

**NOTICE OF
COUNCIL ASSESSMENT PANEL MEETING**

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

Wednesday 15 February 2023

Commencing at 6.30 p.m.

Council Chamber

Council Administration Centre

245 Sturt Road, Sturt

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



Kai Wardle
ON BEHALF OF THE ASSESSMENT MANAGER

8 February 2023

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

**CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 15 FEBRUARY 2023
COMMENCING AT 6.30PM**



1. MEETING PROCEDURES

1.1 OPEN MEETING

1.2 PRESENT

1.3 APOLOGIES

1.4 IN ATTENDANCE

2. GENERAL OPERATIONS

No items listed for discussion.

3. DEVELOPMENT ACT 1993 APPLICATIONS

No items listed for discussion.

4. PDI ACT APPLICATIONS

4.1 DEVELOPMENT NO 22037372

Lot 156 Kurnabinna Terrace, Hallett Cove

Laydown and construction worker area with associated transportable buildings (Office/Lunchroom and WC), shipping containers and storage for a temporary period of 12 months.

Report Reference: CAP150223 - 4.1.....3

4.2 DEVELOPMENT NO 22036083

1 Syme Avenue, Seacombe Gardens

Alterations and additions to educational establishment, in the form of replacing an existing single storey school building with a two storey school building.

Report Reference: CAP150223 - 4.2.....37

5. APPEALS UPDATE

Verbal Update Provided.

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 15 FEBRUARY 2023**
9. **MEETING CLOSURE**

**2. GENERAL OPERATING PROCEDURES
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 15 FEBRUARY 2023**



No items listed for discussion.

**3. DEVELOPMENT ACT APPLICATIONS
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 15 FEBRUARY 2023**



No items listed for discussion.

**REPORT REFERENCE: CAP150223 – 4.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 15 FEBRUARY 2023**



Originating Officer:	Joanne Reid Acting Senior Urban Planner
Applicant:	City of Marion
Development Description:	Laydown and construction worker area with associated transportable buildings (Office/Lunchroom and WC), shipping containers and storage for a temporary period of 12 months
Site Location:	Lot 156 Kurnabinna Terrace, Hallett Cove
Zone & Policy Area:	Hills Neighbourhood Zone
Lodgement Date:	20/12/2022
Planning and Design Code:	8 December 2022 Version 2022.23
Referrals:	Nil
Application Type:	Performance Assessed
Delegations Policy:	Instrument of Delegation – CAP, Clause 5.1.1.1 <i>The delegation of the power to grant or refuse planning consent pursuant to Section 102(1)(a) of the Act is limited to applications in relation to which: Any Performance Assessed application that has undergone Public Notification where at least one representor has expressed opposition to the proposed development and has expressed their desire to be heard by the Panel.</i>
Public Notification	Public Notification required <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">• A change in land use• Transportable Buildings• Shipping Containers
Application No:	22037372
Recommendation:	That Planning Consent be GRANTED subject to Conditions

Appendices

Appendix 1: Planning and Design Code guidelines

Attachments

Attachment I: Proposal Plans and supporting documentation

Attachment II: Statement of Representations

Attachment III: Applicant's Response to Representations

SUBJECT LAND

The subject land comprises the following property:

- **Lot 156 Kurnabinna Terrace, Hallett Cove**

The subject land is commonly known as Fryer Street Reserve. It is an undeveloped parcel of recreational open space located directly adjacent the Hallett Cove coastline on the western side and can be directly accessed from the Hallett Cove walking trail, Kurnabinna Terrace to the north and Fryer Street to the south. The land is approximately 2700 square metres in size.

The topography of the land is mildly undulating. The land is relatively flat at the eastern end of site then produces a gradual fall towards the north-west of the site of approximately 10% (1-in-10).

The site incorporates one tree and a public seating bench located on the south-west corner of the allotment.



LOCALITY

The locality is located wholly in the Hills Neighbourhood Zone. The western periphery of the locality borders the Conservation Zone. The land to the north, east and west is residential comprising single storey and two-storey detached dwellings on large allotments.

The coastline within the locality is quite rugged with steep slopes, a small rocky cove and with limited access to the beach. The Hallett Cove walking trail traverses the upper cliffs of the Coast and extends north to Marino and continues to the Hallett Cove beach and community precinct at Heron Way.

Central Avenue Reserve North is located on the Corner of Fryer Street and Second Street and features a dog off-leash area, a swale, trees and picnic table. It links to Central Avenue Reserve South which has been developed to include a playground and picnic area.

The residential dwellings are predominantly situated on higher land with some properties able to achieve an outlook which incorporates coast and seaside views.

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



BACKGROUND

The proposed application has been lodged to accommodate workers and to store materials associated with the upgrade of the Marino to Hallett Cove walking trail.

The City of Marion Coastal Walkway from Marino to Hallett Cove is a highly valued and important community asset that attracts visitors and contributes to the liveability of the city.

The original boardwalks were designed and delivered in the mid 1990's by the State Government. The boardwalks were constructed utilising materials and technology which are now superseded.

In early 2019 Council engaged an engineering consultancy firm to undertake a structural audit of all the structures associated with the Coastal Walkway. At the conclusion of the structural audit, it was identified that certain segments of the Coastal Walkway were deemed high risk of failure due to the inadequacy of the footings and concerns with safety to users. As a result, some sections were and remain closed off to the public.

In November 2019, Council committed funding for the re-construction of these segments, namely at Grey Gully and Kurnabinna Gully including a new connection for Field River. The State Government provided matched funding through the 2020 Department for Infrastructure & Transport (DIT) open space funding.

In November 2020, Council endorsed a design which includes building suspension bridges as a solution to the continue access along the trail. Pursuant to Schedule 4, Part 20 of the *Planning, Development and Infrastructure Regulations 2017*, the construction, reconstruction, repair and alteration and maintenance of a recreation path, does not constitute development and therefore the bridges did not require authorisation under the *Planning, Development and Infrastructure Act 2016*.

Following procurement delays with key materials, Council is now in a position to commence construction of bridges and associated upgrade of the trail.



The subject land (red) in relation to the suspension bridge sites at Grey and Kurnabinna gullies.

PROPOSED DEVELOPMENT

The proposed application is to temporarily change the use of a portion of Fryer Street Reserve (approximately 1200 square metres) to a site laydown area and a construction worker base including transportable buildings and shipping containers, for a period of 12 months.

The transportable buildings will comprise of:

- A 12m x 3m x 3m high building for use as a site office, lunch room and meeting room;
- A 3m x 3m x 2.8m high building for use as a bathroom and toilet
- Two x 9m x 2.4m x 2.5m high shipping containers for use as storage

The site will be used for construction contractors to undertake site meetings and legislated breaks.

The site lay down area entails the storage of materials being used for the Coastal Walkway project. The types of materials stored will be fibreglass reinforced plastic, reinforced steel, steel bridge members, quarry materials. The shipping containers will also store materials for safe keeping of any tools, chemicals and flammable goods.

The area is proposed to be in operation from 6.30am to 6.30pm Monday to Friday and occasionally 6.30am to 5pm on Saturdays.

There will be approximately 20 people arriving on site in the morning whereby a site meeting will take place and various trades will get prepared for the day and move on to the construction site. Five staff will remain on the site during the day. Some loading and unloading of materials will occur prior to workers leaving the site. The frequency of this will vary from day to day.

The site will also accommodate workers' vehicles to avoid parking on nearby streets.

With the exception of movement of materials, goods and vehicles, there is no physical work being undertaken on site and no heavy machinery being used. Small trucks will be used to deliver materials as required.

The site is expected to be used in this manner for a period of 12 months after which, the area will be remediated and reinstated to its former use as a public open space reserve.

PROCEDURAL MATTERS

Classification

The subject land is located in the Hills Neighbourhood Zone of the Planning & Design Code (the Code) as of 8 December 2022.

The proposed development is not prescribed as “accepted”, “deemed to satisfy” or “restricted” development in the Zone.

The proposal is therefore “performance assessed development” pursuant to Section 107(1) the Planning, Development and Infrastructure Act, 2016 and will be assessed on its merits against the various provisions of the Code.

Public 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.

Given the above, the development was notified from the period between 3 January 2023 to 23 January 2023.

PUBLIC NOTIFICATION



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

- ★ **Representations**
- 6 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.
 - 6 oppose the development
 - 1 representation includes a petition signed by 37 residents.

Representations Received

Name	Address	Wish to be heard	Support or Opposed
Amber Tomas	17 Fryer Street, Hallett Cove	No	Opposed
Patricia and Stephen Boon	11 Fryer Street, Hallett Cove	No	Opposed
Robert Dittmar (x 3 submissions)	4 Kurnabinna Terrace, Hallett Cove	Yes	Opposed
Phillip Kent (2 Submissions)	19 Fryer Street, Hallett Cove	Yes	Opposed
Richard Zados	2 Fryer Street, Hallett Cove	Yes	Opposed
Vivienne Giannis	2 Fryer Street, Hallett Cove	Yes	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 “change in land use” element of the proposal is assessed against the Hills Neighbourhood Zone policies and 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) DO 1, PO 1.1, PO 1.2

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

Prescribed Wells Area Overlay – DO 1, PO 1.1

Hills Neighbourhood Zone

DO1, PO 1.1, PO 1.2, PO 1.3, PO 1.4, 3.1, 4.1, 5.1, 6.1, 8.1, 9.1, 11.1, 11.2

General policies

Clearance from Overhead Powerlines DO 1; PO 1.1

Design in Urban Areas: DO 1, PO 8.1, PO 8.2, PO 8.3, PO 8.5, PO 20.1, PO 25.1; PO 42.3

Infrastructure and Renewable Energy Facilities: DO 1, PO 1.1, PO 11.1, PO 12.1, PO 12.2, 13.1

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 4.4, PO 5.1, PO 7.1

Open Space and Recreation: DO 1, PO 7.1, PO 7.2, PO 7.3, PO 7.4

Transport, Access and Parking: DO 1, PO 1.1, PO 1.2, PO 1.3, PO 1.4, PO 3.1, PO 3.2, 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 6.7, 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 statement 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, being a coastal-facing reserve, is on the periphery of the Conservation Zone and it is acknowledged that there are some sensitivities regarding the placement of buildings and the disturbance of landform as well as environmental considerations.

The site laydown area does not take up the entire reserve, and the location at the eastern end of the reserve provides some separation between the coastal reserve located in the Conservation Zone and the subject land.



Figure 1: Approximate site laydown area indicated in white, accessible land in green

Figure 1 above identifies the approximate location of the site laydown area. Approximately 44% of the site will be temporarily inaccessible by the public for a period of 12 months. The reserve to the north of the subject site and the triangular portion of land directly adjoining to the west of the site will remain publicly accessible and overall approximately 3000m² of land will be available for recreational use and will still enable access to the open section of the walking trail.

