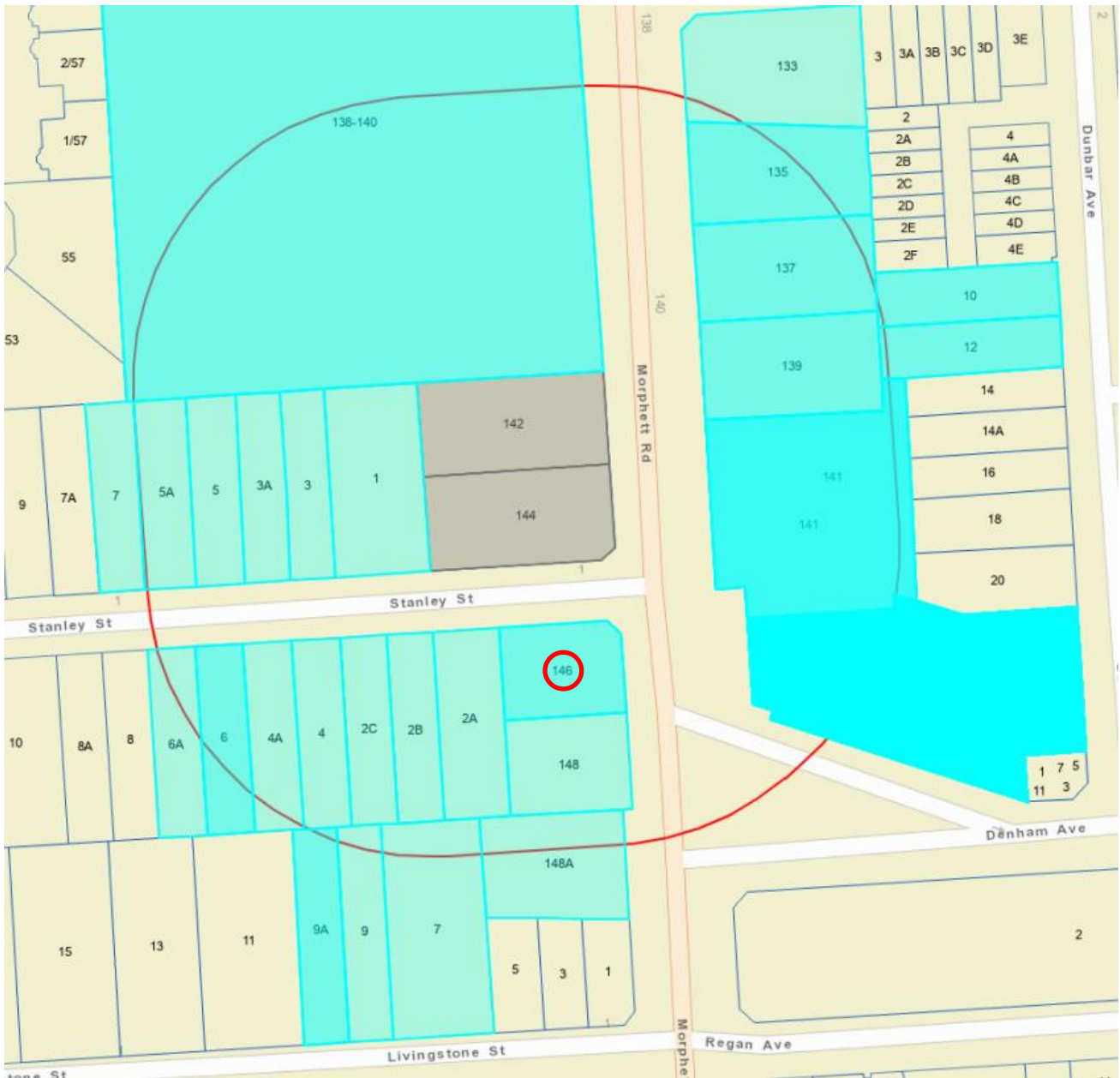
#### ***Commissioner of Highways (DIT)***

A referral to the Commissioner of Highways (DIT) was required pursuant to the Advertising Near Signalised Intersections Overlay, as the proposal involves internally illuminated advertising within 100 metres of the signalised pedestrian crossing to the north.

DIT's response raised no objection to the proposal, subject to conditions (which are included in the Conditions section of this report).

*Attachment V: External Agency Referral Response*

## PUBLIC NOTIFICATION



**Properties Notified** 44

**Representations** 5 received:  
1 opposed to the development  
4 in support

**Representations received**

1. Caroline Cook (146 Morphet Road)
2. Tracey Mills
3. Yen Shan Lee
4. B Boxer
5. Tony Mills

Wish to be heard

✓  
X  
X  
X  
X

**Applicant Response** A response by the applicant is included within the Report attachments.

## ASSESSMENT

The subject application is a 'full Code assessed' development. 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:

**General Neighbourhood Zone:** DO 1, PO 1.1, PO 1.2, PO 1.3, PO 1.4, PO 1.5, PO 3.1, PO 4.1, PO 5.1, PO 6.1, PO 12.1

**Advertising Near Signalised Intersections Overlay:** DO 1, PO 1.1

**Airport Building Heights (Regulated) Overlay:** DO 1, PO 1.1

**Building Near Airfields Overlay:** DO 1, PO 1.1, PO 1.3

**Traffic Generating Development Overlay:** DO 1, DO 2, PO 1.1, PO 1.2, PO 1.3

**Urban Transport Routes Overlay:** DO 1, DO 2, PO 1.1, PO 2.1, PO 10.1

**Advertisements:** DO 1, PO 1.1, PO 1.2, PO 1.3, PO 1.5, PO 2.1, PO 2.2, PO 2.3, PO 3.1, PO 4.1, PO 5.1, PO 5.2, PO 5.3, PO 5.4, PO 5.5, PO 5.6

**Clearance from Overhead Powerlines:** DO 1, PO 1.1

**Design in Urban Areas:** DO 1

**Interface Between Land Uses:** DO 1, PO 1.2, PO 2.1, PO 3.3, PO 6.1, PO 6.2, PO 7.1

**Out of Activity Centre Development:** DO 1, PO 1.1, PO 1.2

**Transport, Access and Parking:** DO 1, PO 1.1, PO 2.1, PO 3.3, PO 5.1 (Table 1), PO 9.1, PO 10.1

For clarity, the assessment has been split into three primary themes grouped by the following headings: Suitability of Use; Traffic and Parking; and Advertisements.

### Suitability of Use

The partial change of use proposes to replace the medical centre's previously approved shop (pharmacy) component with a consulting room use (dental practice), which will operate in addition to the approved GP component. The application also proposes to reduce the number of individual consulting rooms within the GP component of the medical centre by reassigning three consulting rooms to administration, storage and staff facilities.

This section of the discussion focusses on the fundamental suitability of the additional dental practice consulting room use for the site, locality and Zone. It is acknowledged that the partial change of use will affect traffic and parking demands, which are assessed in greater detail beneath the Traffic and Parking heading of this discussion.

Fundamentally, consulting room and health services are envisaged land uses for the General Neighbourhood Zone, reflected by their specific inclusions in Zone DPF 1.1 and Zone PO 1.2. The Zone's Desired Outcome aims to accommodate 'employment and community service uses [which] contribute to making the neighbourhood a convenient place to live without compromising residential amenity'. Although the Zone seeks 'predominantly residential development', it openly contemplates non-residential land uses subject to the considerations listed in Zone POs 1.1 through 1.5.

It should be noted that matters of design and fundamental suitability of the site for a non-residential land use were already addressed during the assessment of the original application. In short, the site is considered to be well suited to accommodate a non-residential use. Firstly, the land has historically been used for non-residential purposes which have affected the surrounding residential amenity for some time. Secondly, it is located opposite an existing Suburban Activity Centre Zone and will provide an orderly augmentation of the centre's offerings to the community in a convenient, walkable location. Thirdly, the surrounding residential character and amenity of the locality is affected by the arterial road and other surrounding non-residential land uses. The approved building's external design is also considered to be of a high quality which complements the low scale, external materials and landscaping elements of the surrounding residential character. Within

the original application, these merits were considered sufficient for approval to be granted to the medical centre containing consulting rooms and pharmacy.

In the original application, the shop (pharmacy) use was secondary in scale and ancillary in function to the consulting room use: the shop tenancy comprised only 100 square metres of the building's overall 400 square metre floor area, and was expected to source a reasonable proportion of its business from patients of the consulting rooms. Patients would have had the convenient opportunity to source prescriptions and other general/medical supplies from the pharmacy, allowing for multi-purpose trips.

This application now seeks to replace the pharmacy with a separate consulting room tenancy which is expected to operate almost entirely independently to the GP component of the medical centre. The dental practice has 4 dedicated treatment rooms, together with an associated sterilisation room, laboratory room, amenities, and waiting/reception area. Sharing of facilities is essentially limited to car parking and staff amenities, while the opportunity for and likelihood of visitors undertaking multi-purpose trips to the site is limited. The proposed dental practice use is therefore considered to be of greater intensity than the approved pharmacy use.

Despite this, the increase in land use intensity caused by the dental practice is counterbalanced by a reduction in the number of individual consulting rooms within the GP component of the medical centre. In particular, 3 of the 11 original consulting rooms have been reassigned as an administration office, storage room and staff break room, responding to operational demands for increased administration and storage space which were identified by the applicant as limitations of the original design.

Resultantly, the development as a whole now comprises 12 consulting rooms, comprising 8 in the GP component (plus 1 treatment room) and 4 in the dental practice. This is only 1 greater consulting room than was contained within the original approval, and notably removes the shop component from the development. Therefore it could be argued that the intensity of development as a whole will not meaningfully change, and this is reflected by comparing the minimal difference in parking rates between the original and subject proposals (refer to Traffic and Parking section).

In reference to Zone PO 1.2(a), it is acknowledged that the proposal is not 'small scale'. Nevertheless the scale of the development was accepted in the assessment of the original application, as the use would primarily serve the local community in a convenient location, and was of a scale consistent with the character of the locality. These benefits of the original development remain with the proposed development, and are considered to satisfy the applicable Zone POs. In addition to being a 'consulting room', it should be noted that the proposal is also a 'health service', which Zone PO 1.2(b) does not explicitly seek to be 'small scale'.

In terms of external amenity, the dental practice is not expected to be significantly different to the approved pharmacy. As consulting rooms, the business will operate internally within the building and is not expected to cause any material noise or emissions besides the incidental impacts of vehicles and pedestrians accessing the site. Compared to the approved pharmacy use, visitor turnover of the dental practice may be less frequent and occur in a more controlled manner. This is because dental appointments are generally 30 to 60 minutes in length and mostly require a scheduled booking, whereas the pharmacy use would have enabled shorter customer turnaround and impromptu visitation.

Given the above, the proposed dental practice consulting rooms are considered to be a fundamentally appropriate land use for the site, locality and Zone.

## Traffic and Parking

The proposed partial change of use will affect the development's traffic and parking demand while maintaining the same number of parking spaces originally approved. There are no changes proposed to the approved 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 approved parking supply to accommodate that, and any incidental amenity impacts which may occur.

The proposed increase in the total number of consulting rooms by 1 and the removal of the shop component are factors which influence the development's parking demand.

The Planning and Design Code applies a minimum parking rate of 4 spaces per individual consulting room excluding ancillary facilities (Transport, Access and Parking Table 1). This is notably different to the Development Plan's minimum parking rate which applied to the original assessment, which was 10 spaces per 100 square metres of consulting room and 7 spaces per 100 square metres of shop (Table Mar/2). Calculations are shown in Table 1.

A total of 35 off-street parking spaces are supplied by the development. A minimum number of 37 off-street parking spaces were sought by the Development Plan during the original assessment. The supplied 35 spaces were considered to be sufficient in that assessment to cater for the likely parking demand and were supported by the Panel. The supplied number of off-street parking spaces is therefore an existing, approved shortfall.

For the proposed variation, the Planning and Design Code's parking rate seeks a minimum of 48 parking spaces. This notably higher minimum is due to the changes in parking rate formula between the Development Plan and the Planning and Design Code, and not the actual content of the proposed change of use. In fact, the change of use theoretically requires 1 less parking space than the original application which would require a minimum of 49 parking spaces if it were strictly assessed against the Code's parking rate. This is because the additional consulting room requires 4 additional parking spaces, while the removal of the shop component requires 5 less parking spaces. This can be seen in Table 1 below.

Table 1: Comparison of off-street parking rates

Number of approved off-street parking spaces for the development: 35		
	<b>Development Plan</b> <i>Consulting room: 10 per 100sqm Shop: 7 per 100sqm</i>	<b>Planning and Design Code</b> <i>Consulting room: 4 spaces per consulting room excluding ancillary facilities Shop: 5 per 100sqm</i>
<b>Original application</b>	37 spaces required (30 for consulting room; 7 for shop)	49 spaces required ( <i>hypothetical</i> ) (44 for consulting room; 5 for shop)
<b>Proposed variation</b>	N/A	48 spaces required (48 for consulting room)
<b>Net result:</b>		<b>-1 parking space required compared to the original application</b>

It is acknowledged in case law 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). Although it is acknowledged in this case the approved use has not yet operated, construction of the original approval is near completion. Treating the original approval as an existing shortfall, the net result of the proposal is that 1 less parking space is required compared to the original application.

Notwithstanding the above, it is acknowledged that parking rates provide only general guidance, and several other factors can influence a development's actual parking demand and traffic generation. This may include the occupancy of the consulting rooms, the frequency and duration of appointments and visits, capacity of waiting rooms, the number of employees, and the ability of the site to accommodate multi-purpose trips. The applicant has supplied a traffic and parking report by CIRQA which analyses some of these matters, and concludes that the proposed number of off-street parking spaces is likely to remain sufficient, while the variation 'is considered to have negligible impact upon on-street parking conditions within the vicinity of the site'. It is also acknowledged that alternative modes of transport may reduce actual parking demand, with the land providing dedicated bicycle parking and located in immediate proximity to a bus stop.

In terms of amenity impacts associated with vehicular access and use of parking areas, it should be noted that visitor turnover associated with the dental practice may be less frequent and occur in a more controlled manner when compared to the approved pharmacy use. This is because dental appointments are generally 30 to 60 minutes in length and mostly by appointment only, whereas the pharmacy use would have enabled shorter customer turnaround and impromptu visitation.

## **Advertisements**

As detailed within the Proposed Development section of this report, the application proposes various alterations to advertisements. It includes an additional attached sign on the northern and southern elevations respectively; internal illumination to selected signage (only those adjacent Morphett Road or on the 'front half' of the building); and, an enlarged, relocated freestanding sign and hoarding including LED display and light box. Relevant criteria to advertising can be distilled into key themes: character, appearance, content, amenity and safety; which are discussed consecutively herein.

The General Neighbourhood Zone seeks for non-residential developments to be sited and designed to complement and not detract from the residential character of the locality. In this instance, the built form and land use character along this section of Morphett Road is varied, comprising a mixture of residential and non-residential uses. The non-residential uses in the locality include a large hotel directly adjoining the subject land to the north; a retail showroom, block of shops and public open space located opposite; and a pre-school to the more distant north.

Overleaf is Figure 5, containing several photographs of existing advertising signage within the immediate locality. The main freestanding signs associated with the adjacent Morphett Arms hotel and the multi-tenancy building located opposite are each comparatively taller than the proposed freestanding sign. Several signs associated with the Morphett Arms, as well as an advertisement attached to a bus stop, are internally illuminated during night hours (Figure 6).

Also of note is the 'trailer hire' freestanding sign which was previously located on the Morphett Road frontage of the subject land in a similar location to the proposed freestanding sign. It had dimensions of approximately 3 metres in height and 2 metres in width, which is similar to the proposed freestanding sign's hoarding dimensions of 3.6 metres in height and 1.7 metres in width. Although there is no apparent record of a lawful approval for this sign, it is known to have existed since at least 2008 and potentially much earlier.

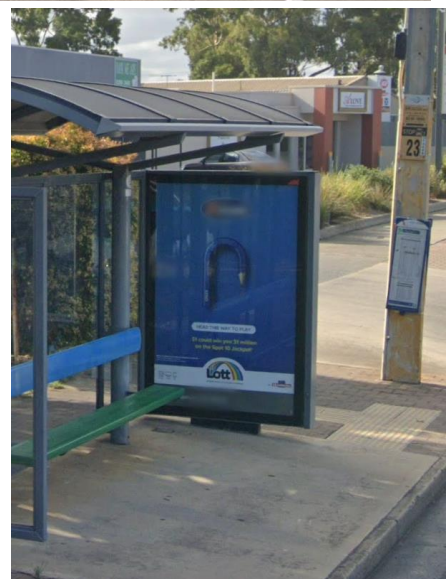


Figure 5: Various signs within the locality; in particular note the two tall freestanding signs and the trailer hire sign (which was formerly on the subject land).



Figure 6: Internally illuminated signs observed within the locality on the night of 26 October 2021.

Given the above, the locality's existing character is not a pristine residential environment. Although a more typical suburban residential streetscape setting extends along Stanley Street to the west, only one modest attached non-illuminated sign will be materially visible from that area. Therefore, the extent of proposed advertising is not considered to be detrimental to the character of Stanley Street. Meanwhile, nearby dwellings on Morphett Road are often situated behind solid privacy fencing to reduce amenity impacts caused by the arterial road, contributing to a passive residential character along the arterial road.

The size and appearance of the proposed freestanding sign is considered appropriate in context of its location and its relationship with the building. As pictured in the supplied 3D render (Figure 4), the 3.6 metre height to the top of the sign will align with the 3.6 metre height of the building's canopy roof. The hoarding is a simple, contained structure with dark grey metal cladding to complement the associated building. The sign is setback appropriately from site boundaries and the roadway.

The proposed attached signs will have no material projection from the building and are of small, compatible scale. There is a maximum of two signs per elevation to avoid causing visual clutter. The rear/western elevation will remain free of signage.

The content of the advertisements will associate directly with the development's land use, as sought by relevant Zone criteria. No third-party advertisements will be displayed. The attached signage reads 'Glengowrie Medical Centre' in clear text, identifying the name and purpose of the building. Meanwhile, the freestanding sign will include a logo light box together with an LED screen which will display simple, self-contained messages relating to the delivery of health services, health reminders, allied health services, and vaccine promotions of the medical centre.

It is acknowledged that the illuminated signage may have some impact on residential amenity through glare and lightspill. The dwelling at 146 Morphett Road in particular contains some windows and open spaces which are oriented towards the subject land. The dwelling's windows are at least 20 metres from the nearest proposed illuminated sign, and separated from the development by existing privacy fencing and the road reserve of Stanley Street. Direct visibility of the proposed freestanding sign from the more western areas of 146 Morphett Road will also be obscured by the medical centre building due to the sign's positioning and setback from the corner-cut off.

Furthermore, the application intentionally does not propose to illuminate signage on the 'rear half' of the building, so as to mitigate impacts on the residential character and amenity of Stanley Street. Illuminated signage positioned on or adjacent to the 'front half' of the building is located adjacent to a high ambient light source in the form of the arterial Morphett Road, which should diminish the

apparent light disparity which may otherwise be present if the signage were in a darker ambient location.

The proposed advertisements are acceptably safe by virtue of their location, content and levels of illumination. The freestanding sign is located approximately 90 metres south of the signalised pedestrian crossing. This distance provides a good level of separation to mitigate any safety impacts associated with the crossing which could be caused by distraction or illumination. The dwell time of messages displayed on the LED screen will be at least 45 seconds; the brightness of illumination will be limited in accordance with recognised road safety standards; and illuminations will not incorporate red, yellow/amber or green lighting or imitate a traffic control device. The content displayed on the LED screen will be simple messages which are intended to be read at a glance. Sequential messages (i.e. messages that are displayed as part messages over two or more displays) will not be displayed. The freestanding sign is also located outside of the designated corner cut-off area and will preserve acceptable sight lines.

In summary, the proposed advertisements are appropriate in context of the locality's arterial road character where there are several existing similar (and sometimes larger) signs associated with non-residential uses. Illuminated signage is generally located adjacent the arterial road and away from the more sensitive residential character and amenity along Stanley Street.

## CONCLUSION

The proposal seeks to vary the medical centre approved in Application ID 21011513 by proposing to change the use of its ancillary shop (pharmacy) component to an essentially separate consulting room tenancy in the form of a dental practice. While this increases the intensity of the front tenancy, it is counterbalanced by the proposed reduction in the number of consulting rooms within the GP component. The removed consulting rooms within the GP component have been reassigned to provide additional administration, storage and staff facilities within the building. Alterations to advertising include two new attached signs, an enlarged freestanding sign, and internal illumination to selected signage.