Although not housing as sought by the zone, the scale of the proposed transportable buildings are similar in that they are single storey. Each building has a relatively small building footprint with an appearance more akin to an ancillary structure. The landform will not require any alteration to accommodate the built form due to their location on the portion of land with the least gradient. All structures will have limited visibility as they will be located behind the temporary fence, which will utilise a shade cloth scrim around the edge.

Whilst further discussion around the suitability of the land use will be considered below, in relation to built form, there is reasonable transition from residential to the coastal conservation area to the west. The siting of the built form continues from the residential area at a similar scale, with no additional earthworks and leaves substantial area vacant directly adjacent the natural escarpment of the coastline.

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 (d) open space and recreation facilities

The proposed use is a non-residential use, of a temporary nature, proposed to be established to support the construction of a degraded portion of the Hallett Cove walking trail. The trail is a widely utilised resource which provides health and recreational benefits to the both the local community as well as the greater Adelaide region.

The subject site has been selected by the contractor as the most practical site from a safety, material delivery and mobilisation perspective, following an extensive analysis of sites.

Whilst it is acknowledged that the proposed use in and of itself is not a facility specifically for the subject land, the proposed use is an integral part of the process to progress the construction and improvement of a highly valued community and recreational facility which is utilised by residents of the Hallett Cove area and beyond.

As it is a site compound for the majority of the day, workers will be at the construction site on the walking trail and there will be minimal activity on the subject site. Some loading and unloading of goods are likely to occur in the morning to take to the construction site, the frequency of which can be varied, with some days likely to require more activity than others.

The proposed use is temporary and noting that there will be some impacts on the amenity of the locality, once construction of the walking trail is complete, the reserve will be remediated and reinstated back to its current state.

To this end, non-residential uses are contemplated in residential areas and the proposed use is an ancillary function to the upgrade of a recreational service that has significant benefits for the residential community. Further, it is temporary in nature and given that the main construction activity will occur on another site, impacts are not considered unreasonable.

Built Form

Hills Neighbourhood Performance Outcome 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.

Hills Neighbourhood Performance Outcome 4.1

Buildings contribute to a low-rise suburban character and complement the height of nearby buildings.

Design In Urban Areas Performance Outcome 25.1

The subfloor space beneath transportable buildings is enclosed to give the appearance of a permanent structure.

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 polices:

Parameter	DTS/DPF Guideline	Proposed Development
<i>Site Coverage (DPF 3.1)</i>	50%	7.5%
<i>Building Height (DPF 4.1)</i>	9 metres 2 levels	3.7 metres (maximum height) 1 level
<i>Primary Road Setback (DPF 5.1) (the road in relation to which the site has a shorter frontage) – Kurnabinna Tce</i>	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 (3 Kurnabinna - 3.5m)	6 metres
<i>Side Setback (DPF 8.1)</i>	0.9 metres	5 metres (minimum)
<i>Rear Setback (DPF 9.1) (Fryer Street)</i>	4 metres (ground) 6 metres (upper)	1.5 metres (minimum)

The above setbacks are based on Kurnabinna Terrace being the Primary Street. The above table identifies that the proposed buildings and their siting satisfies many quantitative provisions offered by the relevant Designated Performance Features for each parameter, with the exception of the rear setback. However, the Fryer Road frontage could also present as a side setback, given the orientation of the buildings presenting towards the west as well as Fryer Road being a longer boundary. This notwithstanding, being adjacent the roadway, the setback will not result in unreasonable impacts.

The buildings are sited a suitable distance from residential land use boundaries and due to their height and orientation, they will not result in limitations to natural light or ventilation to those properties.

The location of the fencing will have some impact on the visual outlook, particularly from No. 3 Kurnabinna Terrace which has an aspect towards the coastline over the reserve with uninterrupted views. The setback of 5m, however, is considered to offer reasonable separation to minimise the impact and the building footprints of the shipping containers adjacent the site, which are set back an additional 2.6m are relatively small in size and stature. The view may be hindered somewhat,

however, the setbacks are acceptable, the structures are located at a lower ground level and there is sufficient separation to satisfy the Performance Outcome 3.1.

The fencing has a minimum setback of approximately 7m adjacent 2 Fryer Street, with the buildings setback at approximately 10m from the boundary. The generous separation distance from the allotment combined with the lower ground level of the subject land will not result in a significant loss of visual amenity for the occupants of 2 Fryer Street.

As the site will only be occupied for a short period, the appearance of the buildings are not high in aesthetic value and resemble structures commonly used on other temporary construction sites. Buildings are constructed in colour coated metal and will have an appearance similar to Figure 2 below:



Figure 2: Appearance of Office/Lunchroom and Toilet

The transportable buildings will be slightly raised (400mm for the office/lunchroom building, up to 800mm for the toilet) to accommodate services, storage tanks and to minimise the impact of the structures upon existing ground levels. Whilst Design in Urban Areas PO 25.1 specifies a desirability to enclose the base of transportable buildings, as the buildings are temporary for a period of only 12 months, will have limited visibility from the public realm due to their location behind temporary fencing, and are not residential in nature, it is not considered necessary in this circumstance.

The office/lunchroom will have a maximum height of 3.3m, the toilet will have a maximum height of 3.7m and the shipping containers have a maximum height of 2.5m. Whilst the structures will be partially obscured by a shade cloth scrim around the fencing, the top of the structures above 2m will be visible.

Whilst the appearance is not in keeping with the surrounding residential character, the proposed structures are reflective of the non-residential and temporary nature of the proposed use. This notwithstanding, the scale of the buildings are single storey in height, have appropriate setbacks from boundaries and have relatively small building footprints which are set at lower levels to the adjoining residential land and as such, the visual impacts are not deemed to be unreasonable.

Parking and Traffic

Traffic, Access and Parking Performance Outcome 1.4

Development is sited and designed so that loading, unloading and turning of all traffic avoids interrupting and queuing on public road and pedestrian paths.

Traffic, Access and Parking Performance Outcome 3.1

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

Access is proposed off Fryer Street and it is anticipated that this street will absorb the majority of traffic coming to and from the site. Approximately 20 workers' vehicles are expected to arrive in the morning and park within the compound. Following the site workers' meeting, workers load the required material and will depart the site for the construction area. Workers will return at lunch time and some may return to the site whilst others may leave straight from the construction area at the end of the day.

All workers' vehicles are expected to park within the compound, and when not being used for the transport of goods, will remain in the compound. This will ensure that vehicles are not parking within the local streets. In rare instances where off-street parking is not available within the compound, there are a large number of on-street-car parking spaces available adjacent to (the subject site.

It is acknowledged that the proposed development, during the time it is in operation, will increase vehicle movements within Fryer Street. Predominantly, there will be three times in the day which will see activity in regards to vehicle movements (morning, lunch time and day's end), vehicles will not be coming and going throughout the entire day.

Council's records indicate that a traffic count was undertaken in 2018 which calculated an average daily total of 180 vehicles per day (between Second Street and Central Avenue). In the worst case scenario (in which the proposed use could result in an additional 90 to 100 traffic movements per day) it would result a negligible increase, whereby 1000 vehicles per day is a satisfactory standard on Local Roads as advised by Council's traffic and parking section.

The proposed use will see a moderate increase in traffic within the locality for the proposed construction period. Given the existing low traffic movements within the local streets, the additional traffic can be accommodated and further, the size of the proposed compound allows for workers' vehicles to be parked off the street. As such, the proposal is considered acceptable in this regard.

Interface between Land Uses

Interface between Land Uses Performance Outcome 1.2

Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or accommodate sensitive receivers is designed to minimise adverse impacts.

The proposed development will not create interface issues of overshadowing, light spill or visual impact (discussed above) or traffic and parking (discussed above).

The land is positioned to the west of two residential allotments, and public roads to the north and south with residential land located on the opposite side of the public roads.

The activities proposed on the site will create some noise impacts at intermittent times. As mentioned above, vehicles will arrive in the morning and all workers will report for a meeting within the office/lunchroom building. In addition, loading and unloading vehicles will also generate some noise.

Construction noise is a common occurrence within residential areas, much of which is controlled by the *Local Nuisance and Litter and Control Act 2016*, and in the majority of cases does not require authorisation under the *Planning, Development and Infrastructure Act 2016*.

The proposed laydown area and site worker compound will not incur any construction activity. The majority of noise will be limited to vehicle movements and vehicle doors opening and closing, loading and unloading of materials and people's voices, predominantly concentrated to three times a day (morning, lunch and day's end). In my opinion, this is less intrusive than construction activity which includes the use of machinery and heavy tools in addition to noise impacts mentioned above.

Construction noise as per the *Local Nuisance and Litter Control Act 2016* specifies a timeframe of 7am to 7pm Monday to Saturday and 9am to 7pm on Sundays and Public Holidays.

The hours sought by the contractor are 6.30am to 6.30pm Monday to Friday and 6.30am to 5pm on Saturday. It is not anticipated that any loading of materials would occur before 7am and this has been recommended as a condition, should the Panel support the proposal. Workers may arrive prior to this and pre-start meetings within the office/lunchroom may also commence.

In saying this, the applicant and contractor have expressed that they may be agreeable to a later start time, should the Panel consider this to be a fundamental issue.

Site compounds on Council reserves do occur regularly for infrastructure works and upgrades. There will be no construction works within this particular compound and for this reason, the proposed change of use is considered less intrusive as the noise is limited to that associated with people and movement of goods, predominantly limited to certain times of the day.

Open Space and Recreation

Open Space and Recreation Performance Outcome 7.1

Buildings and car parking areas in open space areas are designed, located and of a scale to be unobtrusive.

Open Space and Recreation Performance Outcome 7.2

Buildings and structures in open space areas are clustered where practical to ensure that the majority of the site remains open.

Open Space and Recreation Performance Outcome 7.3

Development in open space is constructed to minimise the extent of impervious surfaces.

Open Space and Recreation Performance Outcome 7.4

Development that abuts or includes a coastal reserve or Crown land used for scenic, conservation or recreational purposes is located and designed to have regard to the purpose, management and amenity of the reserve.

The above performance outcomes relate to buildings and structures within an open space area.

The proposed buildings are located in a position which seeks to minimise the impact to users of the reserve. The site compound has been made large enough to ensure that there is sufficient space for buildings, storage of materials and vehicle parking, with the remaining land free and accessible to the public.

In addition, the location of the compound takes into consideration its coastal location by leaving the western section open which enables access to and from the walking trail, views of the coastline and a reasonable amount of land available for passive and active recreation.

The structures are temporary in nature for a period of 12 months. The subject land has been chosen by the contractor as the most suitable area to progress the works associated with the walking trail. The use of this reserve and the walking trail are somewhat aligned and it is not unreasonable for it to play a role in facilitating the works associated with the upgrade, particularly given the site's suitability.

The majority of the site will remain pervious and it is within the contractor's requirements to ensure that the site is remediated as close as practicable to its current state at the conclusion of the proposed temporary period.

Environmental, Waste and Stormwater Management

Design in Urban Areas Performance Outcome 20.1

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

Design in Urban Areas Performance Outcome 42.3

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

The Project Management Plan outlines procedures in relation to stormwater management and erosion control, monitoring of dust suppression and waste management and control.

Measures include:

- Stormwater will be predominantly overland flows with concentrated flows dissipated by 20mm aggregate for the compound base;
- Construction waste shall be stored on site in high sided bins until removal off site.
- Removal of wastes from the site by appropriately licensed waste transporters.
- Dust prevention measures and daily monitoring of dust suppression
- Procedures relating to the hazardous substances and the storage, maintenance and refuelling of machinery.

The Project Management Plan is submitted as part of the tender process and forms the basis of the contractor's performance with regards to quality, safety and environmental processes. Contractor arrangements with Council outside of any authorisations under the Planning, Development and Infrastructure Act also require procedures relating to the document to be followed.

CONCLUSION

The proposal seeks to utilise a portion of Fryer Street Reserve for a site laydown area and worker's area including the installation of transportable buildings and shipping containers for a temporary period of 12 months.

The main considerations attributed to the development relate to the proposed land use, siting of the compound and built form within the site, and interface impacts from the use.

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

- The proposed use is temporary and will retain a large proportion of the reserve for access and recreational use.
- The site was determined as the most appropriate from the contractor engaged to undertake the coastal remediation work, from a safety, mobility and environmental perspective.
- The Zone contemplates non-residential uses, and the proposed use is an important function to progress the upgrade to a widely used recreation resource utilised by the community.
- The built form is of a scale consistent with the low scale residential setting and provides a suitable transition to the adjacent coastal conservation zone.
- The modest building footprints, generous separation from boundaries and lower ground level minimises the visual impact upon neighbouring residential land.
- The proposed land use accommodates sufficient off-street parking, and traffic numbers are able to be accommodated by the local road.
- Interface impacts such as noise and traffic have been considered and generally accord with the relevant Planning and Design Code Policy Outcomes.
- The proposed use aligns with broader objectives for provision of open space and recreation facilities.
- The site will be returned to its original state following completion of the project.
- The project management plan outlines adequate environmental, stormwater and waste management practices to protect the site's amenity and condition and minimise impacts upon the community and natural environment.

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 variance¹ 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: 22037372 for a Laydown and construction worker area with associated transportable buildings (Office/Lunchroom and WC), shipping containers and storage for a temporary period of 12 months at Lot 156 Kurnabinna Terrace, 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, including the Hallett Cove Walkway Bridges Project Management Plan and Traffic Management Plan by BluBuilt except where varied by conditions below (if any).
2. On cessation of the temporary development as specified in the application documentation
 - the previous use of the land will be revived and the use of the land subject to this development authorisation will cease; and
 - any person who has the benefit of the development will restore the land to the state in which it existed immediately before the development.
3. The operating hours shall be limited to the following times:
Monday to Friday (inclusive) 6:30am to 6:30pm (excluding public holidays) and
Saturday 6.30am to 5.30pm (excluding public holidays)
4. Any moving, loading and unloading of materials and equipment from within the site shall not be undertaken before 7am.
5. The hours for delivery to and from the site and waste collection are limited to the following times:
Monday to Friday 7am to 6.30pm (excluding public holidays) and
Saturday 7am to 5.30pm (excluding public holidays)
6. All waste and other rubbish shall be stored in a manner so that it does not, in the reasonable opinion of the Council, create:
 - insanitary conditions on or off the site;
 - an unreasonable nuisance off the site; or

¹ Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016* (or Section 35(2) of the *Development Act 1993* for applications under that Act), a “development must not be granted planning consent if it is, in the opinion of the relevant authority, seriously at variance with the Planning and Design Code” (or the Development Plan if under the Development Act). What is ‘seriously at variance’ is not a defined legislative term and is not synonymous with a proposal that is merely ‘at variance’ with certain provisions of the Code (or Plan), which many applications will be. Instead, it has been interpreted to be an important or grave departure in either quantity or degree from the Code (or Plan) and accordingly not worthy of consent under any circumstances and having the potential to undermine the objectives of the Code (or Plan) for the land or the Zone.

- **pollution to the environment (including by pollution caused by substances, materials or things entering the stormwater system either by wind or water).**
- 7. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.**
 - 8. 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 Local Nuisance and Litter Control Act 2016 has restrictions relating to the control of noise, dust, smoke, odours and unsightly conditions in the urban environment. Please note that conditions of this nature which unreasonably affect the amenity of neighbours may contravene the Act.**
- 2. Before commencing any site works, a temporary vehicular access to the property for machinery, delivery of building materials and general vehicles should be provided. In the case where no driveway invert exists, the kerb can be saw cut and removed at the intended location for the new driveway invert to provide the necessary temporary access. In addition, if a paved Council footpath exists, this should also be removed in alignment with the removed section of kerb. The applicant should also take note of other information provided regarding use of, damage to and construction on Council owned land.**
- 3. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system(acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).Measures to prevent silt and mud from vehicle tyres and machinery being transported onto the road shall be installed and maintained at all times during the construction phase of the development (a suggested measure is to install a gravelled construction exit with wash down facilities).**
- 4. Any 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.**

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: (a) Ancillary accommodation (b) Consulting room (c) Dwelling (d) Office (e) Open space (f) Shop (g) Recreation area.				
PO 1.3	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 (d) 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: (a) On sites with a gradient more than 1-in-8, 40% (b) On sites with a gradient less than 1-in-8, 50%.				
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: (a) the following: <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>	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"> (a) side boundary walls adjoin or abut a boundary wall of a building on adjoining land for the same or lesser length and height (b) side boundary walls do not: <ul style="list-style-type: none"> (i) exceed 3.2m in height from the lower of the natural or finished ground level (ii) exceed 8m in length (iii) when combined with other walls on the boundary of the subject development site, exceed a maximum 45% of the length of the boundary (iv) encroach within 3m of any other existing or proposed boundary walls on the subject land.
<p>PO 8.1</p> <p>Buildings are set back from side boundaries to provide:</p> <ul style="list-style-type: none"> (a) separation between dwellings in a way that complements the established character of the locality (b) access to natural light and ventilation for neighbours. 	<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"> (a) on sites with a site gradient greater than 1-in-8: <ul style="list-style-type: none"> (i) Other than a wall facing a southern boundary, 1900mm (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 (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"> (i) at least 900mm where the wall is up to 3m measured from the top of the footings (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 (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.
<p>PO 9.1</p> <p>Buildings are set back from rear boundaries to provide:</p> <ul style="list-style-type: none"> (a) separation between dwellings in a way that complements the established character of the locality (b) access to natural light and ventilation for neighbours (c) private open space (d) space for landscaping and vegetation. 	<p>DTS/DPF 9.1</p> <p>Buildings are set back from the rear boundary at least:</p> <ul style="list-style-type: none"> (a) 4m for the first building level (b) 6m for any second building level.

<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"> (a) achieves a profile that blends with the topography of the land (b) avoids the use of bright and highly reflective external materials and finishes <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"> (a) incorporating stepping in the design in accordance with the slope of the land (b) where appropriate, setting back the upper level a greater distance from front and side boundaries than the lower level. 	
<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"> (a) do not retain more than 1.5m in height or (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.
<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"> (a) are ancillary to a dwelling erected on the same site (b) have a floor area not exceeding 60m² (c) are not constructed, added to or altered so that any part is situated: <ul style="list-style-type: none"> (i) in front of any part of the building line of the dwelling to which it is ancillary <p>or</p> <ul style="list-style-type: none"> (ii) within 900mm of a boundary of the allotment with a secondary street (if the land has boundaries on two or more roads) (d) in the case of a garage or carport, the garage or carport:

- (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:

Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m ²)	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"> (a) less private open space than specified in Design in Urban Areas Table 1 - Private Open Space (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.
<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 0.3m² and mounted flush with a wall or fence.</p>

Overlays

Airport Building Heights (Regulated) Overlay

DO 1	<p>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>
<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	<p>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>
<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"> (a) the highest point of top of kerb of the primary street or (b) the highest point of natural ground level at the primary street boundary where there is no kerb

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"> (a) horticulture (b) activities requiring irrigation (c) aquaculture (d) industry (e) intensive animal husbandry (f) commercial forestry <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"> (a) the applicant has a current water licence in which sufficient spare capacity exists to accommodate the water needs of the proposed use <p>or</p> <ul style="list-style-type: none"> (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>.

Stormwater Management Overlay

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

General Development Policies

Clearance from Overhead Powerlines

DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.	
PO 1.1	<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"> (a) a declaration is provided by or on behalf of the applicant to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the <i>Electricity Act 1996</i> (b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.

Design in Urban Areas

DO 1	<p>Development is:</p> <ul style="list-style-type: none"> (a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributing to the character of the locality (b) durable - fit for purpose, adaptable and long lasting (c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors (d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption. 	
PO 1.1	Buildings reinforce corners through changes in setback, articulation, materials, colour and massing (including height, width, bulk, roof form and slope).	
PO 1.3	Building elevations facing the primary street (other than ancillary buildings) are designed and detailed to convey purpose, identify main access points and complement the streetscape.	
PO 1.4	<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"> (a) positioning plant and equipment discretely, in unobtrusive locations as viewed from public roads and spaces (b) screening rooftop plant and equipment from view (c) when located on the roof of non-residential development, locating the plant and equipment as far as practicable from adjacent sensitive land uses. 	<p>DTS/DPF 1.4</p> <p>Development does not incorporate any structures that protrude beyond the roofline.</p>
PO 1.5	The negative visual impact of outdoor storage, waste management, loading and service areas is minimised by integrating them into the building design and screening them from public view (such as fencing, landscaping and built form), taking into account the form of development contemplated in the relevant zone.	
PO 2.1	Development maximises opportunities for passive surveillance of the public realm by providing clear lines of sight, appropriate lighting and the use of visually permeable screening wherever practicable.	
PO 2.2	Development is designed to differentiate public, communal and private areas.	
PO 2.3	Buildings are designed with safe, perceptible and direct access from public street frontages and vehicle parking areas.	