The assessment has split the application into its two distinct parts: the partial change in use and the alterations to advertisements. The main considerations attributed to the partial change of use relate to the fundamental suitability of additional consulting rooms, changes to land use intensity, traffic and parking. The advertising considerations have included themes of character, appearance, content, amenity and safety. In these respects the proposal satisfies a number of the Desired Outcomes and Performance Outcomes of the Planning and Design Code.

The General Neighbourhood Zone contemplates non-residential land uses such as consulting rooms and health services, provided they complement the residential character and amenity of the neighbourhood. As these changes are internal only, the visible scale of the development is not proposed to change. It has been established that although the dental practice has a greater land use intensity than the pharmacy, it is counterbalanced by the proposed reductions in consulting rooms to the GP component. This is reflected in the net reduction of 1 required parking space compared to the existing approved shortfall. The additional consulting room use is therefore considered to have good merits when considered on balance with the reductions proposed to the GP component and removal of the pharmacy.

The proposed advertisements are appropriate in context of the locality's arterial road character where there are several existing similar (and sometimes larger) signs associated with non-residential uses. Illuminated signage is generally located adjacent the arterial road and away from the more sensitive residential character and amenity along Stanley Street.

As a result of the above considerations, it is my view 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.

It is considered that the development exhibits sufficient merit when assessed on balance against the relevant Desired Outcomes and Performance Outcomes to warrant Planning Consent subject to the conditions and notes listed below.

## 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: 21022140 Variation to Application ID 21011513 (DA 100/2020/1028): Partial change of use from shop (pharmacy) to consulting room (dental practice); alterations to the use of rooms within the general medical consulting room component; and alterations to advertisements, including additional attached signage, enlarged freestanding sign and hoarding including LED display, and internal illumination to selected signage at 142 and 144 Morphett Road, 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).

### *DIT Conditions*

2. Vehicular access and configuration to serve the site shall be in accordance with the Site Plan by Zummo Design (Rev C03, dated 22 September 2021).
3. All vehicles shall enter and exit the site in a forward direction.
4. The redundant crossovers on Morphett Road shall be closed and reinstated to Council's kerb and gutter standards.
5. The illuminated signage shall be limited to a low level of illumination so as to minimise distraction to motorists ( $\leq 150\text{cd/m}^2$ ).
6. The signage shall not contain any element that flashes, scrolls, moves or imitates a traffic control device.
7. Stormwater run-off shall be collected on-site and discharged without impacting the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

## NOTES


1. All previous stamped plans and documentation, including conditions previously granted Development Approval for Development Application ID No. 21011513 are still applicable except where varied by this application.

## Appendix 1 – Planning and Design Code guidelines

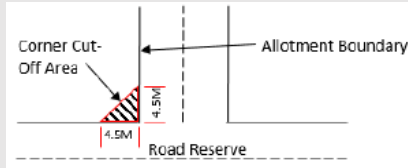
General Neighbourhood Zone			
<b>DO 1</b>	Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.		
<b>PO 1.1</b>	Predominantly residential development with complementary non-residential uses that support an active, convenient, and walkable neighbourhood.	<b>DPF 1.1</b>	<p>Development comprises one or more of the following:</p> <ul style="list-style-type: none"> <li>a) Ancillary accommodation</li> <li>b) Community facility</li> <li>c) Consulting room</li> <li>d) Dwelling</li> <li>e) Educational establishment</li> <li>f) Office</li> <li>g) Place of Worship</li> <li>h) Pre-school</li> <li>i) Recreation area</li> <li>j) Residential flat building</li> <li>k) Retirement facility</li> <li>l) Shop</li> <li>m) Student accommodation</li> <li>n) Supported accommodation</li> </ul>
<b>PO 1.2</b>	<p>Non-residential development located and designed to improve community accessibility to services, primarily in the form of:</p> <ul style="list-style-type: none"> <li>a) small scale commercial uses such as offices, shops and consulting rooms</li> <li>b) community services such as educational establishments, community centres, places of worship, pre-schools, and other health and welfare services</li> <li>c) services and facilities ancillary to the function or operation of supported accommodation or retirement facilities</li> <li>d) open space and recreation facilities.</li> </ul>	<b>DPF 1.2</b>	None are applicable.
<b>PO 1.3</b>	Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.	<b>DPF 1.3</b>	None are applicable.
<b>PO 1.4</b>	Commercial activities improve community access to services are of a scale and type to maintain residential amenity.	<b>DPF 1.4</b>	<p>A shop, consulting room or office (or any combination thereof) satisfies any one of the following:</p> <ul style="list-style-type: none"> <li>a) it is located on the same allotment and in conjunction with a dwelling where all the following are satisfied: <ul style="list-style-type: none"> <li>i) does not exceed 50m<sup>2</sup> gross leasable floor area</li> <li>ii) does not involve the display of goods in a window or about the dwelling or its curtilage</li> </ul> </li> <li>b) it reinstates a former shop, consulting room or office in an existing building (or portion of a building) and satisfies one of the following: <ul style="list-style-type: none"> <li>i) the building is a State or Local Heritage Place</li> <li>ii) is in conjunction with a dwelling and there is no increase in the gross leasable floor area</li> </ul> </li> </ul>

			<p>previously used for non-residential purposes</p> <p>c) is located more than 500m from an Activity Centre and satisfies one of the following:</p> <p>i) does not exceed 100m<sup>2</sup> gross leasable floor area (individually or combined, in a single building) where the site does not have a frontage to a State Maintained Road</p> <p>ii) does not exceed 200m<sup>2</sup> gross leasable floor area (individually or combined, in a single building) where the site has a frontage to a State Maintained Road</p> <p>d) the development site abuts an Activity Centre and all the following are satisfied:</p> <p>i) it does not exceed 200m<sup>2</sup> gross leasable floor area (individually or combined, in a single building)</p> <p>ii) the proposed development will not result in a combined gross leasable floor area (existing and proposed) of all shops, consulting rooms and offices that abut the Activity Centre in this zone exceeding the lesser of the following:</p> <p>A) 50% of the existing gross leasable floor area within the Activity Centre</p> <p>B) 1000m<sup>2</sup>.</p>
<b>PO 1.5</b>	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.	<b>DPF 1.5</b>	<p>Alteration of or addition to existing educational establishments, community facilities or pre-schools where all the following are satisfied:</p> <p>a) set back at least 3m from any boundary shared with a residential land use</p> <p>b) building height not exceeding 1 building level</p> <p>c) the total floor area of the building not exceeding 150% of the total floor area prior to the addition/alteration</p> <p>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.</p>
<b>PO 3.1</b>	Building footprints allow sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.	<b>DPF 3.1</b>	The development does not result in site coverage exceeding 60%.
<b>PO 4.1</b>	Buildings contribute to a low-rise suburban character.	<b>DPF 4.1</b>	<p>Building height (excluding garages, carports and outbuildings) no greater than:</p> <p>(a) 2 building levels and 9m and</p> <p>(b) wall height that is no greater than 7m except in the case of a gable end.</p>
<b>PO 5.1</b>	Buildings are setback from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape.	<b>DPF 5.1</b>	N/A

<b>PO 6.1</b>	Buildings are set back from secondary street boundaries to achieve separation between building walls and public streets and contribute to a suburban streetscape character.	<b>DPF 6.1</b>	N/A
<b>PO 12.1</b>	Advertisements identify the associated business activity, and do not detract from the residential character of the locality.	<b>DPF 12.1</b>	N/A
<b>Advertising Near Signalised Intersections Overlay</b>			
<b>DO 1</b>	Provision of a safe road environment by reducing driver distraction at key points of conflict on the road.		
<b>PO 1.1</b>	Advertising near signalised intersections does not cause unreasonable distraction to road users through illumination, flashing lights, or moving or changing displays or messages.	<b>DPF 1.1</b>	Advertising: (a) is not illuminated (b) does not incorporate a moving or changing display or message (c) does not incorporate a flashing light(s).
<b>Airport Building Heights (Regulated) Overlay</b>			
<b>DO 1</b>	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.		
<b>PO 1.1</b>	Building height does not pose a hazard to the operation of a certified or registered aerodrome.	<b>DPF 1.1</b>	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.
<b>Building Near Airfields Overlay</b>			
<b>DO 1</b>	Maintain the operational and safety requirements of certified commercial and military airfields, airports, airstrips and helicopter landing sites through management of non-residential lighting, turbulence and activities that may attract or result in the congregation of wildlife.		
<b>PO 1.1</b>	Outdoor lighting associated with a non-residential use does not pose a hazard to commercial or military aircraft operations.	<b>DPF 1.1</b>	Development: (a) primarily or wholly for residential purposes (b) for non-residential purposes that does not incorporate outdoor floodlighting.
<b>PO 1.3</b>	Buildings are adequately separated from runways and other takeoff and landing facilities within certified or registered aerodromes to minimise the potential for building-generated turbulence and windshear that may pose a safety hazard to aircraft flight movement.	<b>DPF 1.3</b>	The distance from any part of a runway centreline to the closest point of the building is not less than 35 times the building height.
<b>Traffic Generating Development Overlay</b>			
<b>DO 1</b>	Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users.		
<b>DO 2</b>	Provision of safe and efficient access to and from urban transport routes and major urban transport routes.		
<b>PO 1.1</b>	Development designed to minimise its potential impact on the safety, efficiency and functional performance of the State Maintained Road network.	<b>DPF 1.1, 1.2, 1.3</b>	Access is obtained directly from a State Maintained Road where it involves any of the following types of development: (a) land division creating 50 or more additional


<b>PO 1.2</b>	Access points sited and designed to accommodate the type and volume of traffic likely to be generated by development.		allotments
<b>PO 1.3</b>	Sufficient accessible on-site queuing provided to meet the needs of the development so that queues do not impact on the State Maintained Road network.		(b) commercial development with a gross floor area of 10,000m <sup>2</sup> or more (c) retail development with a gross floor area of 2,000m <sup>2</sup> or more (d) a warehouse or transport depot with a gross leasable floor area of 8,000m <sup>2</sup> or more (e) industry with a gross floor area of 20,000m <sup>2</sup> or more (f) educational facilities with a capacity of 250 students or more.
<b>Urban Transport Routes Overlay</b>			
<b>DO 1</b>	Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users.		
<b>DO 2</b>	Provision of safe and efficient access to and from urban transport routes and major urban transport routes.		
<b>PO 1.1</b>	Access is designed to allow safe entry and exit to and from a site to meet the needs of development and minimise traffic flow interference associated with access movements along adjacent State maintained roads.	<b>DPF 1.1</b>	[...]
<b>PO 2.1</b>	Sufficient accessible on-site queuing adjacent to access points is provided to meet the needs of development so that all vehicle queues can be contained fully within the boundaries of the development site, to minimise interruption on the functional performance of the road and maintain safe vehicle movements.	<b>DPF 2.1</b>	[...]
<b>PO 10.1</b>	Development is located and designed to maintain sightlines for drivers turning into and out of public road junctions to contribute to driver safety.	<b>DPF 10.1</b>	Development does not involve building work, or building work is located wholly outside the land shown as 'Corner Cut-Off Area' in the following diagram: 
<b>Advertisements</b>			
<b>DO 1</b>	Advertisements and advertising hoardings are appropriate to context, efficient and effective in communicating with the public, limited in number to avoid clutter, and do not create hazard.		
<b>PO 1.1</b>	Advertisements are compatible and integrated with the design of the building and/or land they are located on.	<b>DPF 1.1</b>	Advertisements attached to a building satisfy all of the following: (a) are not located in a Neighbourhood-type zone (b) where they are flush with a wall: (i) if located at canopy level, are in the form of a fascia sign (ii) if located above canopy level: A. do not have any part rising above parapet height B. are not attached to the roof of the building (c) where they are not flush with a wall: (i) if attached to a verandah, no part of the advertisement protrudes beyond the outer limits of the verandah structure (d) if located below canopy level, are flush with a wall (e) if located at canopy level, are in the form of a

			<p>fascia sign</p> <p>(f) if located above a canopy:</p> <p>(i) are flush with a wall</p> <p>(ii) do not have any part rising above parapet height</p> <p>(iii) are not attached to the roof of the building.</p> <p>(g) if attached to a verandah, no part of the advertisement protrudes beyond the outer limits of the verandah structure</p> <p>(h) if attached to a two-storey building, have no part located above the finished floor level of the second storey of the building</p> <p>(i) where they are flush with a wall, do not, in combination with any other existing sign, cover more than 15% of the building facade to which they are attached.</p>
<b>PO 1.2</b>	Advertising hoardings do not disfigure the appearance of the land upon which they are situated or the character of the locality.	<b>DPF 1.2</b>	<p>Where development comprises an advertising hoarding, the supporting structure is:</p> <p>(a) concealed by the associated advertisement and decorative detailing</p> <p>or</p> <p>(b) not visible from an adjacent public street or thoroughfare, other than a support structure in the form of a single or dual post design.</p>
<b>PO 1.3</b>	Advertising does not encroach on public land or the land of an adjacent allotment.	<b>DPF 1.3</b>	Advertisements and/or advertising hoardings are contained within the boundaries of the site.
<b>PO 1.5</b>	Advertisements and/or advertising hoardings are of a scale and size appropriate to the character of the locality.	<b>DPF 1.5</b>	None are applicable.
<b>PO 2.1</b>	Proliferation of advertisements is minimised to avoid visual clutter and untidiness.	<b>DPF 2.1</b>	No more than one freestanding advertisement is displayed per occupancy.
<b>PO 2.2</b>	Multiple business or activity advertisements are co-located and coordinated to avoid visual clutter and untidiness.	<b>DPF 2.2</b>	Advertising of a multiple business or activity complex is located on a single advertisement fixture or structure.
<b>PO 2.3</b>	Proliferation of advertisements attached to buildings is minimised to avoid visual clutter and untidiness.	<b>DPF 2.3</b>	<p>Advertisements satisfy all of the following:</p> <p>(a) are attached to a building</p> <p>(b) other than in a Neighbourhood-type zone, where they are flush with a wall, cover no more than 15% of the building facade to which they are attached</p> <p>(c) do not result in more than one sign per occupancy that is not flush with a wall.</p>
<b>PO 3.1</b>	Advertisements are limited to information relating to the lawful use of land they are located on to assist in the ready identification of the activity or activities on the land and avoid unrelated content that contributes to visual clutter and untidiness.	<b>DPF 3.1</b>	Advertisements contain information limited to a lawful existing or proposed activity or activities on the same site as the advertisement.
<b>PO 4.1</b>	Light spill from advertisement illumination does not unreasonably compromise the amenity of sensitive receivers.	<b>DPF 4.1</b>	Advertisements do not incorporate any illumination.
<b>PO 5.1</b>	Advertisements and/or advertising hoardings erected on a verandah or projecting from a building wall are designed and located to allow for safe and convenient pedestrian access.	<b>DPF 5.1</b>	Advertisements have a minimum clearance of 2.5m between the top of the footpath and base of the underside of the sign.
<b>PO 5.2</b>	Advertisements and/or advertising hoardings do not distract or create a hazard to drivers through excessive illumination.	<b>DPF 5.2</b>	No advertisement illumination is proposed.
<b>PO 5.3</b>	Advertisements and/or advertising hoardings do not create a hazard to drivers by:	<b>DPF 5.3</b>	<p>Advertisements satisfy all of the following:</p> <p>(a) are not located in a public road or rail</p>

	<p>(a) being liable to interpretation by drivers as an official traffic sign or signal</p> <p>(b) obscuring or impairing drivers' view of official traffic signs or signals</p> <p>(c) obscuring or impairing drivers' view of features of a road that are potentially hazardous (such as junctions, bends, changes in width and traffic control devices) or other road or rail vehicles at/or approaching level crossings.</p>		<p>reserve</p> <p>(b) are located wholly outside the land shown as 'Corner Cut-Off Area' in the following diagram</p> 
PO 5.4	Advertisements and/or advertising hoardings do not create a hazard by distracting drivers from the primary driving task at a location where the demands on driver concentration are high.	DPF 5.4	Advertisements and/or advertising hoardings are not located along or adjacent to a road having a speed limit of 80km/h or more.
PO 5.5	Advertisements and/or advertising hoardings provide sufficient clearance from the road carriageway to allow for safe and convenient movement by all road users.	DPF 5.5	Where the advertisement or advertising hoarding is: (a) on a kerbed road with a speed zone of 60km/h or less, the advertisement or advertising hoarding is located at least 0.6m from the roadside edge of the kerb
PO 5.6	Advertising near signalised intersections does not cause unreasonable distraction to road users through illumination, flashing lights, or moving or changing displays or messages.	DPF 5.6	Advertising: (a) is not illuminated (b) does not incorporate a moving or changing display or message (c) does not incorporate a flashing light(s).
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	Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.	DPF 1.1	One of the following is satisfied:  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 Electricity Act 1996  b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.
Design in Urban Areas			
DO 1	Development is: 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.		
Interface between Land Uses			
DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.		
PO 1.2	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.	DPF 1.2	None are applicable.

PO 2.1	Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to: (a) the nature of the development (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.	DPF 2.1	Development operating within the following hours: <table><tr><th>Class of Development</th><th>Hours of operation</th></tr><tr><td>Consulting room</td><td>7am to 9pm, Monday to Friday 8am to 5pm, Saturday</td></tr></table>	Class of Development	Hours of operation	Consulting room	7am to 9pm, Monday to Friday 8am to 5pm, Saturday
Class of Development	Hours of operation						
Consulting room	7am to 9pm, Monday to Friday 8am to 5pm, Saturday						
PO 3.1	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.	DPF 3.1	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.				
PO 3.2	Overshadowing of the primary area of private open space or communal open space 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.	DPF 3.2	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: a. for ground level private open space, the smaller of the following: i. half the existing ground level open space or ii. 35m2 of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m) b. for ground level communal open space, at least half of the existing ground level open space.				
PO 3.3	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.	DPF 3.3	None are applicable.				
PO 6.1	External lighting is positioned and designed to not cause unreasonable light spill impact on adjacent sensitive receivers (or lawfully approved sensitive receivers).	DPF 6.1	None are applicable.				
PO 6.2	External lighting is not hazardous to motorists and cyclists.	DPF 6.2	None are applicable.				
PO 7.1	Development is designed and comprised of materials and finishes that do not unreasonably cause a distraction to adjacent road users and pedestrian areas or unreasonably cause heat loading and micro-climatic impacts on adjacent buildings and land uses as a result of reflective solar glare.	DPF 7.1	None are applicable.				
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.						

<b>PO 1.1</b>	Non-residential development outside Activity Centres of a scale and type that does not diminish the role of Activity Centres: (a) as primary locations for shopping, administrative, cultural, entertainment and community services (b) as a focus for regular social and business gatherings (c) in contributing to or maintaining a pattern of development that supports equitable community access to services and facilities.	<b>DPF 1.1</b>	None are applicable.
<b>PO 1.2</b>	Out-of-activity centre non-residential development complements Activity Centres through the provision of services and facilities: (a) that support the needs of local residents and workers, particularly in underserved locations (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.	<b>DPF 1.2</b>	None are applicable.
<b>Transport, Access, and Parking</b>			
<b>DO 1</b>	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.		
<b>PO 1.1</b>	Development is integrated with the existing transport system and designed to minimise its potential impact on the functional performance of the transport system.	<b>DPF 1.1</b>	None are applicable.
<b>PO 2.1</b>	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.	<b>DPF 2.1</b>	None are applicable.
<b>PO 3.3</b>	Access points are sited and designed to accommodate the type and volume of traffic likely to be generated by the development or land use.	<b>DPF 3.3</b>	
<b>PO 5.1</b>	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.	<b>DPF 5.1</b>	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: a) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements <ul style="list-style-type: none"> <li><b>Consulting room: 4 spaces per consulting room excluding ancillary facilities</b></li> </ul>
<b>PO 9.1</b>	The provision of adequately sized on-site bicycle parking facilities encourages cycling as an active transport mode.	<b>DPF 9.1</b>	None are applicable.