<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"> (a) minimise heat absorption and reflection (b) maximise shade and shelter (c) maximise stormwater infiltration (d) enhance the appearance of land and streetscapes. 	<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"> (a) encroach within an area used as private open space or result in less private open space than that specified in Design in Urban Areas Table 1 - Private Open Space (b) use an area also used as a driveway (c) encroach within an area used for on-site car parking or result in less on-site car parking than that specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas.
<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"> (a) limiting protrusion above finished ground level (b) screening through appropriate planting, fencing and mounding (c) limiting the width of openings and integrating them into the building structure. 	<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"> (a) 1m along all public road frontages and allotment boundaries (b) 1m between double rows of car parking spaces.
<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"> (a) excavation exceeding a vertical height of 1m (b) filling exceeding a vertical height of 1m (c) a total combined excavation and filling vertical height of 2m or more.
<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"> (a) do not have a gradient exceeding 25% (1-in-4) at any point along the driveway (b) are constructed with an all-weather trafficable surface.
<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"> (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 (b) have sill heights greater than or equal to 1.5m above finished floor level (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.
<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> <ul style="list-style-type: none"> (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>or</p> <ul style="list-style-type: none"> (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"> (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>or</p> <ul style="list-style-type: none"> (ii) 1.7m above finished floor level in all other cases
<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.
PO 1.1	Development is located and designed to minimise hazard or nuisance to adjacent development and land uses.
PO 11.1 Development is connected to an appropriate water supply to meet the ongoing requirements of the intended use.	DTS/DPF 11.1 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.
PO 12.1 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: (a) it is wholly located and contained within the allotment of the development it will service (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 (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.	DTS/DPF 12.1 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: (a) the system is wholly located and contained within the allotment of development it will service; and (b) the system will comply with the requirements of the South Australian Public Health Act 2011.
PO 12.2 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.	DTS/DPF 12.2 Development is not built on, or encroaches within, an area that is, or will be, required for a sewerage system or waste control system.
PO 13.1 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.	DTS/DPF 13.1 A waste collection and disposal service is used to dispose of the volume of waste at the rate it is generated.

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	
	Development operating within the following hours:	
	Class of Development	Hours of operation
	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: (a) restaurant (b) cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone	7am to 9pm, Monday to Friday 8am to 5pm, Saturday and Sunday
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.		
PO 3.1	DTS/DPF 3.1	
Overshadowing of habitable room windows of adjacent residential land uses in:	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.	
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.		
PO 3.2	DTS/DPF 3.2	
Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in:	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>a. a neighbourhood type zone is minimised to maintain access to direct winter sunlight</p> <p>b. other zones is managed to enable access to direct winter sunlight.</p>	<p>neighbourhood-type zone in accordance with the following:</p> <p>a. for ground level private open space, the smaller of the following:</p> <p>i. half the existing ground level open space</p> <p>or</p> <p>ii. 35m² of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m)</p> <p>b. for ground level communal open space, at least half of the existing ground level open space.</p>
<p>PO 3.3</p> <p>Development does not unduly reduce the generating capacity of adjacent rooftop solar energy facilities taking into account:</p> <p>(a) the form of development contemplated in the zone</p> <p>(b) the orientation of the solar energy facilities</p> <p>(c) the extent to which the solar energy facilities are already overshadowed.</p>	
<p>PO 4.1</p> <p>Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).</p>	<p>DTS/DPF 4.1</p> <p>Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria.</p>
<p>PO 4.2</p> <p>Areas for the on-site manoeuvring of service and delivery vehicles, plant and equipment, outdoor work spaces (and the like) are designed and sited to not unreasonably impact the amenity of adjacent sensitive receivers (or lawfully approved sensitive receivers) and zones primarily intended to accommodate sensitive receivers due to noise and vibration by adopting techniques including:</p> <p>(a) locating openings of buildings and associated services away from the interface with the adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers</p> <p>(b) when sited outdoors, locating such areas as far as practicable from adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers</p> <p>(c) housing plant and equipment within an enclosed structure or acoustic enclosure</p> <p>(d) providing a suitable acoustic barrier between the plant and / or equipment and the adjacent sensitive receiver boundary or zone.</p>	

Open Space and Recreation

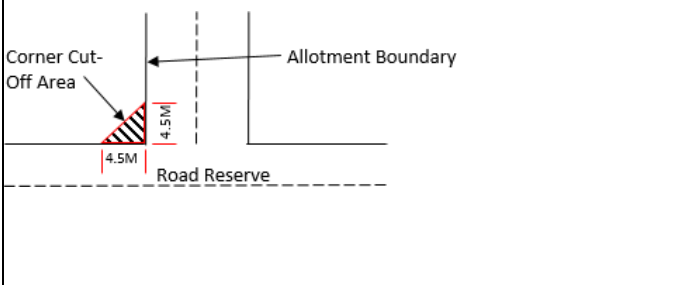
DO 1	Pleasant, functional and accessible open space and recreation facilities are provided at State, regional, district, neighbourhood and local levels for active and passive recreation, biodiversity, community health, urban cooling, tree canopy cover, visual amenity, gathering spaces, wildlife and waterway corridors, and a range of other functions and at a range of sizes that reflect the purpose of that open space.
<p>PO 7.1</p> <p>Buildings and car parking areas in open space areas are designed, located and of a scale to be unobtrusive.</p>	
<p>PO 7.2</p> <p>Buildings and structures in open space areas are clustered where practical to ensure that the majority of the site remains open.</p>	

PO 7.3
Development in open space is constructed to minimise the extent of impervious surfaces.
PO 7.4
Development that abuts or includes a coastal reserve or Crown land used for scenic, conservation or recreational purposes is located and designed to have regard to the purpose, management and amenity of the reserve.

Transport, Access and Parking

DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
PO 1.1	Development is integrated with the existing transport system and designed to minimise its potential impact on the functional performance of the transport system.
PO 1.4	<div> DTS/DPF 1.4 All vehicle manoeuvring occurs onsite. </div>
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	<div> DTS/DPF 3.1 The access is: <div> (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. </div> </div>
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	DTS/DPF 3.5

<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>Vehicle access to designated car parking spaces satisfy (a) or (b):</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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"> (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 (b) for sites with a frontage to a public road greater than 20m: <ul style="list-style-type: none"> (i) a single access point no greater than 6m in width is provided <p>or</p> <ul style="list-style-type: none"> (ii) not more than two access points with a width of 3.5m each are provided.
<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"> (a) availability of on-street car parking (b) shared use of other parking areas (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared (d) the adaptive reuse of a State or Local Heritage Place. 	<p>DTS/DPF 5.1</p> <p>Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant:</p> <ul style="list-style-type: none"> (a) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements (b) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas (c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.

<p>PO 6.1</p> <p>Vehicle parking areas are sited and designed to minimise impact on the operation of public roads by avoiding the use of public roads when moving from one part of a parking area to another.</p>	<p>DTS/DPF 6.1</p> <p>Movement between vehicle parking areas within the site can occur without the need to use a public road.</p>
<p>PO 6.2</p> <p>Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced, and the like.</p>	
<p>PO 6.3</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>	
<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> 

**REPORT REFERENCE: CAP150223 – 4.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 15 FEBRUARY 2023**



Originating Officer:	Michael Hughes Development Officer – Planning
Applicant:	Stella Maris Parish School
Development Description:	Alterations and additions to educational establishment, in the form of replacing an existing single storey school building with a two storey school building
Elements:	Educational establishment
Site Location:	1 Syme Avenue, Seacombe Gardens
Zone:	General Neighbourhood
Lodgement Date:	29/10/2022
Planning and Design Code:	27 October 2022 Version 2022.20
Referrals (External):	Nil
Referrals (Internal):	Transport Coordinator
Application Type:	Performance Assessed
Delegations Policy:	Instrument of Delegation – CAP, Clause 5.1.1.1 <i>The delegation of the power to grant or refuse planning consent pursuant to Section 102(1)(a) of the Act is limited to applications in relation to which: Any Performance Assessed application that has undergone Public Notification where at least one representor has expressed opposition to the proposed development and has expressed their desire to be heard by the Panel.</i>
Public Notification	Public Notification required <i>An alteration or addition to an existing educational establishment exceeding 1 building level is not a use that is exempt from notification in Table 5 of the Zone.</i>
Application No:	22036083
Recommendation:	That Planning Consent be GRANTED subject to Conditions

Appendices

Appendix 1: Planning and Design Code guidelines

Attachments

Attachment I: Proposal Plan and supporting documentation

Attachment II: Statement of Representations

Attachment III: Applicant's Response to Representations

BACKGROUND

In 2022, Council approved applications (22018166 and 22038254) for a total of 7 temporary transportable buildings under the Planning and Design Code. Another previous application 100/2019/159 for a storage shed was assessed against Council's Development Plan. These applications were dealt with under delegation and they have no bearing on the application that is the subject of this report.

SUBJECT LAND

The subject land is located at 1 Syme Avenue, Seacombe Gardens. The subject land has a site area of approximately 8,000m². The land is occupied by the Stella Maris Primary School and the Holy Spirit Catholic church. The site does not have any direct neighbours and it is bordered by public roads on all sides. The subject land has a 61m frontage to Ramsay Avenue to the north and a 92m frontage to Mulga Street to the west. The site has a 197m frontage to Syme Avenue that runs along the south and eastern boundaries of the site.

The site is adjacent to three road junctions. These are the junction of:

- Mulga Street and Ramsay Avenue to the north west,
- Mulga Street and Syme Avenue to the south west and
- Syme Avenue and Ramsay Avenue to the north east of the subject land.

The subject land has no existing off-street car parking facilities. There is a crossover for emergency vehicles only on Ramsay Avenue and a crossover on the southern portion of Syme Avenue that is for the purpose of refuse collection and not for vehicle access. The site is occupied only by the school and the Holy Spirit Catholic church.

The existing building that is due to be replaced is surrounded by unit pavers / asphalt pavements and a shade sail. While the overall School site falls moderately from the south to the north, the proposed development site is generally flat as it is covered by an existing building. The site does not contain any significant or regulated trees.



Figure 1: Subject land

LOCALITY

The locality is typically residential in nature, with complementary educational and recreational uses. The subject land is located in and surrounded by the General Neighbourhood Zone. The Hills Neighbourhood Zone boundary is located approximately 230m to the south of the subject land.

Residential properties are predominantly single storey with some examples of infill development. Residential properties are sited to the north, south and west of the application site. To the south-east of the subject site is the Darlington Primary School which can be accessed by pedestrians and emergency vehicles from Syme Avenue.

To the north-east of the subject site is the Ramsay Avenue Reserve which is located on the corner of Ramsay Avenue and Syme Avenue. The reserve includes a basketball hoop, netball ring and a soccer pitch.

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



Figure 2: The Locality

PROPOSED DEVELOPMENT

The proposed development comprises the replacement of an existing single storey school building with a two storey school building. The proposed building has a height of 8.72m above the FFL, and a maximum height of 9.2m above the lowest point of natural ground level (the north west corner).

The proposed building will have a footprint of 750m², and a total floor area over the two floors of 1,500m². The proposed building will include an administration area and additional teaching areas on the ground floor. The upper floor will include a staff room, music room and additional teaching areas. The building will be modern in appearance and complementary to the existing school buildings and the locale.

The proposed redevelopment would increase the number of students by 32, up to 430; and increase the number of staff by 2 FTE, up to 30 FTE.



Figure 3 shows the application site in colour with the proposed scope of work demonstrated by the dashed red line.



Figure 4 showing the eastern elevation of the building as it will present to Syme Avenue

REFERRALS

External **None applicable**

Internal **Coordinator Transport**

"The application is for a replacement two storey building at the Stella Maris school. The school is enveloped on all four sides by roads in the care and control of the City of Marion. The school is bound by Ramsay Avenue (north) Mulga Street (west) and Syme Street (south and east). Ramsay Avenue and Mulga Street are two way roads. Syme Avenue is a one-way traffic road only. Traffic enters Syme Avenue from Mulga Street to the south west of the site and exits Syme Avenue to the north east of the site. All three roads are subject to the urban default speed limit of 50 km/h but a reduced speed limit of 25km/h is applicable in signed school zones when children are present.

There is no off-street car parking associated with the school or the church. However there are a number of on-street parking areas that are located on the surrounding road network with 30-degree angled parking spaces on the eastern side of Syme Avenue, with indented carparking spaces on the western side of Syme Avenue. Adjacent to the school, on the eastern side of Mulga Street, there is a no parking period between 8:00am – 9:00am and 2:00pm – 3:30pm, with a 2 minute 'kiss and go' zone. On the southern side of Syme Avenue, in front of the residential properties, there are no parking restrictions, whilst on the northern side of Syme Avenue, there is a No Stopping Anytime solid yellow line.

Observations of the site during pick up and drop off times demonstrated that the Mulga Street 'kiss and go' zone had up to 30 vehicles queueing at a time, with the queue extending past the Ramsay Avenue and Spring Street junction and the Syme Avenue and Ramsay Avenue intersection. The proposal includes kiss and go zones along Syme Avenue and Ramsay Avenue that will help alleviate the queues extending up to and beyond the Syme Avenue and Ramsay Avenue intersection and the Ramsay Avenue and Russell Avenue intersection.

It is considered that there are opportunities to reconfigure and expand the existing on-street car parking spaces, and to provide additional on-street car parking spaces to accommodate the

increased staff and pupil numbers. Also, that the kiss and go zone on Syme Avenue will provide for pick-up and set down immediately adjacent to the school entry."

PROCEDURAL MATTERS

Classification

The subject land is located in the General Neighbourhood Zone of the Planning & Design Code (the Code) as of 27 October 2022.

The proposed development is not prescribed as "accepted", "deemed to satisfy" or "restricted" development in the Zone.

The proposal is therefore "performance assessed development" pursuant to Section 107(1) the Planning, Development and Infrastructure Act, 2016 and will be assessed on its merits against the various provisions of the Code.

Public Notification

An educational establishment is listed as a class of development prescribed in Column A of Table 5 of the Zone except where the development does not satisfy General Neighbourhood DTS/DPF 1.5. DTS/DPF 1.5 (b) states that the building height must not exceed 1 building level.

The application was publicly notified between 10 November 2022 and 30 November 2022. During this time six (6) representations were received. Three representors indicated a desire to be heard by the Council Assessment Panel (the Panel) in determining this application, two of which supported the development with some concerns, and one representor who wished to be heard opposed the development. Of the three representors who did not wish to be heard, two supported the development with concerns and one opposed the development. Pursuant to the Marion CAP Instrument of Delegations, the Panel is the Relevant Authority for a determination.

The applicant's response to the representations forms an attachment to this report.

PUBLIC NOTIFICATION



Figure 5 showing the application site edged in red, notified properties in blue, and the location of the six representors on the southern side of Syme Avenue

Properties Notified Representations

75

6 received



2 oppose the development (marked in red)



4 support the proposal with concerns (marked in orange)

Indicates the location of representations received.

Representations received

1. Anne and Norm Irwin, 20 Syme Ave, Seacombe Gardens
2. Colin and Dianne Harvey, 4 Syme Ave, Seacombe Gardens
3. Scott Hamilton, 10 Syme Ave, Seacombe Gardens
4. Janet Hoban, 18 Syme Ave, Seacombe Gardens
5. Joanne Stubbs, 12 Syme Ave, Seacombe Gardens
6. Judith Heazlewood, 2 Syme Ave, Seacombe Gardens

Wish to be heard

x

✓

✓

x

x

✓

Applicant Response

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

Approach to Assessment

Part 1 – Rules of Interpretation of the Planning and Design Code (the Code) provides clarity on how to interpret the policies in the Code. Of particular note 'Designated Performance Features' (DPF) assist Councils to interpret Performance Outcomes (PO).

The Rules of Interpretation clearly state that a DPF provides a guide but does not need to necessarily be satisfied in order for a certain development to meet the PO i.e. the outcome can be met in another way:

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)

A DPF provision should not be interpreted as quantitative requirements, instead they simply present one way in achieving the corresponding PO. There can be variation from DPF policies, and not just in a minor way. Emphasis should be placed on satisfying the qualitative Performance Outcome in the circumstances where a specified DPF is not met.

It is with the above approach in mind that I have assessed this development.

ASSESSMENT

Part 1 - Rules of Interpretation of the Code advises that for each Zone Table 3 specifies the policies and rules that apply to classes of development within the zone. I note:

The policies specified in Table 3 constitute the policies applicable to the particular class of development within the zone to the exclusion of all other policies within the Code, and no other policies are applicable.

For the avoidance of doubt, the relevant authority may determine that one or more of the listed policies are not relevant to a particular development.

Development that does not fall within a specified class in Table 3 will be considered “All Other Code Assessed Development”, to which all relevant policies apply for the purposes of assessment.

In my view the most pertinent planning considerations for this assessment relate to:

- An increase in student and staffing numbers
- Impact on adjoining properties
 - Traffic, parking and manoeuvring

Policies relating to the above planning considerations are found in the Zone, Overlays and General sections of the Code.

ZONE CONSIDERATIONS

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.

As noted previously, the subject land is located in the General Neighbourhood Zone. The Desired Outcome for the Zone is one that envisages community service uses that contribute to making the neighbourhood a convenient place to live without compromising residential amenity. The proposal complies with a majority of the assessment criteria for the General Neighbourhood Zone acknowledging that an Educational Establishment is an anticipated form of development within the zone as indicated in DTS/DPF 1.1. The school has been in operation at the subject land for several decades and maintains lawful existing use rights.

The General Neighbourhood Zone anticipates a range of complementary non-residential uses that support an active, convenient and walkable neighbourhood. The partial re-development and expansion of the existing use is considered compatible with DO 1 and PO 1.1 of the zone, although consideration for the amenity of adjoining residential neighbours is vital for any expansion. The zone identifies educational establishments as an envisaged land use, provided they are sited and designed to complement the residential character and amenity of the neighbourhood.

The Stella Maris Parish School is a private school that was founded in 1956 and predates the Holy Spirit Catholic Church, which was built on the site in the 1970's and which shares the site with the school. The school is a primary school that has pupils from reception to year 6. At present the school has 398 pupils and employs 28 full-time-equivalent (FTE) staff. The proposed two storey school building will replace an existing single storey school building. The proposal will enable an increase of 32 pupils, increasing student numbers to 430 and increasing FTE staff by 2 to a total of 30 FTE staff. The potential impact of the increase in student and staff numbers will be discussed below when addressing the interface with land uses.

The proposal is considered to represent a reasonable expansion of an existing, long standing, non-residential use. The subject school will continue to serve the needs of the local community as a well-established land use in the locality.

EXPANSION OF SCHOOL

The proposal is for a two storey building that will increase the number of learning areas at the school. The proposed redevelopment would increase the number of students by 32, up to 430; and increase the number of staff by 2 FTE, up to 30 FTE. The impacts of the increase in staff and pupil numbers are discussed below, in particularly with regards to traffic and car parking concerns.

CAR PARKING AND TRAFFIC IMPACTS

The issue of greatest concern for all the representors with the expansion of the school seems to be the potential impact on road safety and the functioning of the local road network. These concerns are addressed here rather than under other sections of the Planning and Design Code pertaining to car parking and vehicle manoeuvring, due to the unique circumstances of the proposal. The provisions of the Traffic Generating Development Overlay are not relevant as the proposal does not propose any accesses and does not impact the State Maintained Road network, Urban Transport Routes or Major Urban Transport Routes. The provisions of the General Development Policies *Design* and *Design in Urban Areas* with regards to car parking and road safety are not relevant to the proposal as the proposal does not include off-street car parking, garaging, access points or driveways.

Current on-street car parking provision

At present the school has no existing off-street car parking provision and this proposal does not provide any additional off-street car parking spaces. Currently the school utilises existing on-street car parking areas on the surrounding road network for all of the school car parking. This includes:

- 30 angled car parking spaces along the eastern side of Syme Avenue. Twenty eight (28) of these car parking spaces have no car parking restrictions, the remaining two spaces are signed No Stopping for the period 9:30am to 2:30pm weekdays.
- 5 parking spaces within an indented parking facility on the western side of the eastern section of Syme Avenue that has no parking restrictions. The remaining western side of the eastern section is subject to no parking between the hours of 8am to 9am and 2pm to 3:30pm.
- The section of Mulga Street adjacent to the school is used as a 'Kiss and Go' Zone for over 80m, that is signed "*Drop off and pick up zone only. No parking 8am – 9am and 2pm – 3:30pm School days. Limit: 2 minutes maximum. Drivers must remain with their cars*".
- There are no car parking restrictions on the southern side of Syme Avenue between residents' driveways. On the northern side of the southern section of Syme Avenue there is no parking allowed, identified by a solid yellow line.
- On the southern section of Ramsay Avenue there is no parking allowed, identified by a solid yellow line that extends to the west to the School Zone road sign that is located approximately 30m from the corner of Syme Avenue and Ramsay Avenue and extends to the east for approximately 60m from the junction of Mulga Street and Ramsay Avenue.
- On the northern section of Ramsay Avenue there is no parking allowed, identified by a solid yellow line for approximately 160m to the west in front of the school, and to the east for a distance of 60m. There is a 50m section on the northern section adjacent to the school that has no parking restrictions other than residential driveways.