<b>PO 10.1</b>	Development is located and designed to ensure drivers can safely turn into and out of public road junctions.	<b>DPF 10.1</b>	<p>Development does not involve building work, or building work is located wholly outside the land shown as Corner Cut-Off Area in the following diagram:</p> 
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**REPORT REFERENCE: CAP031121 – 4.2**  
**CITY OF MARION**  
**COUNCIL ASSESSMENT PANEL AGENDA**  
**FOR MEETING TO BE HELD ON**  
**WEDNESDAY 3 November 2021**



<b>Originating Officer:</b>	<b>Harry Stryker</b> <b>Development Officer – Planning</b>
<b>Applicant:</b>	<b>Future Urban Pty Ltd</b>
<b>Development Description:</b>	<b>Construction of a child care centre with associated advertising, masonry walls and ancillary storage shed.</b>
<b>Site Location:</b>	<b>10 Renown Avenue Clovelly Park; and 12 Renown Avenue Clovelly Park</b>
<b>Zone &amp; Policy Area:</b>	<b>General Neighbourhood Zone</b>
<b>Lodgement Date:</b>	<b>22/07/2021</b>
<b>Planning and Design Code:</b>	<b>Version 2021.9 (Operational 15 July 2021 to 28 July 2021)</b>
<b>Referrals:</b>	<b>Internal</b> <b>Development Engineer</b>
<b>Application Type:</b>	<b>Performance Assessed</b>
<b>Delegations Policy:</b>	<b>Instrument of Delegation – CAP, Clause 5.1.1.1</b> <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>
<b>Public Notification</b>	<b>Public Notification IS Required</b> <i>A “change in land use” and “advertising” are NOT excluded from Public Notification by Table 5 of the General Neighbourhood Zone.</i>
<b>Application No:</b>	<b>21012625</b>
<b>Recommendation:</b>	<b>That Planning Consent be GRANTED subject to a Reserved Matter and Conditions</b>

## **Appendices**

*Appendix 1: Planning and Design Code guidelines*

## **Attachments**

*Attachment I: Certificates of Title*

*Attachment II: Proposal Plan and supporting documentation*

*Attachment III: Statement of Representations*

*Attachment IV: Applicant’s Response to Representations and supporting documentation*

## **BACKGROUND**

During initial lodgement and assessment, additional documentation and information was requested relating to waste storage, outdoor lighting, advertising details, outbuilding details, boundary fencing details, air handling unit location/s, stormwater management, and soft landscaping. These documents and information were provided, prior to notification commencing. A complete document set was made available during notification accordingly.

## **SUBJECT SITE**

The subject site includes the 2 properties identified as numbers 10 and 12 Renown Avenue in Clovelly Park. The site is relatively flat and rectangular in shape, with a combined area of 1400 square metres. The combined site has 2 road frontages including the eastern “Renown Avenue” primary street frontage of 28.7 meters length, and the southern “Renown Place” secondary frontage of 42.7 meters length. There are no easements nor current encumbrances registered to either property. There are no regulated trees located on or within immediate proximity of the subject site.

Two single level detached dwellings currently occupy the site, one on each of the existing allotments. Each dwelling is in fair condition and oriented east towards Renown Avenue, with primary street frontages of 15.9 metres and primary street setbacks of 7.6 metres. The allotments are each approximately 700 square metres in area. Each have front and rear yards of relatively generous areas and modest landscaping. Both allotments accommodate various domestic outbuildings ancillary to and located behind the associated dwellings. 10 Renown Avenue is accessed via a single width driveway directly to Renown Avenue. 12 Renown Avenue is accessed via an existing double width driveway access to the secondary frontage of Renown Place, located adjacent the western rear boundary of the site.



**Aerial view of subject site.** Existing driveway access shown with yellow arrows.

## LOCALITY

The site is located on the north western corner of the intersection of Renown Avenue and Renown Place. The existing dwellings, outbuildings and site arrangement on the subject land, as described above, is reasonably consistent with the pattern and form of development in the immediate locality.

Diagonally opposite to the south east of the land (identified as numbers 9 and 11 Renown Avenue) have been redeveloped into more compact forms of housing. This is also increasingly prevalent on other sites located in the broader locality on Renown Avenue as well as the nearby Scottish and Australian Avenues. Most redevelopment is still single storey, while the emerging primary street setback is 5 metres to 5.5 metres. Recent development in the locality generally incorporates higher site coverage compared to the original housing stock which has subsequently resulted in reduced setbacks from boundaries.

The western adjoining land is occupied by the Sacred Heart College middle school campus. There is an existing access gate at the western end of Renown Place, providing access to a staff car park. The schools main access is located approximately 150 meters to the north.

Renown Avenue has a number of existing traffic calming devices in the form of speed humps, presumably to slow traffic for the safety of school students as well as that of other residents and visitors in the locality. There are also a number of existing road crossing infrastructure, including “cross with care” crossing points at the ends of Scottish and Australian Avenues, and a “give way” crossing with flashing traffic lights located on Renown Avenue itself, located just 15 metres south of Renown Place.

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



**Aerial view of locality.** Immediate 60m locality shown with red line, wider locality shown with blue dash line.

## PROPOSED DEVELOPMENT

The proposed development involves the construction of a 2 level child care centre building to replace the existing 2 dwellings. The centre is proposed to operate on weekdays, excluding public holidays, from 6:30am to 6:30pm. The centre would accommodate up to 94 children and 14 staff members at any time.

The buildings consist of the main 2 level child care centre building, ancillary outdoor storage outbuilding, as well as sections of masonry fencing on boundary. The design and layout of the development comprises the following elements:

- Ground level of 375sqm floor area as well as a rear ground level car parking area and play area.
- Car parking area consisting of 24 spaces, including 1 disabled access space.
- Upper level of 408sqm floor area and 492sqm of outdoor play area.
- Upper level outdoor store, and verandah.
- Bin enclosure located in the car park area in the south western corner of the land.
- Air conditioning handling units located in the carparking area, mounted to the western ground floor wall underneath the upper level.
- Carparking area and bin enclosure would be screened from public view by a mixture of the building, fencing, as well as purpose installed trellis and cladding screening and landscaping/climbing plants.
- Fencing, consisting of sections of 1.8 metre high masonry.

The main building is located generally central to the site, incorporating a primary street setback of 6 metres. The area forward of the building includes a landscaped area as an open outdoor play area, including the planting of 7 small trees. Side setbacks would be 3 metres to the northern adjoining residential property at 8 Renown Avenue, 2.1m to the southern secondary frontage with Renown Place, and 3.8 metres to the western rear adjoining school site.

The building would have a modern 2 level design appearance. The external building elevations include a variety of cladding materials, with a modern colour selection of varying tones of greys and whites.

Two advertising signs are proposed. One 1.2 metre wide, 1.8 metre high (2.16 square metres) sign would be attached to the southern wall of the upper level near the eastern end of the building. One other 2.4 metre wide 800mm high (1.92 square metres) sign would be attached to the masonry fence to the south eastern boundary corner cut-out. No advertising illumination is proposed.

## **PROCEDURAL MATTERS**

### **Classification**

Change of land use, pre-school and advertising development default to 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.

The outbuilding defaults to Performance Assessment, due to being more than 2.5 metres in height (cannot be excluded from being development), and not being ancillary to a dwelling (cannot be Accepted nor Deemed-to-satisfy).

The masonry fencing also defaults to Performance Assessment, due to the design being masonry, higher than 1 metre, and within proximity of intersection (cannot be excluded from being development), and not being listed by the classification tables of the General Neighbourhood Zone.

### **Categorisation**

A “change in land use”, “pre-school” and “advertising” are not excluded from Public Notification by Table 5 of the General 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.

### **Referrals**

#### **Development Engineer**

Council's Development Engineer have reviewed the proposal and advised they are satisfied with the proposed development and consider car parking and manoeuvring, flood risk and stormwater management to be appropriate.

## PUBLIC NOTIFICATION



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

**Representations** 8 received in total (1 property submitted 2 representations)  
 7 oppose the development  
 1 supports the development with some concerns

### Representations received:

1 - Heather Muggridge of 2/11 Renown Avenue, Clovelly Park - <i>Opposed</i>	Wish to be heard
2 - Ashley Stevenson of 8 Renown Avenue, Clovelly Park - <i>Opposed</i>	Yes
3 - Shannon Bonnes of 2C Jewell Street, Oaklands Park - <i>Opposed</i>	No
4 - Blake Friedel of 7 Renown Avenue, Clovelly Park - <i>Opposed</i>	Yes
5 - Jeff Kulesza of 41 Gertrude Street, Glandore - <i>Opposed</i>	Yes
6 - Clare Stevenson of 8 Renown Avenue, Clovelly Park - <i>Opposed</i>	Yes
7 - Enid & Michael Kulesza of 4 Renown Avenue, Clovelly Park - <i>Opposed</i>	Yes
8 - Terena Pope of 1 Renown Place, Clovelly Park - <i>Support with some concerns</i>	Yes

**Applicant Response** A response by the applicant is included within the report attachments.

## ASSESSMENT

The proposed development relates to both land use and built form. The policies contained within the General Neighbourhood Zone are considered as being most relevant for the purposes of the land use assessment. It is acknowledged the “change in land use” element of the proposal is also assessed against all applicable provisions of the Planning and Design Code.

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, PO 1.2*

*Hazards (Flooding - Evidence Required) Overlay DO 1*

*Stormwater Management Overlay DO 1; PO 1.1*

### Zone

*General Neighbourhood Zone (GNZ) DO 1; PO 1.1, PO 1.2, PO 1.3, PO 3.1, PO 4.1, PO 5.1, PO 6.1, PO 8.1, PO 11.2, PO 12.1*

### General policies

*Advertisements DO 1; PO 1.1, PO 1.2, PO 1.3, PO 1.5, PO 2.1, PO 2.3, PO 3.1, PO 5.1, PO 5.3, PO 5.4, PO 5.5, PO 5.6*

*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 7.2, PO 7.3, PO 7.4, PO 7.5, PO 7.6, PO 7.7, PO 9.1, PO 10.1, PO 10.2, 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 3.3, PO 3.4, PO 3.5, PO 3.6, PO 3.8, 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 10.1*

### Quantitative snapshot

Provisions	DTS/DPF Guideline	Proposed Development
Site coverage (GNZ DPF 3.1)	60%	66.7%
Pervious Surfaces / Soft Landscaping	No minimum (non residential)	20.7%
Building Height (DPF	2 building levels 7 metre wall height 9 metre roof height	2 building levels 6.6 metre walls 6.95 metre inset parapet
Primary Street Setback (DPF 5.1)	6.6 metres	6.0 metres
Secondary Street Setback (DPF	Ground 900mm	2.1m
Side setbacks (GNZ DPF 8.1)	North South West (rear)	3.0 metres 2.1 metres (secondary street) 3.8 metres
Rear setback (GNZ DPF 9.1)	n/a (not a dwelling)	(3.8 metres)
Car parking spaces	23.5 spaces	24 spaces

### Land Use and Intensity

The zone seeks a mixture of low to medium density housing, together with employment and community services in order to achieve active, convenient and walkable neighbourhoods. Pre-schools (including child care centres) are a community services land use specifically sought for the zone.

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. Given the proposed numbers of children to be accommodated and inner neighbourhood location adjacent a school campus, the establishment would be conveniently located for local residents, as well as staff and families with children attending the adjacent school.

## **Built Form & Amenity**

### ***Buildings and Siting***

The zone and general policies seek that buildings be sited and designed to complement neighbourhood character and amenity, whilst also conveying the purpose of the buildings. Two level buildings with wall heights up to 7 metres height are envisaged. Sufficient space around buildings is sought to limit visual impacts and overshadowing, and facilitate outlook and natural light and ventilation. Primary street setbacks are sought to contribute to the existing or emerging pattern within the locality.

The proposed main building is to be constructed over 2 levels, and the design is recognizable as a modern childcare facility. The external building elevations include a variety of cladding materials, with a modern colour selection of varying tones of greys and whites. Physical voids and relatively generous glazing would create a sense of depth and shadow, and assist in facilitating natural light and ventilation.

The proposed main building external wall heights would not exceed the maximum 7 metres sought. The building is located to the south of the northern adjoining residential site, and the affected area of the western adjoining school site is a carparking area. Nevertheless, setbacks to side boundaries shared with these properties would all be at least 3 metres, 0.8 metres more than the minimum 2.2 metres generally sought given the wall height.

The proposed main building primary street setback of 6 metres would contribute to the emerging pattern in the locality, which is generally closer to 5 metres for more recent dwellings. It is noted the building would be 1.6 metres forwards of the existing adjoining dwellings. Given the separation provided between the subject and adjacent buildings, the difference is not significant and appropriate transition is achieved. The secondary street setback would be 2.1 metres, 1.3 metres more than the minimum 0.9 metres generally sought for buildings in the Zone, 1.1 metres less than the minimum 3.2 metres technically sought given the wall height and southern orientation. The affected land is a public street, so there would be no significant impacts.

The building is designed to present a main entry area accessible directly from both Renown Place frontage and the carparking area. Large areas of window glazing and the outdoor play areas oriented towards the two street frontages would provide a good degree of outlook as well as internal and external passive surveillance. Upper-level windows directly facing the northern adjoining residential property would have a sill height above finished floor level of at least 1.5 metres, or permanently obscured and not capable of being opened more than 125mm. These design elements are considered to appropriately minimise overlooking of adjoining land.

The proposed outbuilding would be located alongside the main building, 12 metres behind the front building line. The outbuilding would have a relatively small floor area of 9 square metres and is not considered to cause any significant on-site impacts. The outbuilding would have a low and relatively flat mono-pitch roof, abutting the northern side site boundary for a length of 3 metres. The height on boundary would taper between 2.4 metres and 2.7 metres and should not be prominently visible to the street. The affected area of the northern adjoining residential site would be the narrow strip alongside the lean to rear additions. As such, the impacts would not be significant. Furthermore it is worth noting that if the proposed outbuilding were ancillary to a dwelling, it would be accepted development (not requiring planning consent).

Given the siting, building design including open and visually permeable elevations, landscaping in context of the adjoining land uses, the size of the building is not considered to cause any unreasonable adverse impacts upon adjoining land, nor the ability of the proposal to function appropriately.

### ***Hours of Operation***

The Interface Between Land Uses provisions seek that non-residential land uses do not unreasonably impact upon neighbourhood amenity. No specific guidelines are set for educational land uses. For commercial land uses such as offices and shops however, limitation of operating hours on weekdays to between 7am and 9pm is sought.

The proposed hours of operation would be weekdays from 6:30am to 6:30pm. It is reasonable to expect the majority of drop-offs would occur after 7am, and that large numbers of children would not be playing outside, if at all, prior to 7am. Together with the measures discussed in this report to limit impacts from noise and vehicle movements, the proposed hours of 6:30am to 6:30pm would not cause significant additional impacts. Furthermore, given the nature of the business and the need for working caregivers to drop-off children prior to commencing their employment, the hours are not unreasonable.

### ***Air Conditioning Plant and Waste Storage***

The general provisions seek that air-conditioning provision and waste storage areas be integrated into the building design and/or located or screened to minimise impacts.

The proposal plans provide that the air-conditioning exterior air handling units be mounted to the rear wall of the main building at ground level. As such, whilst not technically development, the location is both well ventilated (allowing efficient operation) and screened/located so as to not cause any significant impacts outside of the site.

The bin store location is proposed to be in the south western (rear) corner of the site adjacent Renown Place. Weatherboard panel walls would enclose the bin storage area, screening it from public view. It is noted the location is both the furthest point possible from adjacent residential properties, and is conveniently located for bins to be moved out for commercial collection. Waste collection would be in accordance with Environment Protection (Noise) Policy 2007, and would occur twice a week, with operational waste being stored on site for no longer than 3 days.

### ***Noise***

The applicant provided a report prepared by an acoustic specialist and included recommendations and an assessment regarding noise from the proposed pre-school. The report has regard to noise generated from that of children playing in outdoor areas, car park activity, mechanical plant operation, and rubbish collection. The main conclusions and recommendations drawn from the report are as follows:

- To acceptably mitigate noise from children playing outside,
  - o 2.1 metre Colorbond style fencing be constructed along the northern side boundary, and
  - o 1.8m high Colorbond style, Perspex or glass fencing be constructed along the southern and eastern edges of the first floor play areas;
- It is recommended that the hours of rubbish collection should be in accordance with Environment Protection (Noise) Policy 2007;
- It was assumed mechanical plant would be located on the southern side of the building facing Renown Place, in which case it was recommended it should be screened.

The report concludes the development would minimise adverse impact and conflict between land uses and not detrimentally affect the amenity of the locality or cause unreasonable interference through noise, thereby achieving the relevant provisions of the Planning and Design Code.

The subject proposal includes provision of the recommended fencing, including 1.8 metre high glass balustrade to the upper deck, located behind batten façade as applicable. The applicant has indicated rubbish collection would be in accordance with noise policy, and this would be conditioned accordingly. The applicant has opted to locate plant within the car parking area which would be reasonably screened from public view. Given the above, it is considered that noise has been acceptably minimised, and would not unreasonably impact the amenity of adjacent properties nor locality.

### **Advertising**

The zone and general provisions seek that advertisements identify the business activity without detracting from the building, land nor neighbourhood character.

The advertising would be limited to 2 signs to identify the business. One would be located on the upper level wall, and would be of a size, shape and placement to reflect the pattern of window glazing. The second sign would be incorporated at the corner cut-off masonry fence, covering 27% of the wall surface. The actual advertising area would cover approximately 14% of the wall surface. The advertising would not be digital nor is any illumination proposed. The signs would be installed to not protrude from the wall surface.

In context of the scale of the building and site, the advertising is relatively minimal. The advertising would not adversely impact upon amenity nor safety and has been designed to avoid clutter and disorder on the land.

### **Transport, Access and Parking**

The general provisions for access and parking seek safe and convenient access for all users, whilst minimising impacts on public roads and neighbouring properties. Buildings and landscaping adjacent driveways and on corner sites should not adversely affect sightlines and a condition to this effect is included as part of the recommendation. A minimum of 24 on-site car parking spaces would generally be sought for a childcare centre accommodating 94 children (0.25 per child, 23.5).

The proposal includes 24 car parking spaces with access provided from Renown Place, approximately 6m from the adjacent school car park access. The car parking spaces include 1 designated disabled parking space. Additionally it is worthwhile noting that 6 of the proposed car parking spaces would be provided in a tandem arrangement, 3 bays including car tandem car spaces each.

Pedestrian and building access would be provided midway along the Renown Place frontage. As discussed under fencing and landscaping section, the carpark would be separated from sensitive receivers and screened from the public realm.

The applicant provided a traffic and parking report prepared by an appropriately qualified and experienced expert who found the proposed car parking access, spaces and manoeuvring, to satisfy relevant Planning and Design Code and Australian Standards.

During public notification of the application, concerns were raised in relation to potential traffic conditions at the intersection of Renown Place and Renown Avenue. Subsequently, the applicant provided additional advice from a traffic safety expert, confirming the original conclusions. (Both reports are included in the additional documents).

The carpark dimensions and overall layout meet the relevant Australian Standards, which has been reviewed by an independent traffic consultant and Council's Development Engineer, who have formed the opinion that from a traffic safety point of view, the proposal is satisfactory.

From a traffic and pedestrian safety perspective, it is acknowledged the nature and operation of a pre-school is not one where pick-up or “kiss and drop” zones or zebra crossings are typically required. The car parking size and dimensions are typical for the proposed land use where parents or care-givers would guide children to and from the facility to their respective vehicle. Due to the age group of children attending the site, they’re unlikely to traverse between the facility and parked vehicles without guidance from a care-taker.

To this end, I am reasonably satisfied the availability of on-site parking and management of traffic throughout the site is appropriate to meet the likely demand generated from the facility and shall not result in unsafe traffic movements or compromise the flow of traffic upon the adjacent local roads.

### ***Fencing, Landscaping and Outdoor Play Areas***

Standard 2.1 metre high Colorbond style fencing is proposed for the entire length of the site boundaries shared with the northern residential property and western school site. The fencing would provide for a reasonable degree of visual and acoustic privacy between the properties, without causing any significant visual amenity or overshadowing impacts.

The street boundaries would be fenced with a combination of open metal fencing and a 1.8 metre high feature style masonry wall to the south western corner. The open style fencing would provide for outlook and passive security, whilst also differentiating the outdoor play areas from the public realm.

The area of land forwards of the building to the street boundary would be landscaped with a mixture of natural vegetation, as well as natural and synthetic play surface treatments. Seven small trees should provide numerous benefits, including providing natural shade and cooling, together with a softening the buildings appearance.

Landscaping strips have also been provided between the building/carparking area and the side/rear boundaries. This arrangement is considered to enhance the design of the building and minimise the appearance hard surfaces when viewed from the public realm.

The upper level outdoor play deck would also be similarly landscaped, including raised garden beds with natural planting, including small trees. Fencing would be open style and allow for outlook and passive surveillance towards the 2 street frontages. The upper level outdoor play deck would be separated from the northern adjoining residential property by the upper level building component.