Other than the pupils being dropped off or picked up from the site, there is negligible demand for these car parking spaces outside of the school's pick up and drop off times.

Proposed changes to on-street car parking provision

Following discussions between the applicants' traffic engineer and Council's traffic engineers, a number of changes to on-street car parking provision have been agreed in principle in order to improve the existing capacity and functionality of the parking zones in close proximity to the school. These changes include:

- Extending the indented bay on the western side of the eastern section of Syme Avenue from five vehicles to seven vehicles.
- Installing a 35m long pick-up/set-down facility on the western side of Syme Avenue, opposite the Darlington Primary School car park. The facility will only permit vehicles a maximum of 2 minutes to drop off children and go between 8:00am to 9:00am in the morning and 2:00pm to 3:30pm in the afternoon on school days.
- A net increase of three angled car parking spaces on the northern end of Syme Avenue.
- Modifications to the angled car parking on the eastern side of Syme Avenue in order to create additional road width and the installation of an indented parking facility that will create a net increase of three car parking spaces.
- The installation of an indented parking bay on the southern side of Ramsay Avenue adjacent to the reserve to create a net increase of two vehicles.

These changes are located on council land and not on the application site. The changes are fundamental to the application. These changes will be secured by way of an external works agreement.

The changes outlined above will create a net increase of ten on-street car parking spaces, and have been endorsed by Council's Transport Coordinator. The net increase of ten on-street spaces will meet the additional car parking requirement of the additional pupils (32) and FTE staff (2), as shown in the table below:

In addition, the reconfiguration of the parking spaces and drop off zones will help to alleviate the queues of traffic on Ramsay Avenue which extend up to and beyond the Syme Avenue and Russell Avenue intersections.

In addition, the proposed alterations to council land will provide additional on-street car parking that can be utilised by the community, users of the church and the council reserve outside of the school drop off and pick up times.

Using traffic surveys of schools undertaken for the New South Wales government in their guide *Trip Generation Surveys, Schools – Analysis Report*, the applicant's traffic engineer's report states that the increase in student and staff levels will result in an additional 28 trips in the morning peak hour and 23 trips in the afternoon peak hour. The report opines that such increases in traffic are low and will have negligible impact on the nature or function of the road network.

Syme Avenue is a single lane one way street. With vehicles entering Syme Avenue off Mulga Street in the south west and exiting onto Ramsey Avenue in the north east. Syme Avenue runs parallel to the southern boundary of the school before curving north and running parallel to the eastern boundary of the school. All the representors live on the southern side of the southern section of Syme Avenue. In their representations, all six of the representors stated that they currently experience negative impacts during the drop off and pick up times of the school.

These negative impacts include cars parking across residential driveways, cars parking in disabled car parking spaces and cars parking illegally blocking emergency vehicle accesses. In addition, cars park on yellow lines, often close to junctions. This impacts on road safety as this limits driver sight lines or other road users have to drive onto the other side of the road to pass the standing traffic parking or waiting to park in a 'Kiss and Go' Zone by the school.

Darlington Primary School is sited on land on the east side of Syme Avenue. The school can be accessed by pedestrians via Syme Avenue. Concern was expressed regarding the potential danger to pupils of the Darlington Primary School from cars reversing out of spaces reserved for emergency vehicles and colliding with Darlington Primary School pupils.

During this assessment, the school was visited a number of times during the morning drop off and afternoon pick up periods. On these occasions it was observed that all the car parking spaces were occupied on Syme Avenue, and that cars did park unlawfully in the disabled car parking spaces and in front of the Emergency Vehicle Access points for Darlington Primary School on the eastern side of Syme Avenue. However the reported issues of stationary vehicles queueing on Syme Avenue or blocking driveways were not observed. It is acknowledged that this differs from the account of residents, however these observations reflect what was sighted during site visits.



Figure 6 taken at the junction of Mulga Street and Syme Avenue, showing no vehicles queueing or parking unlawfully along the southern section of Syme Avenue

During observations, the Mulga Street 'Kiss and Go' Zone did work during the morning drop off period with the majority of vehicles using the zone correctly to pull up, drop off children and drive on within 2 minutes and this caused limited negative impact on the road network with few vehicles queueing on Ramsay Street. However during the afternoon pick-up period, observations of the Mulga Street 'Kiss and Go' Zone were that drivers ignored the yellow line and 2 minute waiting limit. Vehicles were stationary and using the 'Kiss and Go' Zone for parking whilst waiting for school to end and children to be picked up. Vehicles seemingly arrived early and parked up in order to reserve a convenient spot with the entire zone filled with stationary vehicles by 2:45pm.

The observed impact of the afternoon use of the Mulga Street 'Kiss and Go' Zone reflected those recorded in the applicant's Traffic Engineer's report with other vehicles waiting to pick up pupils, queueing along Ramsay Avenue in order to get to the 'Kiss and Go' Zone of Mulga Street. Up to 30 vehicles could be observed queueing on the southern side of Ramsay Avenue, from the junction with Mulga Street and past the junction of Ramsay Avenue and Spring Street, where there are yellow lines indicating no parking. The parking spots on Ramsay Avenue that were not restricted by yellow lines were all occupied.

Vehicles turning out of Syme Avenue in either direction had their visibility restricted by the standing traffic. Vehicles turning to the west out of Syme Avenue had to cross into the oncoming lane to avoid being stuck in the stationary traffic waiting to reach the 'Kiss and Go' Zone of Mulga Street.

At no point during observations were school staff, council enforcement officers or the police present to penalise or engage with drivers who were parking in unlawful or potentially dangerous locations.

Representors expressed their concerns that the proposal will have greater impacts on Syme Avenue as the proposal will encourage cars to utilise Syme Avenue. As Syme Avenue is a single land one way street, there are concerns that by installing an additional 'Kiss and Go' Zone on Syme Avenue, it will lead to greater inconvenience for the residents of Syme Avenue. Representors envisage that they will be trapped as vehicles queueing on Syme Avenue will prevent their own vehicles from entering or leaving their driveways during pupil and drop off and pick up times. There is also the fear among representors that visitors and emergency vehicles will be unable to gain access to their properties and that there will be an increase in the noise generated, reducing residential amenity.



Figure 7a

Figure 7a showing vehicles parked in the Mulga Street 2 minute limited Kiss and Go Zone



Figure 7b

Figure 7b Demonstrating the location and direction of the photographer highlighted by the red arrow



Figure 8a

Figure 8a showing the vehicles queueing on Ramsay Street between Mulga Street and Syme Avenue and the narrow gap caused by vehicles parking on both sides of the red



Figure 8b

Figure 8b Demonstrating the location and direction of the photographer highlighted by the red arrow



Figure 9a

Figure 9a showing the vehicles queueing on Ramsay Street between Syme Avenue and past Spring Street. The image includes a vehicle overtaking the stationary vehicles which are indicating to turn left onto Mulga Avenue.



Figure 9b

Figure 9b Demonstrating the location and direction of the photographer highlighted by the red arrow

General Neighbourhood Zone - Land Use and Intensity PO 1.1 requires that complementary non-residential support an active, convenient, and walkable neighbourhood and PO 1.3 requires that non-residential development is sited and designed to complement the residential character and amenity of the neighbourhood. Currently the impact of the vehicles of vehicles picking up and dropping off pupils at the school does not complement the residential character and amenity of the neighbourhood due to queueing vehicles negatively impacting on the local road network during school drop off and pick up times.

The current lack of availability of on-street car parking and the misuse of Mulga Street 'Kiss and Go' Zone creates traffic congestion for local residents and road users. In the applicant's traffic engineer's report it is opined that the proposed changes associated with the application for the two storey building, despite an increase in pupil and staff numbers, will improve the function of the local road network. The applicant's traffic engineer's report opines that the changes will improve the functioning of the road network by alleviating the queueing of vehicles on Ramsay Avenue and will bring benefits to local residents by reducing the impact that the queueing has around the junctions off of Ramsay Avenue. The traffic engineer's report states that by providing an additional 'Kiss and Go' Zone within the indented parking on Syme Avenue, it will provide additional queueing capacity that will reduce the existing queueing on the surrounding road network.

Under General Development Policies - Transport, Access and Parking DO 1 requires a *'comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users'* and PO 1.1 requires that development is integrated with the existing transport system and designed to minimise its potential impact on the functional performance of the transport system. Both Council traffic engineers and the applicant's traffic engineer's report support the proposal because of the positive impacts that they believe that the proposal will have on the road network and that by giving vehicles a greater number of places to drop off their children will have a reduction in the pinch points that traffic flow in the area is currently experiencing.

It is considered that the school can be expanded and the opportunity can enable the current and future traffic issues to be improved upon by increasing the options of where pupils are dropped off and dispersing traffic over a wider area. To this end, I am reasonably satisfied the additional car parking and revised arrangements remain appropriate to meet the likely demand generated from the facility and shall result in a decline in the current unsafe traffic movements and will not compromise the flow of traffic upon the adjacent local roads.

RESIDENTIAL INTERFACE (NON TRAFFIC RELATED)

The proposed two storey building will be sited at such a distance from the nearest residential dwellings that the overshadowing of habitable windows, POS and solar panels will not be a factor. Likewise there will be no direct unreasonable overlooking of any habitable windows or POS of nearby dwellings. An increase in noise levels was raised in representations, however the proposed development does not fall within the definition of a noise generating development. The proposed development does not incorporate any mechanical noise sources (i.e., woodwork or metalwork classes) that would be detrimental to residential amenity. External roof plant is appropriately screened and attenuated to ensure compliance with Environment Protection (Noise) Policy 2007.

Given the small number of additional vehicle trips and the modest increase in pupil and staff numbers, it is not envisaged that the changes to the operation of the school will have an adverse impact on the residential amenity of neighbouring houses.

The school currently uses the Ramsay Avenue Reserve for recreation purposes. Representors raised concerns that the school use of the reserve is having a negative impact on the reserve and that it restricts the opportunity of local residents to use the reserve during school times. It is anticipated that the small increase in pupils will have a negligible impact on any existing school use of the reserve.

BUILDING HEIGHT

Zone PO 4.1 states that building height should be no greater than 9.0m. The proposed building has a maximum building height of 9.2m. This is considered acceptable as the deviation is minor and the building will still contribute to the low-rise suburban character of the locale. The 9.2m high portion of the building will be sited towards the centre of the allotment away from the site boundaries. The proposed building would be sited on the eastern portion of the allotment. The proposed building will be located opposite the council reserve and the car park for Darlington Primary School. Due to its

proposed location, the 9.2m building height will not impact on the residential amenity of any dwellings. The wall height of 7.2m exceeds the 7.0m high wall height supported by DPF/DTS 4.1 however where the wall height of the proposed building is over 7m, is sited internally within the site where it will not impact on residential amenity.

The southern elevation of the proposed building will be over 37m from the southern site boundary of the school and will be screened by an existing building that is located between the proposed building and the nearest residential dwellings located on the south side of Syme Avenue.

SETBACKS AND SITE COVERAGE

As the site is bounded on all sides by public roads with no adjoining neighbours, it is considered that the functional primary street frontage of the allotment is the eastern boundary which fronts Syme Avenue, as this is where the main entrance to the school is located. The proposed building will have a front setback of between 1.3m and 3.6m. This is considered acceptable as this is set further back than the existing building which is being replaced and have a smaller footprint. This setback is also further back than other buildings on the eastern boundary, which include the Holy Spirit Catholic church and the existing buildings on the eastern boundary to the south of the proposed building, which are built to the boundary. As the proposed building's primary frontage faces the council reserve and not residential dwellings, the proposed primary setback of 1.3m at its nearest point will not be detrimental to the residential amenity of the locale.

DESIGN AND APPEARANCE

It is acknowledged the streetscape appearance of Syme Avenue will change as a result of the proposed development. The proposed two storey building will replace an existing single storey building and covered outdoor learning area. The existing single storey building is currently used as an administrative building and a covered outdoor learning area.



Figure 10a

Figure 10a showing the existing administration building that will be replaced



Figure 10b

Figure 10b demonstrating the location and direction of the photographer highlighted by the red arrow

The ground floor of the replacement building will accommodate an administration area, break out area, two general learning areas, a multi-purpose space and a room for out of hours care. The upper floor will be used for a music room, four general learning areas a breakout area and staff room and amenities.

The proposed building will be modern in design with a variety of materials, articulations and roof forms. The proposed building will present to the eastern boundary with a clear entry for visitors to the school

of the administration component of the building. The proposed building presents windows towards the public reserve, enabling passive surveillance of the reserve and public realm.

It is considered that the modern design and appearance will be in keeping with the existing use as a school and that the building will provide an attractive addition to the streetscape.

LANDSCAPING AND FENCING

The application will utilise open style palisade fencing to match the existing fencing at the school. As the new proposed building will have a smaller footprint than the existing structures that are being replaced, has enabled the application to provide more landscaping within the school. The school has not confirmed at this time how they wish to use this landscaping area going forward, but they are willing to provide a landscaping plan prior to full Development Approval being granted. Due to its location within the site, between the proposed building and an existing area of decking, the proposed area of landscaping will have limited impact on the streetscape. This is considered acceptable due to the overall positive visual impact that the new building will provide and that the development is on the eastern side of the allotment, with the council reserve opposite on the eastern side of Syme Avenue and no residential dwellings. Accordingly, provision of a landscaping plan has been recommended as a Reserved Matter.

STORMWATER MANAGEMENT

The applicant has provided a Stormwater Engineer Report that has been provided following liaison with City of Marion Technical Services to meet Council requirements. This existing building is surrounded by unit pavers / asphalt pavements and a shade sail. While the overall site falls moderately from the south to the north, the area where the new two storey building is located is generally flat as it is covered by the existing building. When regard is had to the applicable provisions of the Planning and Design Code, the proposal is considered to result in an appropriate outcome with regard to stormwater management and reuse.

CONCLUSION

The proposed development achieves compliance with a majority of the relevant provisions of the Planning and Design Code.

The proposed building is of a scale and size consistent with the neighbourhood setting and is nonetheless separated from nearby residential properties. The location of the building is partially screened by an existing school building between the new building and the nearest residential dwellings to the south. The building will be a modern building located closest to the eastern side boundary. The eastern side boundary is located away from residential dwellings and opposite the Ramsay Avenue Reserve and Darlington Primary School car park. For these reasons, minimal visual amenity impacts are contemplated.

Whilst I form the view the school could potentially do more to manage, educate and encourage parents and care givers of safe and legal pick-up and drop-off practices, I understand that these are an obstreperous element that are difficult to control off school grounds.

In representations, residents detailed occurrences of vehicles parking and queueing across their driveways and whilst their experiences are not questioned, this particular issue was not observed during site visits. Residents do spend more time on the street experiencing the actions of parents picking up and dropping off children, and some of the behaviour they have described is concerning, and is something that Council can discourage and prevent through appropriate parking enforcement. It is understandable that representors have concerns regarding the proposed alterations that will encourage more vehicles to utilise Syme Avenue. Residents' concerns are foreseeable, especially given how the Mulga Street 'Kiss and Go' Zone can be misused by parents, and the impacts that this misuse has on Ramsay Avenue and surrounding roads. However both Council's and the applicant's traffic engineers have stated that the proposed changes will improve the functionality of the local road network by giving more options as to where to drop off and pick up pupils and will help to mitigate the current problems that are experienced at pick up and drop off times.

It is acknowledged that the assessment is finely balanced however when undertaking the assessment of the relevant provisions I form the opinion the proposed development is appropriate for the following reasons.

- The development will, according to both the applicant's and Council's traffic engineers, improve the current functioning of the local road network by dispersing the vehicles of a larger number of drop off points. This will have the effect of reducing the number of vehicles that currently queue on Ramsay Avenue waiting to get to the 'Kiss and Go' Zone on Mulga Street.
- Due to the small increase in pupil and staff numbers associated with the proposed development the proposal will not generate unacceptable additional noise levels on the adjoining residents.

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.

On balance, the proposed development exhibits sufficient merit when assessed against the relevant Desired Outcomes and Performance Outcomes of the Code and as such it is recommended the application be granted 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 variance¹ 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: 22036083 for alterations and additions and alterations to an educational establishment at 1 Syme Avenue, Seacombe Gardens 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 as matters and granted its consent thereof.

1. A landscaping plan, including the location and species of vegetation shall be provided, to the reasonable satisfaction of the Team Leader – Planning.

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

CONDITIONS

1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
2. The proposed alterations to the road reserve – including the extension and installation of indented parking bays, installation of road base, kerb and water table, bitumen, line marking, signage, and modifications to angled parking spaces, as detailed within Section 2.1 of the Traffic and Parking report (SV/21-0022) by MFY Pty Ltd, dated 18 October 2022 – are to be designed, constructed and completed to Council's satisfaction no later than 12 months after the proposed building commences operation and subject to the application, issue and conditions contained with a Section 221 permit under the Local Government Act 1999. All costs associated with the relevant works are the sole responsibility of the applicant.

¹ Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016 (or Section 35(2) of the Development Act 1993 for applications under that Act), a “development must not be granted planning consent if it is, in the opinion of the relevant authority, seriously at variance with the Planning and Design Code” (or the Development Plan if under the Development Act).

What is ‘seriously at variance’ is not a defined legislative term and is not synonymous with a proposal that is merely ‘at variance’ with certain provisions of the Code (or Plan), which many applications will be. Instead, it has been interpreted to be an important or grave departure in either quantity or degree from the Code (or Plan) and accordingly not worthy of consent under any circumstances and having the potential to undermine the objectives of the Code (or Plan) for the land or the Zone.

3. **Prior to the use and/or occupation of the structure(s), all stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details.**
4. **The landscaping area shall be planted and maintained as per an approved landscaping plan and all dead or dying plants will be replaced to the satisfaction of Council.**
5. **Hours of waste collection and associated waste service vehicles (operated by private contractor/s) are limited to outside of the following times:**
 - **8:00am - 9:00am and**
 - **2:00pm - 3:30pm on school days.**

Appendix 1 – Planning and Design Code guidelines

General Neighbourhood Zone			
DO1:	Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.		
PO 1.1	Predominantly residential development with complementary non-residential uses that support an active, convenient, and walkable neighbourhood.	DPF 1.1	<p>Development comprises one or more of the following:</p> <ul style="list-style-type: none"> a) Ancillary accommodation b) Community facility c) Consulting room d) Dwelling e) Educational establishment f) Office g) Place of Worship h) Pre-school i) Recreation area j) Residential flat building k) Retirement facility l) Shop m) Student accommodation n) Supported accommodation
PO 1.2	<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"> 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 d) open space and recreation facilities. 	DPF 1.2	None are applicable.
PO 1.3	Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.	DPF 1.3	None are applicable.
PO 1.4	Commercial activities improve community access to services are of a scale and type to maintain residential amenity.	DPF 1.4	<p>A shop, consulting room or office (or any combination thereof) satisfies any one of the following:</p> <ul style="list-style-type: none"> 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"> i) does not exceed 50m² gross leasable floor area ii) does not involve the display of goods in a window or about the dwelling or its curtilage 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"> i) the building is a State or Local Heritage Place ii) is in conjunction with a dwelling and there is no increase in the gross leasable floor area previously used for non-residential purposes

			<p>c) is located more than 500m from an Activity Centre and satisfies one of the following:</p> <ul style="list-style-type: none"> i) does not exceed 100m² gross leasable floor area (individually or combined, in a single building) where the site does not have a frontage to a State Maintained Road ii) does not exceed 200m² gross leasable floor area (individually or combined, in a single building) where the site has a frontage to a State Maintained Road <p>d) the development site abuts an Activity Centre and all the following are satisfied:</p> <ul style="list-style-type: none"> i) it does not exceed 200m² gross leasable floor area (individually or combined, in a single building) 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: <ul style="list-style-type: none"> A) 50% of the existing gross leasable floor area within the Activity Centre B) 1000m².
PO 1.5	Expansion of existing community services such as educational establishments, community facilities and pre-schools in a manner which complements the scale of development envisaged by the desired outcome for the neighbourhood.	DPF 1.5	<p>Alteration of or addition to existing educational establishments, community facilities or pre-schools where all the following are satisfied:</p> <ul style="list-style-type: none"> a) set back at least 3m from any boundary shared with a residential land use b) building height not exceeding 1 building level c) the total floor area of the building not exceeding 150% of the total floor area prior to the addition/alteration d) off-street vehicular parking exists or will be provided in accordance with the rate(s) specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas to the nearest whole number.
PO 3.1	Building footprints allow sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.	DPF 3.1	The development does not result in site coverage exceeding 60%.
Airport Building Heights (Regulated) Overlay			
DO1:	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.	DPF 1.1	Buildings are located outside the area identified as 'All structures' (no height limit is prescribed) and do not exceed the height specified in the Airport Building Heights (Regulated) Overlay which applies to the subject site as shown on the SA Property and Planning Atlas. In instances where more than one value applies to the site, the lowest value relevant to the site of the proposed development is applicable.
Stormwater Management Overlay			
DO1:	Development incorporates water sensitive urban design techniques to capture and re-use stormwater.		
PO 1.1	Residential development is designed to capture and re-use stormwater to: a) maximise conservation of water resources b) manage peak stormwater runoff flows and volume to ensure the carrying capacities of downstream systems are not overloaded c) manage stormwater runoff quality.	DPF 1.1	Residential development comprising detached, semi-detached or row dwellings, or less than 5 group dwellings or dwellings within a residential flat building: a) includes rainwater tank storage: i) connected to at least: A) in relation to a detached dwelling (not in a battle-axe arrangement), semi-detached dwelling or row dwelling, 60% of the roof area B) in all other cases, 80% of the roof area ii) connected to either a toilet, laundry cold water outlets or hot water service for sites less than 200m ² iii) connected to one toilet and either the laundry cold water outlets or hot water service for sites of 200m ² or greater iv) with a minimum total capacity in accordance with Table 1 v) where detention is required, includes a 20-25 mm diameter slow release orifice at the bottom of the detention component of the tank b) incorporates dwelling roof area comprising at least 80% of the site's impervious area Table 1: Rainwater Tank