## **Overlays**

### ***Airport Building Heights (Regulated) Overlay***

Given the scale and location of the proposal in an established neighbourhood, the proposed development would not adversely impact upon the operational nor safety requirements of any airports or similar facilities.

### ***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.

### ***Stormwater Management***

The overlay provisions seek that development incorporate water sensitive urban design techniques to capture and re-use stormwater. The proposal plans and associated stormwater and civil plans include a number of techniques including rainwater capture and storage, plumbed to toilets, as well as overflow and surface water catchment, treatment and controlled discharge to the street water table. Council’s Development Engineer has reviewed this element of the proposal, had regard to Council’s Commercial Stormwater Design Guidelines and determined the proposal to be satisfactory with regard to stormwater capture and reuse.

***Urban Tree Canopy Overlay***

The provisions do not relate to non-residential development. Nevertheless, the proposal does include the planting of 7 small trees.

## CONCLUSION

The proposal includes the change of use from 2 dwellings to a pre-school (child care centre), including construction of a 2 level building and associated car park and other ancillary structures and advertising signs.

The main considerations for assessment relate to the land use and intensity, built form and other amenity impacts including privacy, 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 would contribute reasonably positively to the streetscape. The proposed outbuilding is of a scale and size consistent with the neighbourhood setting and is nonetheless separated from nearby residential properties and the street. The location of the outbuilding is partially screened by landscaping internal to the site and the proposed masonry fencing along Tweed Avenue.

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 outbuilding is of a scale and size consistent with the neighbourhood setting and is nonetheless separated from nearby residential properties and the street. The location of the outbuilding is partially screened by landscaping internal to the site and the proposed masonry fencing along Tweed Avenue.

Upper storey windows on the northern side elevation include a number of high sill windows located 1.8 metres above the finish floor levels, but also 3 large windows which extend to the finish floor level. The recommendations include a reserved matter that to protect the privacy of nearby residential land uses, amended elevation drawings be provided detailing all upper floor windows to the northern side elevations, shall have a minimum sill height above finished floor level of 1.5 metres, unless permanently obscured and not capable of being opened more than 125mm

The car parking provisions 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 movements. Despite it being likely that additional traffic movements would be experienced as a result of the land use, they are not contemplated to impact the flow of the adjacent road networks.

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: 21012625 for the construction of a child care centre with associated advertising, masonry walls and ancillary storage shed at 10 Renown Avenue Clovelly Park and 12 Renown Avenue Clovelly 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. Elevation drawings, which detail that upper floor windows to the northern side elevations shall have a minimum sill height above finished floor level of 1.5m, unless permanently obscured and not capable of being opened more than 125mm, 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, including Sonus 'Environmental Noise Assessment' report S6852C2 dated May 2021, except where varied by conditions below (if any).
2. Hours of operation are limited to the following:
  - 6:30am until 6:30pm Monday to Friday (excluding public holidays).
3. Landscaping shall be planted and maintained in accordance with the plans and details forming part of the development authorisation.
4. Landscaping shall provide clear sightlines at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath, in accordance with Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004.
5. All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon

(incorporating ramps or crossovers to facilitate the movement of persons with a disability).

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. Signage is to be installed in a delineated and distinctive fashion which identifies the tandem car parking spaces are to be utilised by staff only.
11. 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.
12. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
13. The content of the advertisement(s) shall relate only to the legitimate use of the land and shall not display any third-party advertising.
14. The advertisement(s) and supporting structure(s) shall be maintained in good repair at all times.
15. All waste and other rubbish shall be stored in the designated areas and screened from public view in accordance with the approved plans.
16. 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.
17. All external lighting must be designed and constructed in accordance with Australian Standard (AS 4282-1997).
18. 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.

19. 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. 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>.
3. 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.
4. 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.
5. 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.
6. 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

### 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.	
Land Use and Intensity		
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:  (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:  (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.	
Site Coverage		
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%.
Building Height		

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.
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Primary Street Setback	
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.
Secondary Street Setback	
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.
Side Boundary Setback	
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.
Ancillary Buildings and Structures	

<p><b>PO 11.2</b></p> <p>Ancillary buildings and structures do not impede on-site functional requirements such as private open space provision, car parking requirements or result in over-development of the site.</p>	<p><b>DTS/DPF 11.2</b></p> <p>Ancillary buildings and structures do not result in:</p> <ul style="list-style-type: none"> <li>(a) less private open space than specified in Design in Urban Areas Table 1 - Private Open Space</li> <li>(b) less on-site car parking than 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.</li> </ul>
<b>Advertisements</b>	
<p><b>PO 12.1</b></p> <p>Advertisements identify the associated business activity, and do not detract from the residential character of the locality.</p>	<p><b>DTS/DPF 12.1</b></p> <p>Advertisements relating to a lawful business activity associated with a residential use do not exceed 0.3m<sup>2</sup> and mounted flush with a wall or fence.</p>

**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.	<p>DTS/DPF 1.1</p> <p>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.</p> <p>In instances where more than one value applies to the site, the lowest value relevant to the site of the proposed development is applicable.</p>

**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.	<p>DTS/DPF 1.1</p> <p>Habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished floor level at least 300mm above:</p> <ul style="list-style-type: none"> <li>(a) the highest point of top of kerb of the primary street or</li> <li>(b) the highest point of natural ground level at the primary street boundary where there is no kerb</li> </ul>

**Stormwater Management Overlay**


DO 1	Development incorporates water sensitive urban design techniques to capture and re-use stormwater.
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## Part 4 - General Development Policies

### Advertisements

DO 1	Advertisements and advertising hoardings are appropriate to context, efficient and effective in communicating with the public, limited in number to avoid clutter, and do not create hazard.
Appearance	
<p>PO 1.1</p> <p>Advertisements are compatible and integrated with the design of the building and/or land they are located on.</p>	<p>DTS/DPF 1.1</p> <p>Advertisements attached to a building satisfy all of the following:</p> <ul style="list-style-type: none"> <li>(a) are not located in a Neighbourhood-type zone</li> <li>(b) where they are flush with a wall: <ul style="list-style-type: none"> <li>(i) if located at canopy level, are in the form of a fascia sign</li> <li>(ii) if located above canopy level: <ul style="list-style-type: none"> <li>A. do not have any part rising above parapet height</li> <li>B. are not attached to the roof of the building</li> </ul> </li> </ul> </li> <li>(c) where they are not flush with a wall: <ul style="list-style-type: none"> <li>(i) if attached to a verandah, no part of the advertisement protrudes beyond the outer limits of the verandah structure</li> <li>(ii) if attached to a two-storey building: <ul style="list-style-type: none"> <li>A. has no part located above the finished floor level of the second storey of the building</li> <li>B. does not protrude beyond the outer limits of any verandah structure below</li> <li>C. does not have a sign face that exceeds 1m<sup>2</sup> per side.</li> </ul> </li> </ul> </li> <li>(d) if located below canopy level, are flush with a wall</li> <li>(e) if located at canopy level, are in the form of a fascia sign</li> <li>(f) if located above a canopy: <ul style="list-style-type: none"> <li>(i) are flush with a wall</li> <li>(ii) do not have any part rising above parapet height</li> <li>(iii) are not attached to the roof of the building.</li> </ul> </li> <li>(g) if attached to a verandah, no part of the advertisement protrudes beyond the outer limits of the verandah structure</li> <li>(h) if attached to a two-storey building, have no part located above the finished floor level of the second storey of the building</li> <li>(i) where they are flush with a wall, do not, in combination with any other existing sign, cover more than 15% of the building facade to which they are</li> </ul>

	attached.
<p>PO 1.2</p> <p>Advertising hoardings do not disfigure the appearance of the land upon which they are situated or the character of the locality.</p>	<p>DTS/DPF 1.2</p> <p>Where development comprises an advertising hoarding, the supporting structure is:</p> <ul style="list-style-type: none"> <li>(a) concealed by the associated advertisement and decorative detailing or</li> <li>(b) not visible from an adjacent public street or thoroughfare, other than a support structure in the form of a single or dual post design.</li> </ul>
<p>PO 1.3</p> <p>Advertising does not encroach on public land or the land of an adjacent allotment.</p>	<p>DTS/DPF 1.3</p> <p>Advertisements and/or advertising hoardings are contained within the boundaries of the site.</p>
<p>PO 1.5</p> <p>Advertisements and/or advertising hoardings are of a scale and size appropriate to the character of the locality.</p>	
Proliferation of Advertisements	
<p>PO 2.1</p> <p>Proliferation of advertisements is minimised to avoid visual clutter and untidiness.</p>	<p>DTS/DPF 2.1</p> <p>No more than one freestanding advertisement is displayed per occupancy.</p>
<p>PO 2.3</p> <p>Proliferation of advertisements attached to buildings is minimised to avoid visual clutter and untidiness.</p>	<p>DTS/DPF 2.3</p> <p>Advertisements satisfy all of the following:</p> <ul style="list-style-type: none"> <li>(a) are attached to a building</li> <li>(b) other than in a Neighbourhood-type zone, where they are flush with a wall, cover no more than 15% of the building facade to which they are attached</li> <li>(c) do not result in more than one sign per occupancy that is not flush with a wall.</li> </ul>
Advertising Content	
<p>PO 3.1</p> <p>Advertisements are limited to information relating to the lawful use of land they are located on to assist in the ready identification of the activity or activities on the land and avoid unrelated content that contributes to visual clutter and untidiness.</p>	<p>DTS/DPF 3.1</p> <p>Advertisements contain information limited to a lawful existing or proposed activity or activities on the same site as the advertisement.</p>
Amenity Impacts	
<p>PO 4.1</p> <p>Light spill from advertisement illumination does not unreasonably compromise the amenity of sensitive receivers.</p>	<p>DTS/DPF 4.1</p> <p>Advertisements do not incorporate any illumination.</p>
Safety	
<p>PO 5.1</p> <p>Advertisements and/or advertising hoardings erected on a</p>	<p>DTS/DPF 5.1</p> <p>Advertisements have a minimum clearance of 2.5m between</p>

verandah or projecting from a building wall are designed and located to allow for safe and convenient pedestrian access.	the top of the footpath and base of the underside of the sign.
<p>PO 5.2</p> <p>Advertisements and/or advertising hoardings do not distract or create a hazard to drivers through excessive illumination.</p>	<p>DTS/DPF 5.2</p> <p>No advertisement illumination is proposed.</p>
<p>PO 5.3</p> <p>Advertisements and/or advertising hoardings do not create a hazard to drivers by:</p> <ul style="list-style-type: none"> <li>(a) being liable to interpretation by drivers as an official traffic sign or signal</li> <li>(b) obscuring or impairing drivers' view of official traffic signs or signals</li> <li>(c) obscuring or impairing drivers' view of features of a road that are potentially hazardous (such as junctions, bends, changes in width and traffic control devices) or other road or rail vehicles at/or approaching level crossings.</li> </ul>	<p>DTS/DPF 5.3</p> <p>Advertisements satisfy all of the following:</p> <ul style="list-style-type: none"> <li>(a) are not located in a public road or rail reserve</li> <li>(b) are located wholly outside the land shown as 'Corner Cut-Off Area' in the following diagram</li> </ul> 
<p>PO 5.4</p> <p>Advertisements and/or advertising hoardings do not create a hazard by distracting drivers from the primary driving task at a location where the demands on driver concentration are high.</p>	<p>DTS/DPF 5.4</p> <p>Advertisements and/or advertising hoardings are not located along or adjacent to a road having a speed limit of 80km/h or more.</p>
<p>PO 5.5</p> <p>Advertisements and/or advertising hoardings provide sufficient clearance from the road carriageway to allow for safe and convenient movement by all road users.</p>	<p>DTS/DPF 5.5</p> <p>Where the advertisement or advertising hoarding is:</p> <ul style="list-style-type: none"> <li>(a) on a kerbed road with a speed zone of 60km/h or less, the advertisement or advertising hoarding is located at least 0.6m from the roadside edge of the kerb</li> <li>(b) on an unkerbed road with a speed zone of 60km/h or less, the advertisement or advertising hoarding is located at least 5.5m from the edge of the seal</li> <li>(c) on any other kerbed or unkerbed road, the advertisement or advertising hoarding is located a minimum of the following distance from the roadside edge of the kerb or the seal: <ul style="list-style-type: none"> <li>(a) 110 km/h road - 14m</li> <li>(b) 100 km/h road - 13m</li> <li>(c) 90 km/h road - 10m</li> <li>(d) 70 or 80 km/h road - 8.5m.</li> </ul> </li> </ul>

#### Clearance from Overhead Powerlines

DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
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<p>PO 1.1</p> <p>Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.</p>	<p>DTS/DPF 1.1</p> <p>One of the following is satisfied:</p> <ul style="list-style-type: none"> <li>(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></li> <li>(b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.</li> </ul>
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### Design in Urban Areas

DO 1	<p>Development is:</p> <ul style="list-style-type: none"> <li>(a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributing to the character of the locality</li> <li>(b) durable - fit for purpose, adaptable and long lasting</li> <li>(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</li> <li>(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.</li> </ul>
<p>PO 1.1</p> <p>Buildings reinforce corners through changes in setback, articulation, materials, colour and massing (including height, width, bulk, roof form and slope).</p>	
<p>PO 1.3</p> <p>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.</p>	
<p>PO 1.4</p> <p>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:</p> <ul style="list-style-type: none"> <li>(a) positioning plant and equipment discretely, in unobtrusive locations as viewed from public roads and spaces</li> <li>(b) screening rooftop plant and equipment from view</li> <li>(c) when located on the roof of non-residential development, locating the plant and equipment as far as practicable from adjacent sensitive land uses.</li> </ul>	<p>DTS/DPF 1.4</p> <p>Development does not incorporate any structures that protrude beyond the roofline.</p>
<p>PO 1.5</p> <p>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.</p>	

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
Soft landscaping and tree planting are incorporated to: <ul style="list-style-type: none"> <li>(a) minimise heat absorption and reflection</li> <li>(b) maximise shade and shelter</li> <li>(c) maximise stormwater infiltration</li> <li>(d) enhance the appearance of land and streetscapes.</li> </ul>
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
Development is sited and designed to maintain natural hydrological systems without negatively impacting: <ul style="list-style-type: none"> <li>(a) the quantity and quality of surface water and groundwater</li> <li>(b) the depth and directional flow of surface water and groundwater</li> <li>(c) the quality and function of natural springs.</li> </ul>

<p><b>PO 6.1</b></p> <p>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.</p>	<p><b>DTS/DPF 6.1</b></p> <p>Effluent disposal drainage areas do not:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) use an area also used as a driveway</li> <li>(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.</li> </ul>
<p><b>PO 7.1</b></p> <p>Development facing the street is designed to minimise the negative impacts of any semi-basement and undercroft car parking on streetscapes through techniques such as:</p> <ul style="list-style-type: none"> <li>(a) limiting protrusion above finished ground level</li> <li>(b) screening through appropriate planting, fencing and mounding</li> <li>(c) limiting the width of openings and integrating them into the building structure.</li> </ul>	
<p><b>PO 7.2</b></p> <p>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.</p>	
<p><b>PO 7.3</b></p> <p>Safe, legible, direct and accessible pedestrian connections are provided between parking areas and the development.</p>	

<p>PO 7.4</p> <p>Street-level vehicle parking areas incorporate tree planting to provide shade, reduce solar heat absorption and reflection.</p>	<p>DTS/DPF 7.4</p> <p>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.</p>
<p>PO 7.5</p> <p>Street level parking areas incorporate soft landscaping to improve visual appearance when viewed from within the site and from public places.</p>	<p>DTS/DPF 7.5</p> <p>Vehicle parking areas comprising 10 or more car parking spaces include soft landscaping with a minimum dimension of:</p> <ul style="list-style-type: none"> <li>(a) 1m along all public road frontages and allotment boundaries</li> <li>(b) 1m between double rows of car parking spaces.</li> </ul>
<p>PO 7.6</p> <p>Vehicle parking areas and associated driveways are landscaped to provide shade and positively contribute to amenity.</p>	
<p>PO 7.7</p> <p>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.</p>	
<p>PO 9.1</p> <p>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.</p>	
<p>PO 9.2</p> <p>Landscaping is incorporated on the low side of retaining walls that are visible from public roads and public open space to minimise visual impacts.</p>	<p>DTS/DPF 9.2</p> <p>A vegetated landscaped strip 1m wide or more is provided against the low side of a retaining wall.</p>
<p>PO 10.1</p> <p>Development mitigates direct overlooking from upper level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.</p>	<p>DTS/DPF 10.1</p> <p>Upper level windows facing side or rear boundaries shared with a residential use in a neighbourhood-type zone:</p> <ul style="list-style-type: none"> <li>(a) are permanently obscured to a height of 1.5m above finished floor level and are fixed or not capable of being opened more than 125mm</li> <li>(b) have sill heights greater than or equal to 1.5m above finished floor level</li> <li>(c) incorporate screening with a maximum of 25% openings, permanently fixed no more than 500mm from the window surface and sited adjacent to any part of the window less than 1.5 m above the finished floor level.</li> </ul>

<p>PO 10.2</p> <p>Development mitigates direct overlooking from balconies to habitable rooms and private open space of adjoining residential uses in neighbourhood type zones.</p>	<p>DTS/DPF 10.2</p> <p>One of the following is satisfied:</p> <ul style="list-style-type: none"> <li>(a) the longest side of the balcony or terrace will face a public road, public road reserve or public reserve that is at least 15m wide in all places faced by the balcony or terrace</li> <li>or</li> <li>(b) all sides of balconies or terraces on upper building levels are permanently obscured by screening with a maximum 25% transparency/openings fixed to a minimum height of: <ul style="list-style-type: none"> <li>(i) 1.5m above finished floor level where the balcony is located at least 15 metres from the nearest habitable window of a dwelling on adjacent land</li> <li>or</li> <li>(ii) 1.7m above finished floor level in all other cases</li> </ul> </li> </ul>
<p>PO 11.1</p> <p>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.</p>	
<p>PO 42.1</p> <p>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.</p>	
<p>PO 42.2</p> <p>Water discharged from a development site is of a physical, chemical and biological condition equivalent to or better than its pre-developed state.</p>	
<p>PO 42.3</p> <p>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.</p>	

#### Infrastructure and Renewable Energy Facilities

DO 1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.
<p>PO 1.1</p> <p>Development is located and designed to minimise hazard or nuisance to adjacent development and land uses.</p>	
<p>PO 11.1</p> <p>Development is connected to an appropriate water supply to meet the ongoing requirements of the intended use.</p>	<p>DTS/DPF 11.1</p> <p>Development is connected, or will be connected, to a reticulated water scheme or mains water supply with the capacity to meet the on-going requirements of the development.</p>

<p><b>PO 12.1</b></p> <p>Development is connected to an approved common wastewater disposal service with the capacity to meet the requirements of the intended use. Where this is not available an appropriate on-site service is provided to meet the ongoing requirements of the intended use in accordance with the following:</p> <ul style="list-style-type: none"> <li>(a) it is wholly located and contained within the allotment of the development it will service</li> <li>(b) in areas where there is a high risk of contamination of surface, ground, or marine water resources from on-site disposal of liquid wastes, disposal systems are included to minimise the risk of pollution to those water resources</li> <li>(c) septic tank effluent drainage fields and other wastewater disposal areas are located away from watercourses and flood prone, sloping, saline or poorly drained land to minimise environmental harm.</li> </ul>	<p><b>DTS/DPF 12.1</b></p> <p>Development is connected, or will be connected, to an approved common wastewater disposal service with the capacity to meet the requirements of the development. Where this is not available it is instead capable of being serviced by an on-site waste water treatment system in accordance with the following:</p> <ul style="list-style-type: none"> <li>(a) the system is wholly located and contained within the allotment of development it will service; and</li> <li>(b) the system will comply with the requirements of the South Australian Public Health Act 2011.</li> </ul>
<p><b>PO 12.2</b></p> <p>Effluent drainage fields and other wastewater disposal areas are maintained to ensure the effective operation of waste systems and minimise risks to human health and the environment.</p>	<p><b>DTS/DPF 12.2</b></p> <p>Development is not built on, or encroaches within, an area that is, or will be, required for a sewerage system or waste control system.</p>
<p><b>PO 13.1</b></p> <p>In rural and remote locations, development that is likely to generate significant waste material during construction, including packaging waste, makes provision for a temporary on-site waste storage enclosure to minimise the incidence of wind-blown litter.</p>	<p><b>DTS/DPF 13.1</b></p> <p>A waste collection and disposal service is used to dispose of the volume of waste at the rate it is generated.</p>

#### Interface between Land Uses

DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.		
PO 1.2			
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  Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for		DTS/DPF 2.1	
		Development operating within the following hours:	
		Class of Development	Hours of operation

<p>sensitive receivers through its hours of operation having regard to:</p> <ul style="list-style-type: none"> <li>(a) the nature of the development</li> <li>(b) measures to mitigate off-site impacts</li> <li>(c) the extent to which the development is desired in the zone</li> <li>(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.</li> </ul>	<table border="1"> <tr> <td data-bbox="869 194 1142 342">Consulting room</td><td data-bbox="1142 194 1528 342">7am to 9pm, Monday to Friday 8am to 5pm, Saturday</td></tr> <tr> <td data-bbox="869 342 1142 490">Office</td><td data-bbox="1142 342 1528 490">7am to 9pm, Monday to Friday 8am to 5pm, Saturday</td></tr> <tr> <td data-bbox="869 490 1142 976">           Shop, other than any one or combination of the following:           <ul style="list-style-type: none"> <li>(a) restaurant</li> <li>(b) cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone</li> </ul> </td><td data-bbox="1142 490 1528 976">           7am to 9pm, Monday to Friday            8am to 5pm, Saturday and            Sunday         </td></tr> </table>	Consulting room	7am to 9pm, Monday to Friday 8am to 5pm, Saturday	Office	7am to 9pm, Monday to Friday 8am to 5pm, Saturday	Shop, other than any one or combination of the following: <ul style="list-style-type: none"> <li>(a) restaurant</li> <li>(b) cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone</li> </ul>	7am to 9pm, Monday to Friday 8am to 5pm, Saturday and Sunday
Consulting room	7am to 9pm, Monday to Friday 8am to 5pm, Saturday						
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Shop, other than any one or combination of the following: <ul style="list-style-type: none"> <li>(a) restaurant</li> <li>(b) cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone</li> </ul>	7am to 9pm, Monday to Friday 8am to 5pm, Saturday and Sunday						
<p>PO 3.1</p> <p>Overshadowing of habitable room windows of adjacent residential land uses in:</p> <ul style="list-style-type: none"> <li>a. a neighbourhood-type zone is minimised to maintain access to direct winter sunlight</li> <li>b. other zones is managed to enable access to direct winter sunlight.</li> </ul>	<p>DTS/DPF 3.1</p> <p>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.</p>						
<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> <ul style="list-style-type: none"> <li>a. a neighbourhood type zone is minimised to maintain access to direct winter sunlight</li> <li>b. other zones is managed to enable access to direct winter sunlight.</li> </ul>	<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</p> <p>neighbourhood-type zone in accordance with the following:</p> <ul style="list-style-type: none"> <li>a. for ground level private open space, the smaller of the following:           <ul style="list-style-type: none"> <li>i. half the existing ground level open space or</li> <li>ii. 35m<sup>2</sup> of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m)</li> </ul> </li> <li>b. for ground level communal open space, at least half of the existing ground level open space.</li> </ul>						

**PO 3.3**

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.

**PO 4.1**

Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).

**DTS/DPF 4.1**

Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria.

**PO 4.2**

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:

- (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
- (b) when sited outdoors, locating such areas as far as practicable from adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers
- (c) housing plant and equipment within an enclosed structure or acoustic enclosure
- (d) providing a suitable acoustic barrier between the plant and / or equipment and the adjacent sensitive receiver boundary or zone.

**Site Contamination****DO 1**

Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.

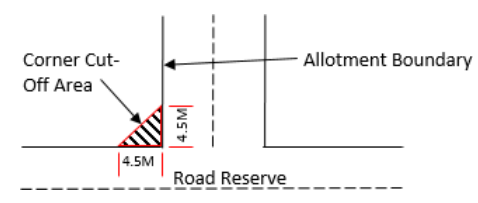
<p>PO 1.1</p> <p>Ensure land is suitable for use when land use changes to a more sensitive use.</p>	<p>DTS/DPF 1.1</p> <p>Development satisfies (a), (b), (c) or (d):</p> <ul style="list-style-type: none"> <li>(a) does not involve a change in the use of land</li> <li>(b) involves a change in the use of land that does not constitute a change to a more sensitive use</li> <li>(c) involves a change in the use of land to a more sensitive use on land at which site contamination is unlikely to exist (as demonstrated in a site contamination declaration form)</li> <li>(d) involves a change in the use of land to a more sensitive use on land at which site contamination exists, or may exist (as demonstrated in a site contamination declaration form), and satisfies both of the following: <ul style="list-style-type: none"> <li>(i) a site contamination audit report has been prepared under Part 10A of the <i>Environment Protection Act 1993</i> in relation to the land within the previous 5 years which states that- <ul style="list-style-type: none"> <li>A. site contamination does not exist (or no longer exists) at the land</li> <li>or</li> <li>B. the land is suitable for the proposed use or range of uses (without the need for any further remediation)</li> <li>or</li> <li>C. where remediation is, or remains, necessary for the proposed use (or range of uses), remediation work has</li> </ul> </li> </ul> </li> </ul>
	<p>been carried out or will be carried out (and the applicant has provided a written undertaking that the remediation works will be implemented in association with the development)</p> <p>and</p> <ul style="list-style-type: none"> <li>(ii) no other class 1 activity or class 2 activity has taken place at the land since the preparation of the site contamination audit report (as demonstrated in a site contamination declaration form).</li> </ul>

#### Transport, Access and Parking

DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
<p>PO 1.1</p> <p>Development is integrated with the existing transport system and designed to minimise its potential impact on the functional performance of the transport system.</p>	

<p>PO 1.4</p> <p>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.</p>	<p>DTS/DPF 1.4</p> <p>All vehicle manoeuvring occurs onsite.</p>
<p>PO 2.1</p> <p>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.</p>	
<p>PO 2.2</p> <p>Walls, fencing and landscaping adjacent to driveways and corner sites are designed to provide adequate sightlines between vehicles and pedestrians.</p>	
<p>PO 3.1</p> <p>Safe and convenient access minimises impact or interruption on the operation of public roads.</p>	<p>DTS/DPF 3.1</p> <p>The access is:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) not located within 6m of an intersection of 2 or more roads or a pedestrian activated crossing.</li> </ul>
<p>PO 3.3</p> <p>Access points are sited and designed to accommodate the type and volume of traffic likely to be generated by the development or land use.</p>	
<p>PO 3.4</p> <p>Access points are sited and designed to minimise any adverse impacts on neighbouring properties.</p>	
<p>PO 3.5</p> <p>Access points are located so as not to interfere with street trees, existing street furniture (including directional signs, lighting, seating and weather shelters) or infrastructure services to maintain the appearance of the streetscape, preserve local amenity and minimise disruption to utility infrastructure assets.</p>	<p>DTS/DPF 3.5</p> <p>Vehicle access to designated car parking spaces satisfy (a) or (b):</p> <ul style="list-style-type: none"> <li>(a) is provided via a lawfully existing or authorised access point or an access point for which consent has been granted as part of an application for the division of land</li> <li>(b) where newly proposed, is set back: <ul style="list-style-type: none"> <li>(i) 0.5m or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset owner</li> <li>(ii) 2m or more from the base of the trunk of a street tree unless consent is provided from the tree owner for a lesser distance</li> <li>(iii) 6m or more from the tangent point of an intersection of 2 or more roads</li> <li>(iv) outside of the marked lines or infrastructure dedicating a pedestrian crossing.</li> </ul> </li> </ul>

PO 3.6	DTS/DPF 3.6
Driveways and access points are separated and minimised in number to optimise the provision of on-street visitor parking (where on-street parking is appropriate).	<p>Driveways and access points:</p> <ul style="list-style-type: none"> <li>(a) for sites with a frontage to a public road of 20m or less, one access point no greater than 3.5m in width is provided</li> <li>(b) for sites with a frontage to a public road greater than 20m: <ul style="list-style-type: none"> <li>(i) a single access point no greater than 6m in width is provided or</li> <li>(ii) not more than two access points with a width of 3.5m each are provided.</li> </ul> </li> </ul>
PO 3.8	
Driveways, access points, access tracks and parking areas are designed and constructed to allow adequate movement and manoeuvrability having regard to the types of vehicles that are reasonably anticipated.	
PO 4.1	
Development is sited and designed to provide safe, dignified and convenient access for people with a disability.	
PO 5.1	DTS/DPF 5.1
<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"> <li>(a) availability of on-street car parking</li> <li>(b) shared use of other parking areas</li> <li>(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</li> <li>(d) the adaptive reuse of a State or Local Heritage Place.</li> </ul>	<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"> <li>(a) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements</li> <li>(b) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas</li> <li>(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.</li> </ul>
PO 6.1	DTS/DPF 6.1
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.	Movement between vehicle parking areas within the site can occur without the need to use a public road.
PO 6.2	
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.	
PO 6.3	
Vehicle parking areas are designed to provide opportunity for integration and shared-use of adjacent car parking areas to reduce the total extent of vehicle parking areas and access points.	
PO 6.4	
Pedestrian linkages between parking areas and the development are provided and are safe and convenient.	

<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 10.1</p> <p>Development is located and designed to ensure drivers can safely turn into and out of public road junctions.</p>	<p>DTS/DPF 10.1</p> <p>Development does not involve building work, or building work is located wholly outside the land shown as Corner Cut-Off Area in the following diagram:</p>  <p>The diagram illustrates a corner cut-off area at a road junction. A hatched triangular area is labeled 'Corner Cut-Off Area'. The road reserve is indicated by a dashed line and labeled 'Road Reserve'. Dimensions of 4.5M are shown for the width of the road reserve and the depth of the cut-off area. An 'Allotment Boundary' is also indicated.</p>

**REPORT REFERENCE: CAP031121 – 4.3**  
**CITY OF MARION**  
**COUNCIL ASSESSMENT PANEL AGENDA**  
**FOR MEETING TO BE HELD ON**  
**WEDNESDAY 3 November 2021**



<b>Originating Officer:</b>	<b>Theresa James</b> <b>Planning Consultant</b>
<b>Applicant:</b>	<b>Future Urban Pty Ltd</b>
<b>Development Description:</b>	<b>A change in land use from two detached dwellings to pre-school (childcare centre) with associated advertisements and advertising hoarding, outbuilding, earthworks, retaining walls and fencing.</b>
<b>Site Location:</b>	<b>1 Freya Avenue, Hallett Cove</b> <b>3 Freya Avenue, Hallett Cove</b>
<b>Zone &amp; Policy Area:</b>	<b>Hills Neighbourhood Zone</b>
<b>Lodgement Date:</b>	<b>05/08/2021</b>
<b>Planning and Design Code:</b>	<b>9 September 2021 Version 2021.13</b>
<b>Referrals:</b>	<b>Internal</b> Development Engineer Coordinator Traffic and Parking
<b>Application Type:</b>	<b>Performance Assessed</b>
<b>Delegations Policy:</b>	<b>Instrument of Delegation – CAP, Clause 5.1.1.1</b> <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>
<b>Public Notification</b>	<b>Public Notification required</b> <i>The following elements are not listed in Table 5 of the Zone and therefore automatically require notification:</i> <ul style="list-style-type: none"> <li>• A change in land use</li> <li>• Buildings used for a pre-school</li> <li>• Advertisement</li> </ul> <i>Proposed retaining walls and fencing exceed the length and height exclusions and therefore they also form an element requiring notification.</i>
<b>Application No:</b>	<b>21012619</b>
<b>Recommendation:</b>	<b>That Planning Consent be GRANTED subject to Conditions</b>

#### **Appendices**

*Appendix 1: Planning and Design Code guidelines*

#### **Attachments**

*Attachment I: Certificate of Title*

*Attachment II: Proposal Plans and supporting documentation*

*Attachment III: Statement of Representations*

*Attachment IV: Applicant's Response to Representations*

## SUBJECT LAND

The subject land comprises the following properties:

- **1 Freya Avenue, Hallett Cove**
- **3 Freya Avenue, Hallett Cove**

Two allotments form the subject land. The land has a combined area of 1,323 square metres and frontage to both Freya Avenue and Gledsdale Road, with a 6.36 meter corner cut-off at the intersection boundaries. The land is located on the south-western corner of the two roads.

A cream brick single storey dwelling occupies the corner site, and a brown brick single storey dwelling occupies the southern site. Vehicle access is achieved via three crossovers, two for the corner site from each road, and one from Freya Avenue to the southern site.

The land is moderately vegetated with low and medium shrubs to the front perimeters of each allotment. Due to the presence of existing dwellings the land is generally flat, however there is a modest slope from the road level to the rear, south-west.



Source: 1: [sappa.plan.sa.gov.au](http://sappa.plan.sa.gov.au)

## LOCALITY

The locality is located wholly in the Hills Neighbourhood Zone. The eastern periphery of the locality borders the Suburban Activity Centre Zone, marked by the Hallett Cove Shopping Centre. Single storey detached dwellings form part of the main locality characteristics.

Undulating roads result in some ground levels set below road level, and others with elevated floor levels. Consequently retaining walls form part of the character of this area. Retaining walls are generally stepped or landscaped in such a way that they are not dominant features as viewed from the road, but more visible from within private land. Residential land has open, front yards with no fencing to the primary road.

Directly adjacent the subject land, Hallett Cove School, a reception to year 12 educational establishment, forms a notable element within this locality. Due to the large size of the school site, some 89,000 square metres, and its position on elevated land, it significantly contributes to the character of this locality. The school is bordered by open-style steel gates, with single storey and two storey buildings located on the western side of the land, and open recreation areas/sports oval on the eastern side.

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



## PROPOSED DEVELOPMENT

The proposed development seeks to alter the use of the land from residential to pre-school (child care). A pre-school is defined by the Planning and Design Code as follows:

***Means a place primarily for the care or instruction of children of less than primary school age not resident on the site.***

The development includes the construction of buildings and structures in association with the use. Namely, a two-storey pre-school building, retaining walls and fencing, plant room, shed, car parking area and signage. It also includes fencing to all boundaries and an elaborate landscaping plan.

The building has been architecturally designed to provide visual interest to each elevation. Elevations are articulated by way of their varied setbacks, altering roofing forms, high level of glazing and variation in materials, which includes rendered walls, varied textured cladding finishes and light grey brick work.

The building is a low scale, two-storey building by virtue of its low overall building height of 7.5 metres and its deep boundary setbacks to upper-level walls. Associated car parking areas are at the southern portion of the land, which locates the main building and outdoor play area on the northern side of the land.

Fencing visible from the public realm includes both masonry, colourbond and open steel to 1.8 metres high. The north, Glensdale Road boundary includes both masonry and open steel type materials, and the fencing on the east, Freya Avenue boundary is solely open-steel with a short span of Colorbond fencing. Illuminated signage is proposed on the masonry fencing at the corner cut-off. Retaining walls and Colorbond fencing are also proposed on the south and west boundaries, shared with residential land.

In addition to the above, the proposal involves the construction of two outbuildings used for storage and housing mechanical equipment. The storage building abuts the western elevation of the building and is setback behind the building line. The outbuilding used to house mechanical equipment abuts the eastern elevation of the building and sits behind a 1.8 metre high Colorbond fence. Both structures have a low vertical profile and are small in overall stature.

The childcare centre cares for children ranging in age from 2 months to 5 years and has capacity to accommodate up to 98 children. The centre will operate Monday to Friday (6:30 am – 6:30 pm) and employ up to 16 staff members, which is dependent on enrolment. It will be closed on weekends and public holidays.

A total of 25 car parking spaces, inclusive of one accessible (disabled) car park, is proposed. Dual level car stackers are also proposed, allocated to staff only. The parking stacker has no above ground structure, rather it comprises a plate lowering into the ground. The car parking area will be accessed via a two-way crossover from Freya Avenue.

## PROCEDURAL MATTERS

### Categorisation

Section 105 of the *Planning Development and Infrastructure Act 2016* (the Act) prescribes that development falls within the category of code assessed development if:

- a) *it is classified as deemed-to-satisfy, or*
- b) *it:*
  - i. *Does not fall within the category of accepted development, and*
  - ii. *Does not fall within the category of impact assessed development.*

The proposed development is not classified as deemed-to-satisfy. It does not fall within the categories of development in points *i.* and *ii.* above. For this reason, the proposed development is code assessed development pursuant to Section 105 of the Act.

If a Code assessed development cannot be assessed as deemed-to-satisfy, which this proposal cannot, then Section 107 of the Act prescribes that it is a performance assessed development that is to be assessed on its merits against the Planning and Design Code (the Code). As such, the development is 'Code Assessed – Performance Assessed Development'.

Rules of Interpretation in the Code explain Desired Outcomes (DO), Performance Outcomes (PO) and Designated Performance Features (DPF), which are the policies used for assessing performance assessed development.

Desired Outcomes provide an overarching agenda for the Zone. These are usually broad, qualitative provision. Performance Outcomes are more specific, qualitative provisions that speak to explicit policy expectations. Designated Performance Features are included alongside Performance Outcomes, as a means of achieving the Performance Outcome. Not all Performance Outcomes will include a Designated Performance Feature.

When using a Designated Performance Feature to determine if a Policy Outcome is achieved, it is relevant to note that it is one means of achieving the Policy Outcome. The DPF is not required to be met to satisfy the Policy Outcome - some other feature of the development may still satisfy the Policy Outcome. This notion is supported by the Code which provides the following guidance in using the policy:

***In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF). A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.***

(underline my emphasis)

## **Notification**

A 'change in land use' is not a form of development excluded from notification in Table 5 of the applicable zone. In addition, the resultant building works are also not listed as development excluded from public notification.

Retaining walls and fencing are excluded from notification, except where they span for a length of more than eight metres and/or entail a height of more than 3.2 metres. The combined height of retaining walls and fencing trigger the exception to the exclusion, and such these elements also require notification.

Given the above, the development was notified for a period of 15 business days.

## **Referrals**

### **Development Engineer and Coordinator Traffic and Parking**

Council's Development Engineer and Coordinator Traffic and Parking have reviewed the application details and advised they are satisfied with the proposal from a stormwater management, and traffic and parking perspective. In considering this application, regard has been had to Council's Commercial Stormwater Design Guidelines together with vehicle turning paths within the site and towards Freya Avenue.

## PUBLIC NOTIFICATION



The above maps identifies all properties within a 60m buffer of the subject land.

### Representations

- 54 received (Two people submitted more than one representation from the same person, so they have been counted as one representor for their multiple submissions).
- More than one person from the same address has submitted representations. They have been counted as individual submissions.
- 1 supports the development
- 53 oppose the development

### Representations Received

Name	Address	Wish to be heard	Support or Opposed
John Wickham	20 Koomooloo Crescent, Hallett Cove	No	Opposed
Joanne Mercer	16 Koomooloo Crescent, Hallett Cove	No	Opposed
Sandra Storey (x 3 submissions)	8 Freya Avenue, Hallett Cove	Yes	Opposed
Rebecca Dalton	15 Lindsay Drive, Morphett Vale	No	Opposed
Tania Hartley	31 Camille Street, Hallett Cove	No	Opposed
David Coombe	13 Freya Avenue, Hallett Cove	No	Opposed
James Turnbull	14 Mercedes Avenue, Hallett Cove	No	Opposed
Penny Conway	9 Eloise Avenue, Hallett Cove	No	Opposed
Kerriem Mandy	5 Ramrod Avenue, Hallett Cove	No	Opposed

Heather Turner	6 Intrepid Crescent, Hallett Cove	No	Opposed
Helen Creeper	13 High Street, Belair	No	Opposed
Caroline Byne	4 Moorong Road, O'Sullivan Beach	No	Opposed
Tracey Marshall	21 Eloise Avenue, Hallett Cove	No	Opposed
Carolyn Dale	26 Mercedes Avenue, Hallett Cove	No	Support
Lee Rippon	5 Eloise Avenue, Hallett Cove	No	Opposed
Elizabeth Traeger	329 River Road, Noarlunga Downs?	No	Opposed
Michelle Waddingham	28 Thomas Way, Hallett Cove	No	Opposed
Meggan Gascoigne	6 Vincent Crescent, Morphett Vale	No	Opposed
Melissa Richardson-Pearn	45 Lighthouse Drive, Hallett Cove	No	Opposed
Heath Kingham	10 Camille Street, Hallett Cove	No	Opposed
Cindy Kingham	10 Camille Street, Hallett Cove	No	Opposed
Jack Storey	8 Freya Avenue, Hallett Cove	No	Opposed
Steven Storey	8 Freya Avenue, Hallett Cove	No	Opposed
Evita Horlor	19 Crusade Court, Hallett Cove	Yes	Opposed
Jason Horlor	19 Crusade Court, Hallett Cove	Yes	Opposed
Zvikomborero Mutokwe	24 Eloise Avenue, Hallett Cove	No	Opposed
Rene Rose	22 Freya Avenue, Hallett Cove	No	Opposed
Andrew McIntyre	15 Shakes Crescent , Hallett Cove	No	Opposed
Shirley Adam	7 Crusade Court, Hallett Cove	No	Opposed
Timothy Adam	20 Lapwing Street, Hallett Cove	No	Opposed
David Heynemann	20 Eloise Avenue, Hallett Cove	No	Opposed
Wayne Heald	166, Hallett Cove (incomplete address submitted)	No	Opposed
Gregory Sabile	16 Mercedes Avenue, Hallett Cove	No	Opposed
Joanne Penrose	9 Gledsdale Road, Hallett Cove	No	Opposed
Sarah Clark	22, Hallett Cove (incomplete address submitted)	No	Opposed
Tom Mckay	5 Grand Central Avenue, Hallett Cove	No	Opposed
Pam Mitchell	18 Crusade Court , Hallett Cove	No	Opposed
Corey Challis	2 Mercedes Avenue, Hallett Cove	No	Opposed
Gavin Penrose	9 Gledsdale Road, Hallett Cove	No	Opposed
Craig Adam	7 Crusade Court, Hallett Cove	No	Opposed
Lyndal Simmonds	7 Eloise Avenue , Hallett Cove	No	Opposed
Paulin & Ian Jarrett	11 Shakes Crescent , Hallett Cove	No	Opposed
Stephen Stone	23 Freya Avenue, Hallett Cove	No	Opposed
Selene Ainsworth	2 Burnside Drive, Onkaparinga Hills	No	Opposed
Peter Cheung	26 Freya Avenue, Hallett Cove	No	Opposed
Caroline Keogh	2 Caprice Street, Hallett Cove	No	Opposed
Hjordis Aegisdottir	20 Crusade Court, Hallett Cove	No	Opposed
Sam Turnbull	14 Mercedes Avenue, Hallett Cove	No	Opposed
Aubrey Cox	8 Cormorant Drive, Hallett Cove	Yes	Opposed
Richard Wilson (x 2 submissions)	27 Eloise Avenue, Hallett Cove	Yes	Opposed
Bruce Russell	12 Mercedes Ave, Hallett Cove	Yes	Opposed
Adam Storey	8 Freya Avenue, Hallett Cove	Yes	Opposed
Tom Mitchell	18 Crusade Court, Hallett Cove	No	Opposed
David Speirs (x2 submissions)	PO Box 121, Brighton & 7 Sturt Road, Brighton	No	Opposed

**Applicant Response**

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

## ASSESSMENT

The proposed development relates to both land use and built form. The policies contained within the Hills Neighbourhood Zone are considered as being most relevant for the purposes of the land use assessment. It is acknowledged the “change in land use” element of the proposal is also assessed against all applicable provisions of the Planning and Design Code.

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:

### Relevant Overlays

*Airport Building Heights (regulated) – All structures over 30 metres DO 1, PO 1.1, PO 1.2*

*Hazards (Flooding – Evidence Required) DO 1, PO 1.1, PO 2.1*

*Stormwater Management DO 1, PO 1.1*

### Hills Neighbourhood Zone

*DO1, PO 1.1, PO 1.2, PO 1.3, PO 1.4, PO 1.5, 3.1, 4.1, 5.1, 6.1, 8.1, 9.1, 10.2, 11.1, 11.2, 11.3, 12.1, 12.2 & 13.1*

### General policies

*Advertisements: DO 1, PO 1.1, PO 1.3, PO 1.5, PO 2.1, PO 2.3, PO 3.1, PO 4.1, PO 5.2, PO 5.3, PO 5.4, PO 5.5*

*Clearance from Overhead Powerlines DO 1; PO 1.1*

*Design in Urban Areas: DO1, 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 7.1, PO 7.2, PO 7.3, PO 7.5, PO 7.6, PO 8.1, PO 8.2, PO 9.1, PO 9.2, PO 10.1, PO 10.2, PO 11.1, PO 13.1, PO 13.2, PO 13.3, PO 14.1, PO 14.2, PO 16.1, PO 22.1, PO 23.4, PO 23.5, PO 23.6, 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, PO 7.1*

*Transport, Access and Parking: DO1, PO 1.1, PO 1.2, PO 1.3, PO 1.4, PO 2.2, PO 3.4, PO 3.6, PO 3.8, PO 3.9, PO 4.1, PO 5.1, PO 6.1, PO 6.2, PO 6.5, PO 6.7, PO 7.1, PO 7.2, PO 7.3, PO 7.5, PO 7.6, PO 10.1*

### Land Use

The Desired Outcome for the Zone seeks:

***Development provides a complementary transition to adjacent natural and rural landscapes. Low density housing minimises disturbance to natural landforms and existing vegetation to mitigate the visible extent of buildings, earthworks and retaining walls.***

The DO for the Zone is a broad policy statements seeking development in urban areas to complement nearby natural landscapes by transitioning the heights and scale of buildings that lay adjacent such areas. The subject land is not located on the periphery of the Zone boundary or adjacent to natural and rural landscapes. It sits within an urban area with established residential and community development. For this reason the proposed development will not disturb natural/rural landscapes.

The Zone contemplates non-residential land uses that are compatible with a low-density residential character. PO 1.3 of the Zone seeks:

***Non-residential development to be located and designed to improve community accessibility to services, primarily in the form of (b) community services such as educational establishments, community centres, places of worship, pre-schools, and other health and welfare services.***

(underline my emphasis)

Pre-schools, and education establishments, are commonplace in neighbourhood type zones throughout the state. It makes good planning sense to locate these uses proximate to neighbourhood zones, as well as other similar establishments, as they can clearly be used to serve the local community. Hallett Cove School is located adjacent the subject land on the opposite side of Glensdale Road and is also within the Hills Neighbourhood Zone. It should also be acknowledged that the size of Hallett Cove School is significantly larger than that proposed development and is a notable feature in the locality.

The proposed pre-school complements low-density character envisaged for the Zone because:

- Pre-schools are an expressly listed non-residential land use for the Zone, and
- The development results in a single building on two allotments.

PO 1.1 of the Zone seeks low density residential development, with complementary non-residential land uses that are compatible with natural landforms and low density residential character. The proposal is not for residential development. However it is considered to be a complementary non-residential land use because it will serve the needs of the local community and complements the adjacent school, whereby children from the pre-school can transition. The siting of the building and height are in general accordance with their relevant Performance Outcome. Noting the proposed pre-school is to replace two detached dwellings, the built form outcome will alter the external outlook from adjoining land and the streetscape. This notwithstanding, the Zone envisages a range of non-residential land uses and as such, is an outcome somewhat contemplated by the policy.

Natural landforms are not significantly altered by this application, and the overall building form and scale is contemplated by the Zone, discussed in further detail below. The building has been designed so that the upper level includes a low solid to void ratio, reducing its visual impact and therefore complementing low scale residential development.

The proposal is considered to represent a reasonable form of non-residential development contemplated within the Hills Neighbourhood Zone. The pre-school will aim to serve the needs of the local community and complement other well-established land uses in the locality.

## Built Form

The Zone provides building envelope parameters with respect to site coverage, building height and setbacks to road, side and rear boundaries. The below table provides an analysis of the relevant policies:

Parameter	DTS/DPF Guideline	Proposed Development
<i>Site Coverage (DPF 3.1)</i>	50%	28%
<i>Building Height (DPF 4.1)</i>	9 metres 2 levels	7.5 metres 2 levels
<i>Primary Road Setback (DPF 5.1)</i> <i>(wall of a building of shorter frontage)</i>	8 metres	6.32 metres and 6.9 metres (ground level) 4.5m (upper level outdoor play wall) 11.2m (upper level building wall)
<i>Secondary Road Setback (DPF 6.1)</i>	0.9 metres	1.9 metres (ground level) 1.5 metres (upper level)
<i>Western Boundary (DPF 8.1)</i>	1.7 metres (ground wall) 2.35 metres (upper wall)	2 metres (ground building wall) 5 metres (upper building wall)

<i>Rear Setback (DPF 9.1)</i>	4 metres (ground)	20 metres (ground)
	6 metres (upper)	3m (play space fencing)
		7.2 metres (upper building wall)

The above table identifies that the proposed building envelope satisfies many quantitative provisions offered by the relevant Designated Performance Features for each parameter.

Primary road walls sit proud of the building on the adjoining land, and the rear play space fencing associated with level one is setback less than six meters from the southern rear boundary.

The primary street frontage of land is determined by the Code. It is the road which has the shortest frontage. In this instance the primary street setbacks relate to Glensdale Road, and the rear boundary setbacks refer to the southern boundary, which is a side boundary to the adjoining land.

With respect to the primary street setbacks, Hills Neighbourhood Zone Policy Outcome 5.1 states:

***Buildings are set back from primary street boundaries consistent with the existing streetscape.***

The proposed building setback to the primary street is considered acceptable in this instance as:

- The ground level wall is only marginally in front of the building line associated with the adjoining dwelling to the west.
- The existing dwelling is setback 6.3 metres from the Glensdale Road boundary.
- The ground level façade wall is setback an additional 3.2 metres (Staff room).
- Large setbacks are proposed to each side of the building façade at the ground level (7.8 metres and 1.9 metres to the east and 3.4 metres to the west), creating greater space around the building.
- The upper-level component of the building is low-scale in that the portion located forward of the neighbouring building line comprises a balcony with minimal walling and no roof, thus minimising reducing visual bulk.
- Where the front balcony includes higher walls, these are located towards the eastern side of the land, transitioning the height of the building façade from the west as it nears Freya Avenue.
- The site is on the corner of two roads such that the road creates an open environment around the building, which further reduces its visual impact.

At ground level the proposed building is setback approximately 20 metres from the southern boundary. The upper level southern elevation includes outdoor play areas to the perimeter of the main building line. This play area is largely unroofed and includes walls to the exterior. The wall, which comprises textured Axon cladding, brickwork, aluminium frames and glazing is setback three metres from the southern boundary. The main building wall is setback further, a distance of 7.2 metres.

The rear, southern setback is considered acceptable in this instance as:

- The portion of the building within the 6 metre 'setback area' is visually unobtrusive due to:
  - Lack of roofing to this portion of the building, reducing its visual presence.
  - Uses varying materials to the outdoor play area enclosure, creating visual interest.
  - Low overall height of approximately six metres.
- The neighbouring site to the south is oriented to face Mercedes Avenue so that the common boundary is also their rear boundary.
- The dwelling on the neighbouring land to the south includes 28 metres of boundary wall development on the common boundary, and does not satisfy rear boundary setbacks.
- Only the side yard associated with the adjoining dwelling will have direct views onto the subject land. Views from the side yard will be directed to the open car park area.
- Existing fencing encloses the buildings/structures that are located on the boundary.

- The PO for setbacks is satisfied because:
  - Separation between buildings exceeds the setbacks between buildings demonstrated in the locality.

The proposal will not significantly impact on access to natural light and ventilation more than existing circumstances. Structures on the adjoining land to the south impact these aspects for occupants of that dwelling rather than the proposed development.

The proposed building has an overall building height of 7.5-8 metres. The building is shorter at the northern end due to the higher ground level, and slightly taller at the southern end due to declining ground levels. The proposed ground floor has an exceptionally small building footprint. Deep balconies to the upper floor level minimises bulk that might otherwise be attributed to a two-storey building. The recessed main building walls, together with the high use of glazing to the upper level maintains a spacious feel and minimises bulk and scale.

The Zone anticipates two-storey development, which can be found on the adjacent land at Hallett Cove School. The proposed development has been appropriately sited and designed so that it has minimal impact on residential amenity, and improves architectural style and design on the subject land and in the locality generally.

Advertising is simple and is mounted flush to walls in satisfaction with Planning and Design Code provisions. The sign located on the corner of Freya Avenue and Gledsdale Road is illuminated within a light box and as such, minimal amenity impacts are contemplated with this element of the proposal. Conditions that limits levels of illuminance are considered satisfactory to ensure light spill does not extend beyond the land, to the extent where it would become a nuisance.

## **Parking and Traffic**

The proposed traffic impacts of the development are appropriately managed through the provision of sufficient on-site car parking and the use of a single access/egress arrangements from the site. Additional traffic movements generated by the proposed development are not expected to compromise the safety or function of the surrounding road network, as determined by the traffic impact statement

Parking and traffic impact analysis was undertaken by CIRQA, who provided recommendations and assessment on the proposed development.

Table 1 of the General Development Policies of the Code for 'Transport, Access and Parking provides rates for off-street parking. The rate applied to child care centres is 0.25 spaces per child. This takes into consideration demand generated by enrolment capacity and resultant staffing requirements. Given a maximum of 98 children will be enrolled at the child care centre 24.5 car parking spaces should be provided. The proposed development provides 25 off-street parking spaces, in satisfaction of the rate prescribed by the Code.

Eight of the provided spaces will be accommodated via a car lift structure, whereby long-term vehicles, i.e. used by staff, will lower into a basement level. A recommended condition of planning consent is included, that these car park spaces be identified for 'staff parking only'. The lift structure does not extend above the pavement level, rather the base of the structure lowers into the ground, operated by the driver upon exiting. Given the deep boundary setback of the lift structure it will not impact adjoining residents.

The proposed development has a net reduction in vehicle access points to the site. There are currently three crossovers to the land and the development results in only one crossover. Access to the site is gained via a single, 6.2 metre wide crossover, at the southern portion of the Freya Avenue boundary.

CIRQA are experts with respect to traffic generation. They note parking areas comply with:

- The requirements of the Australian/New Zealand Standard (2890.1:2004) with respect to off-street parking.
- The requirements of the Australian/New Zealand Standard (2890.6:2004) with respect to off-street parking for people with disabilities.
- The requirements of the Australian Standard with respect to parking aisle widths for child care centres.
- Forecast vehicle movement volumes are within the road network capability.
- The intersection of Freya Avenue and Gledsdale Road can accommodate the additional traffic volumes generated by the proposed child care centre.

It should also be noted Council's Development Engineer and Traffic and Parking Coordinator have reviewed the proposal. Each have formed the view that the development is satisfactory from a traffic and parking perspective. Car parking dimensions and aisle widths have been designed to ensure parking spaces can be accessed without impacting on the desired traffic circulation and flow within the local road network.

The proposal will see an increase in vehicle movements over the land; however, noise generated from the location of the parking area should not cause unreasonable impacts to adjacent properties. This is due to the hours of operations restricted to 6:30am until 6:30pm (Monday to Friday), which are generally considered outside of normal sleeping hours.

From a traffic and pedestrian safety perspective, it is acknowledged the nature and operation of a pre-school is not one where pick-up or "kiss and drop" zones or zebra crossings are typically required. The car parking size and dimensions are typical for the proposed land use where parents or care-givers would guide children to and from the facility to their respective vehicle. Due to the age group of children attending the site, they're unlikely to traverse between the facility and parked vehicles without guidance from a care-taker.

To this end, Council can be satisfied the availability of on-site parking is appropriate to meet the likely demand generated from the facility and shall not result in unsafe traffic movements or compromise the flow of traffic upon the adjacent local road network.

### **Interface between Land Uses**

The main interface issues relate to overshadowing, visual privacy and noise impact. The design and appearance of the building has previously been discussed in the "Built Form" section in this report. It has been concluded that the proposal is satisfactory in this regard. The proposed development has been designed to mitigate impacts to adjoining residential land with respect to these matters.

The land is positioned between two residential allotments to the south and the west, and public roads to the north and east. Dwellings on adjoining land are oriented such that they have minimal direct views of the proposed development.

To the south of the subject land, the adjoining dwelling and attached buildings are positioned along the common boundary, which generally prevents view of the subject land. Existing fencing separating the two allotments encloses these buildings. For these reasons, most views towards the proposed development are obstructed by existing development on the neighbours' land.

To the west of the subject land, the adjoining dwelling has a service area of approximately two metres in width adjacent the shared boundary, together with outbuildings located further south. Main living area windows and private open space is not directly adjacent the proposed building on the subject land.

Views of the proposed building will be visible from the private open space of 17 Gledsdale Road, however the proposed building is setback adjacent shared boundaries in accordance with Zone provisions, and the overall building height is below the expectations of the Zone. The design and appearance of the building is considered to minimise overall bulk and scale and as such, visual impacts are acceptable.

Whilst the proposed development will invariably cast shadow to adjoining land, levels of overshadowing to the south are not expected to be worse than existing circumstances. This is largely due to the finished floor level of the neighbouring property (26 Mercedes Avenue) being sited well below the finished ground level of the subject land. Consequently, any shadow cast upon land to the south does not alter that presently experienced.

Shadow cast upon land to the west will only occur during morning hours, such that all north facing habitable room windows and areas of private open space will receive sunlight from midday onwards.

The Applicant engaged Sonus, acoustic engineers, to undertake an environmental noise assessment. That report makes the following observations:

- Preschools etc are often located immediately adjacent to residences and the sound of children playing during the day is rarely of concern.
- The sound of children's voices can be annoying to some residents and can exceed objective noise criteria.
- The *Environment Protection (Noise) Policy* excludes noise from children playing in its assessment. As such the *Guidelines for Community Noise* published by the World Health Organisation (WHO) have been used in the assessment.
- The site layout is advantageous from an acoustic perspective due to new boundary fencing and masonry balustrade/walling to the first level outdoor play areas.
- The predicted noise level for the development is expected to be 50dB(A) or less when measured from all residences, which meets the WHO standard.

Car parking areas are positioned to the south of the land, this allows the main building to be sufficiently setback from common boundaries. Outdoor storage and plant rooms are in enclosed structures and are setback from boundaries shared with residential land. General guidelines in the *Environmental Protection (Noise) Policy* expects noise from plant rooms and rubbish collection to be dealt with in accordance with standard practice.

The Sonus report recommended the southern boundary fence be increased in height to 2.4 metres, as proposed, and that a screen be constructed around the mechanical plant equipment. The mechanical plant is enclosed with 1.8 metre high colourbond enclosure, and the southern boundary fence is 2.4 metres in height as recommended by the acoustic engineer.

The location of waste storage receptacles are located adjacent the car parking area, which is screened from public view. It is understood that a private waste collection service will be utilised outside of school hours in order to minimise any safety risks.

Pre-school development is a type of non-residential land use envisaged in the Zone. On balance, the development is considered to sufficiently accord with the Code with respect to interface impacts due to:

- Position of existing buildings on adjoining land, and location of the main open space areas associated with those dwellings.
- Level of overshadowing expected to be no greater than existing circumstances.
- Solid balustrade to 1.5 metres on the south and west elevations of the upper level outdoor play space, providing reasonable privacy expected in a neighbourhood-type zone.

- Hours of operation are typical of day-time, non-residential uses. Whilst no DPF for hours of operation are specified in the interface policies for pre-school development, the proposed hours of operation outside of typical sleeping hours.
- The noise assessment undertaken by Sonus considers the development minimises adverse impacts and conflict between land uses, provided the recommendations in their report are upheld.

## **Retaining walls and Fencing**

It is acknowledged the streetscape appearance of each road will change as a result of the proposed fencing. The proposal includes boundary fencing to each boundary, with retaining walls proposed on the south and west boundaries, but these will not be highly visible from the public realm.

New fencing on the north and east boundaries is relatively standard in height, and commonplace in neighbourhood-type zones. It is noted that residential development in this locality typically does not include front fencing. Notwithstanding this, the proposed north and east boundary fencing is considered acceptable because:

- The overall height is limited to 1.8 metres, which could reasonably be expected in the Zone, noting in many circumstances non-masonry fencing at this height does not require development approval.
- Fencing at street level uses varied materials, both solid and permeable such that visual interest is provided to the streetscape.
- A corner cut-off exists at the north-east corner of the land, such that the proposed fencing is setback from the corner of the two roads, improving motorist visibility.

Retaining wall heights are determined by the proposed ground level of the building, which incorporates a finished floor level (FFL) designed to enable potential floodwaters to leave the site. Whilst there is no known flooding issues for the subject land, the Hazards (Flooding – Evidence Required) Overlay is applicable to the site as a precautionary approach to mitigate flooding impacts. This Overlay requires development to minimise risk of floodwater entry, and raised FFLs above kerb level is an efficient means of achieving this.

Boundary fencing that adjoins residential land includes retaining walls and 2.1 metre high Colorbond fencing on the western side boundary and retaining and 2.4 metre high Colorbond fencing on the southern boundary. Both adjoining residential allotments have a lower ground level compared to the subject land.

Whilst retaining walls and combined fencing is not considered low in height, associated visual impacts are mitigated by existing development on adjoining land. The overall height of retaining wall and fences will not be highly visible from the adjoining land to the south given the extent of boundary development on that land and the respective finished ground levels. Retaining walls and fencing on the western boundary will be visible, however the space immediately adjacent the structure is a service area and not the main private open space area.

Due to the limited visibility of proposed retaining walls and fencing from the private open space areas of adjoining land, together with the intent of these structures to mitigate floodwater entry and provide acoustic treatment, it is considered acceptable in this instance.

## **Landscaping**

The proposed development includes landscaping to nearly all of the front yard space, as well as to areas adjacent the proposed car parking area. The soft landscaped area to the front and western side of the development comprises a large area measuring approximately 165 square metres. This area includes open lawn area, sand pits, climbers and sensory play space.

A range of trees, plants and shrubs have been selected to provide both visual interest and increased biodiversity to the site. The use of medium to high growing species is considered to assist in softening the appearance of the car park area and development generally when viewed from the public and private realm. The landscaping schedule includes numerous tree plantings which should assist in achieving an attractively landscaped environment and contribute to an overall urban tree canopy.

The proposed landscaping accords with relevant Code provisions as it will minimise heat absorption and reflection, particularly given its location on the northern side of the land, which receives all-day sunlight. Larger trees to the northern edge of the play space provide shade over the play areas, which is particularly beneficial during the warmer season.

### **Energy Efficiency and Stormwater management**

The proposed development includes a combined detention/retention tank with 3,000 litre capacity. The outflow has a restricted orifice which limits flows to two litres per second to manage peak flows.

The design of the building incorporates north facing play area for comfortable year-round use as well as large windows which will assist in providing natural light. It is also acknowledged that opportunities remain available for each building to include solar collectors.

Council's Development Engineer has assessed the proposed development against Council's Commercial Stormwater Design Guidelines and has resolved the proposal is satisfactory from a stormwater management perspective. Finished floor and ground levels are appropriate to mitigate and flood impacts upon the building.

## CONCLUSION

The proposal seeks a change in the use of land of 1- 3 Freya Avenue from residential to preschool (child care) and associated two-storey building including sheds, fencing, advertisement, and car parking area.

The main considerations attributed to the development relate to the proposed land use and interface impacts from the use.

The proposed development is considered to sufficiently satisfy the Planning and Design Code to warrant planning consent as:

- Pre-school is a non-residential land use envisaged for the Zone.
- The building design, overall height and setback from boundaries is considered appropriate in the context of the Zone and existing development on adjoining land.
- The proposed land use accommodates sufficient off-street parking in accordance with the rates prescribed in the Code.
- Interface impacts, such as overlooking, overshadowing and noise have been considered and generally accord with the relevant Policy Outcomes.
- Advertisements associated with the development are minimal in number, flush to building walls and simply identify the use.

As a result of the above considerations, it is my view 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.

It is considered that the development exhibits sufficient merit when assessed on balance against the relevant Desired Outcomes and Performance Outcomes to warrant Planning Consent subject to the conditions and notes listed below.

## **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: 21012619 for a change in land use from two detached dwellings to pre-school (childcare centre) with associated advertisements and advertising hoarding, outbuilding, earthworks, retaining walls and fencing at 1-3 Freya Avenue, Hallett Cove 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. The operating hours of the pre-school shall be limited to the following times:  
Monday to Friday (inclusive) 6:30am to 6:30pm
- 3. Signage is to be installed in a distinctive fashion which identifies the car lift structure/area is to be utilised by staff only.
- 4. Landscaping shall provide clear sightlines at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath, in accordance with Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004.
- 5. All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon (incorporating ramps or crossovers to facilitate the movement of persons with a disability).
- 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. The advertisement(s) and supporting structure(s) shall be maintained in good repair at all times.
12. Lighting associated with the advertisement(s) shall not operate in such a manner that could impair the ability of a road user or unreasonably affect the amenity of adjacent occupiers by means of high levels of illumination or glare, or by being operated contrary to any of the following
  - a. The illuminated signage shall be permitted to use LED lighting for internal illumination of a light box only. No element of LED or LCD display shall otherwise be included in the design.
  - b. The illuminated signs shall be limited to a low level of illumination so as to minimise distraction to motorists (< 150d/m<sup>2</sup>) and signage shall be finished in a material of low reflectivity to minimise distraction to motorists.
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 waste and other rubbish shall be stored in a manner so that it does not create insanitary conditions, unreasonable nuisance or pollution to the environment and shall be screened from public view to the reasonable satisfaction of Council.
15. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
16. All external lighting must be designed and constructed in accordance with Australian Standard (AS 4282-1997).
17. 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.
18. 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.

## Appendix 1 – Planning and Design Code guidelines

### Hills Neighbourhood Zone

DO 1	Development provides a complementary transition to adjacent natural and rural landscapes. Low density housing minimises disturbance to natural landforms and existing vegetation to mitigate the visible extent of buildings, earthworks and retaining walls.						
PO 1.1	Predominantly low density residential development with complementary non-residential uses compatible with natural landforms and a low density residential character.	DTS/DPF 1.1	Development comprises one or more of the following: <div><div>(a) Ancillary accommodation</div><div>(b) Consulting room</div><div>(c) Dwelling</div><div>(d) Office</div><div>(e) Open space</div><div>(f) Shop</div><div>(g) Recreation area.</div></div>				
PO 1.3	Non-residential development located and designed to improve community accessibility to services, primarily in the form of: <div><div>(a) small scale commercial uses such as offices, shops and consulting rooms</div><div>(b) community services such as educational establishments, community centres, places of worship, pre-schools, and other health and welfare services</div><div>(c) services and facilities ancillary to the function or operation of supported accommodation or retirement facilities</div></div> open space and recreation facilities.						
PO 1.4	Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.						
PO 3.1	Building footprints consistent with the character and pattern of a low-density suburban neighbourhood and provide 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: <div><div>(a) On sites with a gradient more than 1-in-8, 40%</div><div>(b) On sites with a gradient less than 1-in-8, 50%.</div></div>				
PO 4.1	Buildings contribute to a low-rise suburban character and complement the height of nearby buildings.	DTS/DPF 4.1	Building height (excluding garages, carports and outbuildings) is no greater than: <div><div>(a) the following:</div><table><tr><td>Maximum Building Height (Metres)</td></tr><tr><td>Maximum building height is 9m</td></tr><tr><td>Maximum Building Height (Levels)</td></tr><tr><td>Maximum building height is 2 levels</td></tr></table></div>	Maximum Building Height (Metres)	Maximum building height is 9m	Maximum Building Height (Levels)	Maximum building height is 2 levels
Maximum Building Height (Metres)							
Maximum building height is 9m							
Maximum Building Height (Levels)							
Maximum building height is 2 levels							

	<p>(b) in all other cases (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)) - 2 building levels up to a height of 9m.</p> <p>In relation to DTS/DPF 4.1, in instances where:</p> <p>(c) more than one value is returned in the same field, refer to the <i>Maximum building Height (Levels) Technical and Numeric Variation</i> layer or <i>Maximum Building Height (Meters) Technical and Numeric Variation</i> layer in the SA planning database to determine the applicable value relevant to the site of the proposed development.</p> <p>(d) only one value is returned for DTS/DPF 4.1(a) (i.e. there is one blank field), then the relevant height in metres or building levels applies with no criteria for the other.</p>
<p>PO 5.1</p> <p>Buildings are set back from primary street boundaries consistent with the existing streetscape.</p>	<p>DTS/DPF 5.1</p> <p>The building line of a building set back from the primary street boundary:</p> <p>(a) at least 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)</p> <p>(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), not less than the setback to the building line of that building</p> <p>or</p> <p>(c) not less than 8m where no building exists on an adjoining site with the same primary street frontage.</p>
<p>PO 6.1</p> <p>Buildings are set back from secondary street boundaries to maintain a pattern of separation between buildings and public streets and reinforce streetscape character.</p>	<p>DTS/DPF 6.1</p> <p>Building walls are set back from the boundary of the allotment with a secondary street frontage:</p> <p>(a) no less than:</p> <p>(i) on sites with a site gradient greater than 1-in-8: 1900mm</p> <p>(ii) on sites with a site gradient less than 1-in-8: at least 900mm</p> <p>or</p> <p>(b) if a dwelling on any adjoining allotment is closer to the secondary street, the distance of that dwelling from the boundary with the secondary street</p> <p>(being, if relevant, the lesser of the 2 distances).</p>

<p>PO 7.1</p> <p>Boundary walls are limited in height and length to manage impacts on adjoining properties.</p>	<p>DTS/DPF 7.1</p> <p>Except where the dwelling is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur on only one side boundary and satisfy (a) or (b) below:</p> <ul style="list-style-type: none"> <li>(a) side boundary walls adjoin or abut a boundary wall of a building on adjoining land for the same or lesser length and height</li> <li>(b) side boundary walls do not: <ul style="list-style-type: none"> <li>(i) exceed 3.2m in height from the lower of the natural or finished ground level</li> <li>(ii) exceed 8m in length</li> <li>(iii) when combined with other walls on the boundary of the subject development site, exceed a maximum 45% of the length of the boundary</li> <li>(iv) encroach within 3m of any other existing or proposed boundary walls on the subject land.</li> </ul> </li> </ul>
<p>PO 8.1</p> <p>Buildings are set back from side boundaries to provide:</p> <ul style="list-style-type: none"> <li>(a) separation between dwellings in a way that complements the established character of the locality</li> <li>(b) access to natural light and ventilation for neighbours.</li> </ul>	<p>DTS/DPF 8.1</p> <p>Building walls not sited on side boundaries set back from the side boundary at least:</p> <ul style="list-style-type: none"> <li>(a) on sites with a site gradient greater than 1-in-8: <ul style="list-style-type: none"> <li>(i) Other than a wall facing a southern boundary, 1900mm</li> <li>(ii) For walls facing a southern boundary, at least 1900mm plus 1/3 of the wall height above 3m measured from the top of the footings</li> </ul> </li> <li>(b) on sites with a site gradient less than 1-in-8, and other than walls located on a side boundary: <ul style="list-style-type: none"> <li>(i) at least 900mm where the wall is up to 3m measured from the top of the footings</li> <li>(ii) other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the wall height above 3m measured from the top of the footings</li> <li>(iii) for walls facing a southern side boundary, at least 1900mm plus 1/3 of the wall height above 3m measured from the top of the footings.</li> </ul> </li> </ul>
<p>PO 9.1</p> <p>Buildings are set back from rear boundaries to provide:</p> <ul style="list-style-type: none"> <li>(a) separation between dwellings in a way that complements the established character of the locality</li> <li>(b) access to natural light and ventilation for neighbours</li> <li>(c) private open space</li> <li>(d) space for landscaping and vegetation.</li> </ul>	<p>DTS/DPF 9.1</p> <p>Buildings are set back from the rear boundary at least:</p> <ul style="list-style-type: none"> <li>(a) 4m for the first building level</li> <li>(b) 6m for any second building level.</li> </ul>

<p>PO 10.1</p> <p>Development that would be prominently visible from the Adelaide plains or urban areas within regional cities and townships:</p> <ul style="list-style-type: none"> <li>(a) achieves a profile that blends with the topography of the land</li> <li>(b) avoids the use of bright and highly reflective external materials and finishes</li> </ul> <p>incorporates existing vegetation wherever possible and additional landscaping to assist in reducing the apparent bulk and scale.</p>	
<p>PO 10.2</p> <p>Development of more than 1 building level in height takes account of its height and bulk relative to adjoining dwellings by:</p> <ul style="list-style-type: none"> <li>(a) incorporating stepping in the design in accordance with the slope of the land</li> <li>(b) where appropriate, setting back the upper level a greater distance from front and side boundaries than the lower level.</li> </ul>	
<p>PO 11.1</p> <p>Buildings sited and designed to integrate with the natural topography of the land using measures such as split level building construction and other approaches that minimise the extent of cut and fill.</p>	
<p>PO 11.2</p> <p>Vegetation is used to screen buildings and excavation or filling from view.</p>	
<p>PO 11.3</p> <p>Retaining walls are stepped series of low walls constructed of dark, natural coloured materials and screened by landscaping.</p>	<p>DTS/DPF 11.3</p> <p>Retaining walls:</p> <ul style="list-style-type: none"> <li>(a) do not retain more than 1.5m in height or</li> <li>(b) where more than 1.5m is to be retained in total, are stepped in a series of low walls each not exceeding 1m in height and separated by at least 700mm.</li> </ul>
<p>PO 12.1</p> <p>Residential ancillary buildings are sited and designed to not detract from the streetscape or appearance of primary residential buildings on the site or neighbouring properties.</p>	<p>DTS/DPF 12.1</p> <p>Ancillary buildings:</p> <ul style="list-style-type: none"> <li>(a) are ancillary to a dwelling erected on the same site</li> <li>(b) have a floor area not exceeding 60m<sup>2</sup></li> <li>(c) are not constructed, added to or altered so that any part is situated: <ul style="list-style-type: none"> <li>(i) in front of any part of the building line of the dwelling to which it is ancillary</li> </ul> </li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>(ii) within 900mm of a boundary of the allotment with a secondary street (if the land has boundaries on two or more roads)</li> <li>(d) in the case of a garage or carport, the garage or carport:</li> </ul>

- (i) is set back at least 5.5m from the boundary of the primary street
- (ii) when facing a primary street or secondary street, has a total door / opening not exceeding:
  - A. for dwellings of single building level - 7m in width or 50% of the site frontage, whichever is the lesser
  - B. for dwellings comprising two or more building levels at the building line fronting the same public street - 7m in width

(e) if situated on a boundary (not being a boundary with a primary street or secondary street), do not exceed a length of 8m unless:

- (i) a longer wall or structure exists on the adjacent site and is situated on the same allotment boundary and
- (ii) the proposed wall or structure will be built along the same length of boundary as the existing adjacent wall or structure to the same or lesser extent

(f) if situated on a boundary of the allotment (not being a boundary with a primary street or secondary street), all walls or structures on the boundary will not exceed 45% of the length of that boundary

(g) will not be located within 3m of any other wall along the same boundary unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or about the proposed wall or structure

have a wall height or post height not exceeding 3m above

(h) natural ground level

have a roof height where no part of the roof is more than 5m

(i) above the natural ground level

if clad in sheet metal, is pre-colour treated or painted in a

(j) non-reflective colour

retains a total area of soft landscaping in accordance with

(k) (i) or (ii), whichever is less:

a total area as determined by the following table:

(i)

Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m <sup>2</sup> )	Minimum percentage of site
<150	10%
150-200	15%
201-450	20%
>450	25%

(ii) the amount of existing soft landscaping prior to the development occurring.

<p>PO 12.2</p> <p>Ancillary buildings and structures do not impede on-site functional requirements such as private open space provision, car parking requirements or result in over-development of the site.</p>	<p>DTS/DPF 12.2</p> <p>Ancillary buildings and structures do not result in:</p> <ul style="list-style-type: none"> <li>(a) less private open space than specified in Design in Urban Areas Table 1 - Private Open Space</li> <li>(b) less on-site car parking than 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.</li> </ul>
<p>PO 13.1</p> <p>Advertisements identify the associated business activity, and do not detract from the residential character of the locality.</p>	<p>DTS/DPF 13.1</p> <p>Advertisements relating to a lawful business activity associated with a residential use do not exceed 0.3m<sup>2</sup> and mounted flush with a wall or fence.</p>

## 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.
<p>PO 1.1</p> <p>Building height does not pose a hazard to the operation of a certified or registered aerodrome.</p>	<p>DTS/DPF 1.1</p> <p>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.</p> <p>In instances where more than one value applies to the site, the lowest value relevant to the site of the proposed development is applicable.</p>

### 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.
<p>PO 1.1</p> <p>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.</p>	<p>DTS/DPF 1.1</p> <p>Habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished floor level at least 300mm above:</p> <ul style="list-style-type: none"> <li>(a) the highest point of top of kerb of the primary street or</li> <li>(b) the highest point of natural ground level at the primary street boundary where there is no kerb</li> </ul>

## Prescribed Wells Area Overlay

DO 1	Sustainable water use in prescribed wells areas.	
PO 1.1	<p>All development, but in particular involving any of the following:</p> <ul style="list-style-type: none"> <li>(a) horticulture</li> <li>(b) activities requiring irrigation</li> <li>(c) aquaculture</li> <li>(d) industry</li> <li>(e) intensive animal husbandry</li> <li>(f) commercial forestry</li> </ul> <p>has a lawful, sustainable and reliable water supply that does not place undue strain on water resources in prescribed wells areas.</p>	<p>DTS/DPF 1.1</p> <p>Development satisfies either of the following:</p> <ul style="list-style-type: none"> <li>(a) the applicant has a current water licence in which sufficient spare capacity exists to accommodate the water needs of the proposed use</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>(b) the proposal does not involve the taking of water for which a licence would be required under the <i>Landscape South Australia Act 2019</i>.</li> </ul>

## Stormwater Management Overlay

DO 1	Development incorporates water sensitive urban design techniques to capture and re-use stormwater.
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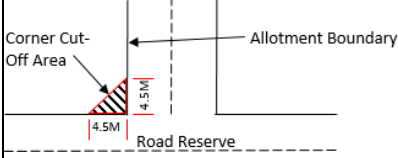
## General Development Policies

### Advertisements

DO 1	Advertisements and advertising hoardings are appropriate to context, efficient and effective in communicating with the public, limited in number to avoid clutter, and do not create hazard.
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<p>PO 1.1</p> <p>Advertisements are compatible and integrated with the design of the building and/or land they are located on.</p>	<p>DTS/DPF 1.1</p> <p>Advertisements attached to a building satisfy all of the following:</p> <ul style="list-style-type: none"> <li>(a) are not located in a Neighbourhood-type zone</li> <li>(b) where they are flush with a wall: <ul style="list-style-type: none"> <li>(i) if located at canopy level, are in the form of a fascia sign</li> <li>(ii) if located above canopy level: <ul style="list-style-type: none"> <li>A. do not have any part rising above parapet height</li> <li>B. are not attached to the roof of the building</li> </ul> </li> </ul> </li> <li>(c) where they are not flush with a wall: <ul style="list-style-type: none"> <li>(i) if attached to a verandah, no part of the advertisement protrudes beyond the outer limits of the verandah structure</li> <li>(ii) if attached to a two-storey building: <ul style="list-style-type: none"> <li>A. has no part located above the finished floor level of the second storey of the building</li> <li>B. does not protrude beyond the outer limits of any verandah structure below</li> <li>C. does not have a sign face that exceeds 1m<sup>2</sup> per side.</li> </ul> </li> </ul> </li> <li>(d) if located below canopy level, are flush with a wall</li> <li>(e) if located at canopy level, are in the form of a fascia sign</li> <li>(f) if located above a canopy: <ul style="list-style-type: none"> <li>(i) are flush with a wall</li> <li>(ii) do not have any part rising above parapet height</li> <li>(iii) are not attached to the roof of the building.</li> </ul> </li> <li>(g) if attached to a verandah, no part of the advertisement protrudes beyond the outer limits of the verandah structure</li> <li>(h) if attached to a two-storey building, have no part located above the finished floor level of the second storey of the building</li> <li>(i) where they are flush with a wall, do not, in combination with any other existing sign, cover more than 15% of the building facade to which they are attached.</li> </ul>
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<p>PO 1.2</p> <p>Advertising hoardings do not disfigure the appearance of the land upon which they are situated or the character of the locality.</p>	<p>DTS/DPF 1.2</p> <p>Where development comprises an advertising hoarding, the supporting structure is:</p> <p>(a) concealed by the associated advertisement and decorative detailing</p> <p>or</p> <p>(b) not visible from an adjacent public street or thoroughfare, other than a support structure in the form of a single or dual post design.</p>
<p>PO 1.3</p> <p>Advertising does not encroach on public land or the land of an adjacent allotment.</p>	<p>DTS/DPF 1.3</p> <p>Advertisements and/or advertising hoardings are contained within the boundaries of the site.</p>
<p>PO 1.5</p> <p>Advertisements and/or advertising hoardings are of a scale and size appropriate to the character of the locality.</p>	
<p>PO 2.1</p> <p>Proliferation of advertisements is minimised to avoid visual clutter and untidiness.</p>	<p>DTS/DPF 2.1</p> <p>No more than one freestanding advertisement is displayed per occupancy.</p>
<p>PO 2.3</p> <p>Proliferation of advertisements attached to buildings is minimised to avoid visual clutter and untidiness.</p>	<p>DTS/DPF 2.3</p> <p>Advertisements satisfy all of the following:</p> <p>(a) are attached to a building</p> <p>(b) other than in a Neighbourhood-type zone, where they are flush with a wall, cover no more than 15% of the building facade to which they are attached</p> <p>(c) do not result in more than one sign per occupancy that is not flush with a wall.</p>
<p>PO 3.1</p> <p>Advertisements are limited to information relating to the lawful use of land they are located on to assist in the ready identification of the activity or activities on the land and avoid unrelated content that contributes to visual clutter and untidiness.</p>	<p>DTS/DPF 3.1</p> <p>Advertisements contain information limited to a lawful existing or proposed activity or activities on the same site as the advertisement.</p>
<p>PO 4.1</p> <p>Light spill from advertisement illumination does not unreasonably compromise the amenity of sensitive receivers.</p>	<p>DTS/DPF 4.1</p> <p>Advertisements do not incorporate any illumination.</p>
<p>PO 5.2</p> <p>Advertisements and/or advertising hoardings do not distract or create a hazard to drivers through excessive illumination.</p>	<p>DTS/DPF 5.2</p> <p>No advertisement illumination is proposed.</p>

<p>PO 5.3</p> <p>Advertisements and/or advertising hoardings do not create a hazard to drivers by:</p> <ul style="list-style-type: none"> <li>(a) being liable to interpretation by drivers as an official traffic sign or signal</li> <li>(b) obscuring or impairing drivers' view of official traffic signs or signals</li> <li>(c) obscuring or impairing drivers' view of features of a road that are potentially hazardous (such as junctions, bends, changes in width and traffic control devices) or other road or rail vehicles at/or approaching level crossings.</li> </ul>	<p>DTS/DPF 5.3</p> <p>Advertisements satisfy all of the following:</p> <ul style="list-style-type: none"> <li>(a) are not located in a public road or rail reserve</li> <li>(b) are located wholly outside the land shown as 'Corner Cut-Off Area' in the following diagram</li> </ul> 
<p>PO 5.4</p> <p>Advertisements and/or advertising hoardings do not create a hazard by distracting drivers from the primary driving task at a location where the demands on driver concentration are high.</p>	<p>DTS/DPF 5.4</p> <p>Advertisements and/or advertising hoardings are not located along or adjacent to a road having a speed limit of 80km/h or more.</p>
<p>PO 5.5</p> <p>Advertisements and/or advertising hoardings provide sufficient clearance from the road carriageway to allow for safe and convenient movement by all road users.</p>	<p>DTS/DPF 5.5</p> <p>Where the advertisement or advertising hoarding is:</p> <ul style="list-style-type: none"> <li>(a) on a kerbed road with a speed zone of 60km/h or less, the advertisement or advertising hoarding is located at least 0.6m from the roadside edge of the kerb</li> <li>(b) on an unkerbed road with a speed zone of 60km/h or less, the advertisement or advertising hoarding is located at least 5.5m from the edge of the seal</li> <li>(c) on any other kerbed or unkerbed road, the advertisement or advertising hoarding is located a minimum of the following distance from the roadside edge of the kerb or the seal: <ul style="list-style-type: none"> <li>(a) 110 km/h road - 14m</li> <li>(b) 100 km/h road - 13m</li> <li>(c) 90 km/h road - 10m</li> <li>(d) 70 or 80 km/h road - 8.5m.</li> </ul> </li> </ul>

## Clearance from Overhead Powerlines

DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
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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"> <li>(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></li> <li>(b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.</li> </ul>

## Design in Urban Areas

DO 1	<p>Development is:</p> <ul style="list-style-type: none"> <li>(a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributing to the character of the locality</li> <li>(b) durable - fit for purpose, adaptable and long lasting</li> <li>(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</li> <li>(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.</li> </ul>
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"> <li>(a) positioning plant and equipment discretely, in unobtrusive locations as viewed from public roads and spaces</li> <li>(b) screening rooftop plant and equipment from view</li> <li>(c) when located on the roof of non-residential development, locating the plant and equipment as far as practicable from adjacent sensitive land uses.</li> </ul>	
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.

<p>PO 2.1</p> <p>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.</p>	
<p>PO 2.2</p> <p>Development is designed to differentiate public, communal and private areas.</p>	
<p>PO 2.3</p> <p>Buildings are designed with safe, perceptible and direct access from public street frontages and vehicle parking areas.</p>	
<p>PO 2.4</p> <p>Development at street level is designed to maximise opportunities for passive surveillance of the adjacent public realm.</p>	
<p>PO 2.5</p> <p>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.</p>	
<p>PO 3.1</p> <p>Soft landscaping and tree planting are incorporated to:</p> <ul style="list-style-type: none"> <li>(a) minimise heat absorption and reflection</li> <li>(b) maximise shade and shelter</li> <li>(c) maximise stormwater infiltration</li> <li>(d) enhance the appearance of land and streetscapes.</li> </ul>	
<p>PO 4.1</p> <p>Buildings are sited, oriented and designed to maximise natural sunlight access and ventilation to main activity areas, habitable rooms, common areas and open spaces.</p>	
<p>PO 4.2</p> <p>Buildings are sited and designed to maximise passive environmental performance and minimise energy consumption and reliance on mechanical systems, such as heating and cooling.</p>	
<p>PO 4.3</p> <p>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.</p>	
<p>PO 6.1</p> <p>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.</p>	<p>DTS/DPF 6.1</p> <p>Effluent disposal drainage areas do not:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) use an area also used as a driveway</li> <li>(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.</li> </ul>

<p>PO 7.1</p> <p>Development facing the street is designed to minimise the negative impacts of any semi-basement and undercroft car parking on streetscapes through techniques such as:</p> <ul style="list-style-type: none"> <li>(a) limiting protrusion above finished ground level</li> <li>(b) screening through appropriate planting, fencing and mounding</li> <li>(c) limiting the width of openings and integrating them into the building structure.</li> </ul>	
<p>PO 7.2</p> <p>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.</p>	
<p>PO 7.3</p> <p>Safe, legible, direct and accessible pedestrian connections are provided between parking areas and the development.</p>	
<p>PO 7.4</p> <p>Street-level vehicle parking areas incorporate tree planting to provide shade, reduce solar heat absorption and reflection.</p>	<p>DTS/DPF 7.4</p> <p>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.</p>
<p>PO 7.5</p> <p>Street level parking areas incorporate soft landscaping to improve visual appearance when viewed from within the site and from public places.</p>	<p>DTS/DPF 7.5</p> <p>Vehicle parking areas comprising 10 or more car parking spaces include soft landscaping with a minimum dimension of:</p> <ul style="list-style-type: none"> <li>(a) 1m along all public road frontages and allotment boundaries</li> <li>(b) 1m between double rows of car parking spaces.</li> </ul>
<p>PO 7.6</p> <p>Vehicle parking areas and associated driveways are landscaped to provide shade and positively contribute to amenity.</p>	
<p>PO 7.7</p> <p>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.</p>	
<p>PO 8.1</p> <p>Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.</p>	<p>DTS/DPF 8.1</p> <p>Development does not involve any of the following:</p> <ul style="list-style-type: none"> <li>(a) excavation exceeding a vertical height of 1m</li> <li>(b) filling exceeding a vertical height of 1m</li> <li>(c) a total combined excavation and filling vertical height of 2m or more.</li> </ul>

<p>PO 8.2</p> <p>Driveways and access tracks are designed and constructed to allow safe and convenient access on sloping land (with a gradient exceeding 1 in 8).</p>	<p>DTS/DPF 8.2</p> <p>Driveways and access tracks on sloping land (with a gradient exceeding 1 in 8) satisfy (a) and (b):</p> <ul style="list-style-type: none"> <li>(a) do not have a gradient exceeding 25% (1-in-4) at any point along the driveway</li> <li>(b) are constructed with an all-weather trafficable surface.</li> </ul>
<p>PO 8.5</p> <p>Development does not occur on land at risk of landslip nor increases the potential for landslip or land surface instability.</p>	
<p>PO 9.1</p> <p>Fences, walls and retaining walls are of sufficient height to maintain privacy and security without unreasonably impacting the visual amenity and adjoining land's access to sunlight or the amenity of public places.</p>	
<p>PO 9.2</p> <p>Landscaping incorporated on the low side of retaining walls is visible from public roads and public open space to minimise visual impacts.</p>	<p>DTS/DPF 9.2</p> <p>A vegetated landscaped strip 1m wide or more is provided against the low side of a retaining wall.</p>
<p>PO 10.1</p> <p>Development mitigates direct overlooking from upper level windows to habitable rooms and private open spaces of adjoining residential uses.</p>	<p>DTS/DPF 10.1</p> <p>Upper level windows facing side or rear boundaries shared with a residential allotment/site satisfy one of the following:</p> <ul style="list-style-type: none"> <li>(a) are permanently obscured to a height of 1.5m above finished floor level and are fixed or not capable of being opened more than 200mm</li> <li>(b) have sill heights greater than or equal to 1.5m above finished floor level</li> <li>(c) incorporate screening with a maximum of 25% openings, permanently fixed no more than 500mm from the window surface and sited adjacent to any part of the window less than 1.5 m above the finished floor level.</li> </ul>

<p>PO 10.2</p> <p>Development mitigates direct overlooking from balconies, terraces and decks to habitable rooms and private open space of adjoining residential uses.</p>	<p>DTS/DPF 10.2</p> <p>One of the following is satisfied:</p> <p>(a) the longest side of the balcony or terrace will face a public road, public road reserve or public reserve that is at least 15m wide in all places faced by the balcony or terrace</p> <p>or</p> <p>(b) all sides of balconies or terraces on upper building levels are permanently obscured by screening with a maximum 25% transparency/openings fixed to a minimum height of:</p> <p>(i) 1.5m above finished floor level where the balcony is located at least 15 metres from the nearest habitable window of a dwelling on adjacent land</p> <p>or</p> <p>(ii) 1.7m above finished floor level in all other cases</p>
<p>PO 42.1</p> <p>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.</p>	
<p>PO 42.2</p> <p>Water discharged from a development site is of a physical, chemical and biological condition equivalent to or better than its pre-developed state.</p>	
<p>PO 42.3</p> <p>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.</p>	

## Infrastructure and Renewable Energy Facilities

DO 1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.
<p>PO 1.1</p> <p>Development is located and designed to minimise hazard or nuisance to adjacent development and land uses.</p>	
<p>PO 11.1</p> <p>Development is connected to an appropriate water supply to meet the ongoing requirements of the intended use.</p>	<p>DTS/DPF 11.1</p> <p>Development is connected, or will be connected, to a reticulated water scheme or mains water supply with the capacity to meet the on-going requirements of the development.</p>

<p>PO 12.1</p> <p>Development is connected to an approved common wastewater disposal service with the capacity to meet the requirements of the intended use. Where this is not available an appropriate on-site service is provided to meet the ongoing requirements of the intended use in accordance with the following:</p> <ul style="list-style-type: none"> <li>(a) it is wholly located and contained within the allotment of the development it will service</li> <li>(b) in areas where there is a high risk of contamination of surface, ground, or marine water resources from on-site disposal of liquid wastes, disposal systems are included to minimise the risk of pollution to those water resources</li> <li>(c) septic tank effluent drainage fields and other wastewater disposal areas are located away from watercourses and flood prone, sloping, saline or poorly drained land to minimise environmental harm.</li> </ul>	<p>DTS/DPF 12.1</p> <p>Development is connected, or will be connected, to an approved common wastewater disposal service with the capacity to meet the requirements of the development. Where this is not available it is instead capable of being serviced by an on-site waste water treatment system in accordance with the following:</p> <ul style="list-style-type: none"> <li>(a) the system is wholly located and contained within the allotment of development it will service; and</li> <li>(b) the system will comply with the requirements of the South Australian Public Health Act 2011.</li> </ul>
<p>PO 12.2</p> <p>Effluent drainage fields and other wastewater disposal areas are maintained to ensure the effective operation of waste systems and minimise risks to human health and the environment.</p>	<p>DTS/DPF 12.2</p> <p>Development is not built on, or encroaches within, an area that is, or will be, required for a sewerage system or waste control system.</p>
<p>PO 13.1</p> <p>In rural and remote locations, development that is likely to generate significant waste material during construction, including packaging waste, makes provision for a temporary on-site waste storage enclosure to minimise the incidence of wind-blown litter.</p>	<p>DTS/DPF 13.1</p> <p>A waste collection and disposal service is used to dispose of the volume of waste at the rate it is generated.</p>

## Interface between Land Uses

DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.	
PO 1.2		
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	
Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:	Development operating within the following hours:	
	Class of Development	Hours of operation

<ul style="list-style-type: none"> <li>(a) the nature of the development</li> <li>(b) measures to mitigate off-site impacts</li> <li>(c) the extent to which the development is desired in the zone</li> <li>(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.</li> </ul>	<div>Consulting room</div> <div>Office</div> <div>Shop, other than any one or combination of the following:   <ul style="list-style-type: none"> <li>(a) restaurant</li> <li>(b) cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone</li> </ul> </div>	<div>7am to 9pm, Monday to Friday  8am to 5pm, Saturday</div> <div>7am to 9pm, Monday to Friday  8am to 5pm, Saturday</div> <div>7am to 9pm, Monday to Friday  8am to 5pm, Saturday and Sunday</div>
<p>PO 3.1</p> <p>Overshadowing of habitable room windows of adjacent residential land uses in:</p> <ul style="list-style-type: none"> <li>a. a neighbourhood-type zone is minimised to maintain access to direct winter sunlight</li> <li>b. other zones is managed to enable access to direct winter sunlight.</li> </ul>	<p>DTS/DPF 3.1</p> <p>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.</p>	
<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> <ul style="list-style-type: none"> <li>a. a neighbourhood type zone is minimised to maintain access to direct winter sunlight</li> <li>b. other zones is managed to enable access to direct winter sunlight.</li> </ul>	<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> <ul style="list-style-type: none"> <li>a. for ground level private open space, the smaller of the following: <ul style="list-style-type: none"> <li>i. half the existing ground level open space or</li> <li>ii. 35m<sup>2</sup> of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m)</li> </ul> </li> <li>b. for ground level communal open space, at least half of the existing ground level open space.</li> </ul>	

<p>PO 3.3</p> <p>Development does not unduly reduce the generating capacity of adjacent rooftop solar energy facilities taking into account:</p> <ul style="list-style-type: none"> <li>(a) the form of development contemplated in the zone</li> <li>(b) the orientation of the solar energy facilities</li> <li>(c) the extent to which the solar energy facilities are already overshadowed.</li> </ul>	
<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> <ul style="list-style-type: none"> <li>(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</li> <li>(b) when sited outdoors, locating such areas as far as practicable from adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers</li> <li>(c) housing plant and equipment within an enclosed structure or acoustic enclosure</li> <li>(d) providing a suitable acoustic barrier between the plant and / or equipment and the adjacent sensitive receiver boundary or zone.</li> </ul>	

## Site Contamination

DO 1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.
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<p>PO 1.1</p> <p>Ensure land is suitable for use when land use changes to a more sensitive use.</p>	<p>DTS/DPF 1.1</p> <p>Development satisfies (a), (b), (c) or (d):</p> <ul style="list-style-type: none"> <li>(a) does not involve a change in the use of land</li> <li>(b) involves a change in the use of land that does not constitute a change to a more sensitive use</li> <li>(c) involves a change in the use of land to a more sensitive use on land at which site contamination is unlikely to exist (as demonstrated in a site contamination declaration form)</li> <li>(d) involves a change in the use of land to a more sensitive use on land at which site contamination exists, or may exist (as demonstrated in a site contamination declaration form), and satisfies both of the following: <ul style="list-style-type: none"> <li>(i) a site contamination audit report has been prepared under Part 10A of the <i>Environment Protection Act 1993</i> in relation to the land within the previous 5 years which states that- <ul style="list-style-type: none"> <li>A. site contamination does not exist (or no longer exists) at the land</li> </ul> </li> <li>or</li> <li>B. the land is suitable for the proposed use or range of uses (without the need for any further remediation)</li> <li>or</li> <li>C. where remediation is, or remains, necessary for the proposed use (or range of uses), remediation work has</li> </ul> </li> </ul>
	<p>been carried out or will be carried out (and the applicant has provided a written undertaking that the remediation works will be implemented in association with the development)</p> <p>and</p> <p>(ii) no other class 1 activity or class 2 activity has taken place at the land since the preparation of the site contamination audit report (as demonstrated in a site contamination declaration form).</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.
<p>PO 1.1</p> <p>Development is integrated with the existing transport system and designed to minimise its potential impact on the functional performance of the transport system.</p>	

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 3.3  Access points are sited and designed to accommodate the type and volume of traffic likely to be generated by the development or land use.	
PO 3.4  Access points are sited and designed to minimise any adverse impacts on neighbouring properties.	
PO 3.5  Access points are located so as not to interfere with street trees, existing street furniture (including directional signs, lighting, seating and weather shelters) or infrastructure services to maintain the appearance of the streetscape, preserve local amenity and minimise disruption to utility infrastructure assets.	DTS/DPF 3.5  Vehicle access to designated car parking spaces satisfy (a) or (b):  (a) is provided via a lawfully existing or authorised access point or an access point for which consent has been granted as part of an application for the division of land  (b) where newly proposed, is set back:  (i) 0.5m or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset owner  (ii) 2m or more from the base of the trunk of a street tree unless consent is provided from the tree owner for a lesser distance  (iii) 6m or more from the tangent point of an intersection of 2 or more roads  (iv) outside of the marked lines or infrastructure dedicating a pedestrian crossing.

<p>PO 3.6</p> <p>Driveways and access points are separated and minimised in number to optimise the provision of on-street visitor parking (where on-street parking is appropriate).</p>	<p>DTS/DPF 3.6</p> <p>Driveways and access points:</p> <ul style="list-style-type: none"> <li>(a) for sites with a frontage to a public road of 20m or less, one access point no greater than 3.5m in width is provided</li> <li>(b) for sites with a frontage to a public road greater than 20m: <ul style="list-style-type: none"> <li>(i) a single access point no greater than 6m in width is provided</li> </ul> </li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>(ii) not more than two access points with a width of 3.5m each are provided.</li> </ul>
<p>PO 3.8</p> <p>Driveways, access points, access tracks and parking areas are designed and constructed to allow adequate movement and manoeuvrability having regard to the types of vehicles that are reasonably anticipated.</p>	
<p>PO 4.1</p> <p>Development is sited and designed to provide safe, dignified and convenient access for people with a disability.</p>	
<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"> <li>(a) availability of on-street car parking</li> <li>(b) shared use of other parking areas</li> <li>(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</li> <li>(d) the adaptive reuse of a State or Local Heritage Place.</li> </ul>	<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"> <li>(a) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements</li> <li>(b) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas</li> <li>(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.</li> </ul>
<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 6.3</p> <p>Vehicle parking areas are designed to provide opportunity for integration and shared-use of adjacent car parking areas to reduce the total extent of vehicle parking areas and access points.</p>	
<p>PO 6.4</p> <p>Pedestrian linkages between parking areas and the development are provided and are safe and convenient.</p>	

PO 6.5

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.

PO 6.7

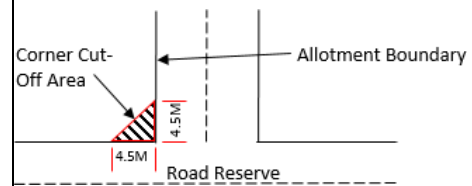
On-site visitor parking spaces are sited and designed to be accessible to all visitors at all times.

PO 10.1

Development is located and designed to ensure drivers can safely turn into and out of public road junctions.

DTS/DPF 10.1

Development does not involve building work, or building work is located wholly outside the land shown as Corner Cut-Off Area in the following diagram:



**5. APPEALS UPDATE  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 03 NOVEMBER 2021**



**5.1 APPEALS AGAINST PANEL DECISIONS**

*New Appeals*

<b>DA No.</b>	<b>Address</b>	<b>Appeal Lodged</b>	<b>Recommendation</b>	<b>Decision</b>	<b>Current Status</b>
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*On-going Appeals*

<b>DA No.</b>	<b>Address</b>	<b>Appeal Lodged</b>	<b>Recomm- endation</b>	<b>Decision</b>	<b>Current Status</b>
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**

<b>DA No.</b>	<b>Address</b>	<b>Appeal Lodged</b>	<b>Recommendation</b>	<b>Decision</b>	<b>Current Status</b>
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**6. POLICY OBSERVATIONS  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 03 NOVEMBER 2021**

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No Items Listed for Discussion