			<table><tr><th>Site size (m²)</th><th>Minimum retention volume (Litres)</th><th>Minimum detention volume (Litres)</th></tr><tr><td><200</td><td>1000</td><td>1000</td></tr><tr><td>200–400</td><td>2000</td><td>Site perviousness <30%: 1000 Site perviousness ≥30%: N/A</td></tr><tr><td>>401</td><td>4000</td><td>Site perviousness <35%: 1000 Site perviousness ≥35%: N/A</td></tr></table>	Site size (m ²)	Minimum retention volume (Litres)	Minimum detention volume (Litres)	<200	1000	1000	200–400	2000	Site perviousness <30%: 1000 Site perviousness ≥30%: N/A	>401	4000	Site perviousness <35%: 1000 Site perviousness ≥35%: N/A
Site size (m ²)	Minimum retention volume (Litres)	Minimum detention volume (Litres)													
<200	1000	1000													
200–400	2000	Site perviousness <30%: 1000 Site perviousness ≥30%: N/A													
>401	4000	Site perviousness <35%: 1000 Site perviousness ≥35%: N/A													
Traffic Generating Development Overlay															
DO1:	Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users.														
DO2:	Provision of safe and efficient access to and from urban transport routes and major urban transport routes.														
PO 1.1	Development designed to minimise its potential impact on the safety, efficiency and functional performance of the State Maintained Road network.	DPF 1.1	<p>Access is obtained directly from a State Maintained Road where it involves any of the following types of development:</p> <ul style="list-style-type: none">a) land division creating 50 or more additional allotmentsb) commercial development with a gross floor area of 10,000m2 or morec) retail development with a gross floor area of 2,000m2 or mored) a warehouse or transport depot with a gross leasable floor area of 8,000m2 or moree) industry with a gross floor area of 20,000m2 or moref) educational facilities with a capacity of 250 students or more.												
Urban Tree Canopy Overlay															
DO1:	Residential development preserves and enhances urban tree canopy through the planting of new trees and retention of existing mature trees where practicable.														

PO 1.1	Trees are planted or retained to contribute to an urban tree canopy.	DPF 1.1	<p>Tree planting is provided in accordance with the following:</p> <table><tr><th>Site size per dwelling (m²)</th><th>Tree size* and number required per dwelling</th></tr><tr><td><450</td><td>1 small tree</td></tr><tr><td>450-800</td><td>1 medium tree or 2 small trees</td></tr><tr><td>>800</td><td>1 large tree or 2 medium trees or 4 small trees</td></tr></table> <p>*refer Table 1 Tree Size</p> <table><tr><th colspan="4">Table 1 Tree Size</th></tr><tr><th>Tree size</th><th>Mature height (minimum)</th><th>Mature spread (minimum)</th><th>Soil area around tree within development site (minimum)</th></tr><tr><td>Small</td><td>4 m</td><td>2m</td><td>10m² and min. dimension of 1.5m</td></tr><tr><td>Medium</td><td>6 m</td><td>4 m</td><td>30m² and min. dimension of 2m</td></tr><tr><td>Large</td><td>12 m</td><td>8m</td><td>60m² and min. dimension of 4m</td></tr></table> <p>The discount in Column D of Table 2 discounts the number of trees required to be planted in DTS/DPF 1.1 where existing tree(s) are retained on the subject land that meet the criteria in Columns A, B and C of Table 2, and are not a species identified in Regulation 3F(4)(b) of the Planning Development and Infrastructure (General) Regulations 2017.</p> <table><tr><th colspan="4">Table 2 Tree Discounts</th></tr><tr><th>Retained tree height (Column A)</th><th>Retained tree spread (Column B)</th><th>Retained soil area around tree within development site (Column C)</th><th>Discount applied (Column D)</th></tr><tr><td>4-6m</td><td>2-4m</td><td>10m² and min. dimension of 1.5m</td><td>2 small trees (or 1 medium tree)</td></tr><tr><td>6-12m</td><td>4-8m</td><td>30m² and min. dimension of 3m</td><td>2 medium trees (or 4 small trees)</td></tr><tr><td>>12m</td><td>>8m</td><td>60m² and min. dimension of 6m</td><td>2 large trees (or 4 medium trees, or 8 small trees)</td></tr></table> <p>Note: In order to satisfy DTS/DPF 1.1, payment may be made in accordance with a relevant off-set scheme established by the Minister under section 197 of the Planning, Development and Infrastructure Act 2016, provided the provisions and requirements of that scheme are satisfied. For the purposes of section 102(4) of the Planning, Development and Infrastructure Act 2016, an applicant may elect for any of the matters in DTS/DPF 1.1 to be reserved.</p>	Site size per dwelling (m ²)	Tree size* and number required per dwelling	<450	1 small tree	450-800	1 medium tree or 2 small trees	>800	1 large tree or 2 medium trees or 4 small trees	Table 1 Tree Size				Tree size	Mature height (minimum)	Mature spread (minimum)	Soil area around tree within development site (minimum)	Small	4 m	2m	10m ² and min. dimension of 1.5m	Medium	6 m	4 m	30m ² and min. dimension of 2m	Large	12 m	8m	60m ² and min. dimension of 4m	Table 2 Tree Discounts				Retained tree height (Column A)	Retained tree spread (Column B)	Retained soil area around tree within development site (Column C)	Discount applied (Column D)	4-6m	2-4m	10m ² and min. dimension of 1.5m	2 small trees (or 1 medium tree)	6-12m	4-8m	30m ² and min. dimension of 3m	2 medium trees (or 4 small trees)	>12m	>8m	60m ² and min. dimension of 6m	2 large trees (or 4 medium trees, or 8 small trees)
Site size per dwelling (m ²)	Tree size* and number required per dwelling																																																		
<450	1 small tree																																																		
450-800	1 medium tree or 2 small trees																																																		
>800	1 large tree or 2 medium trees or 4 small trees																																																		
Table 1 Tree Size																																																			
Tree size	Mature height (minimum)	Mature spread (minimum)	Soil area around tree within development site (minimum)																																																
Small	4 m	2m	10m ² and min. dimension of 1.5m																																																
Medium	6 m	4 m	30m ² and min. dimension of 2m																																																
Large	12 m	8m	60m ² and min. dimension of 4m																																																
Table 2 Tree Discounts																																																			
Retained tree height (Column A)	Retained tree spread (Column B)	Retained soil area around tree within development site (Column C)	Discount applied (Column D)																																																
4-6m	2-4m	10m ² and min. dimension of 1.5m	2 small trees (or 1 medium tree)																																																
6-12m	4-8m	30m ² and min. dimension of 3m	2 medium trees (or 4 small trees)																																																
>12m	>8m	60m ² and min. dimension of 6m	2 large trees (or 4 medium trees, or 8 small trees)																																																
Clearance from Overhead Powerlines																																																			
DO1:	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	<p>One of the following is satisfied:</p> <p>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</p> <p>b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.</p>																																																

Design			
DO1:	<p>Development is:</p> <ul style="list-style-type: none"> a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area b) durable - fit for purpose, adaptable and long lasting c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption. 		
PO 1.5	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.	DPF 1.5	None are applicable.
PO 3.1	<p>Soft landscaping and tree planting is incorporated to:</p> <ul style="list-style-type: none"> a) minimise heat absorption and reflection b) maximise shade and shelter c) maximise stormwater infiltration d) enhance the appearance of land and streetscapes e) contribute to biodiversity. 	DPF 3.1	None are applicable.
PO 3.2	Soft landscaping and tree planting maximises the use of locally indigenous plant species, incorporates plant species best suited to current and future climate conditions and avoids pest plant and weed species.	DPF 3.2	None are applicable.
PO 5.1	<p>Development is sited and designed to maintain natural hydrological systems without negatively impacting:</p> <ul style="list-style-type: none"> a) the quantity and quality of surface water and groundwater b) the depth and directional flow of surface water and groundwater c) the quality and function of natural springs. 	DPF 5.1	None are applicable.
PO 7.1	<p>Development facing the street is designed to minimise the negative impacts of any semi-basement and undercroft car parking on the streetscapes through techniques such as:</p> <ul style="list-style-type: none"> a) limiting protrusion above finished ground level b) screening through appropriate planting, fencing and mounding c) limiting the width of openings and integrating them into the building structure. 	DPF 7.1	None are applicable.
PO 7.2	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.	DPF 7.2	None are applicable.

PO 7.3	Safe, legible, direct and accessible pedestrian connections are provided between parking areas and the development.	DPF 7.3	None are applicable.
PO 7.4	Street level vehicle parking areas incorporate tree planting to provide shade and reduce solar heat absorption and reflection.	DPF 7.4	None are applicable.
PO 7.5	Street level parking areas incorporate soft landscaping to improve visual appearance when viewed from within the site and from public places.	DPF 7.5	None are applicable.
PO 7.6	Vehicle parking areas and associated driveways are landscaped to provide shade and positively contribute to amenity.	DPF 7.6	None are applicable.
PO 7.7	Vehicle parking areas and access ways incorporate integrated stormwater management techniques such as permeable or porous surfaces, infiltration systems, drainage swales or rain gardens that integrate with soft landscaping.	DPF 7.7	None are applicable.
Design in Urban Areas			
DO1:	<p>Development is:</p> <ul style="list-style-type: none"> a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributing to the character of the locality b) durable - fit for purpose, adaptable and long lasting c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption. 		
PO 3.1	<p>Soft landscaping and tree planting are incorporated to:</p> <ul style="list-style-type: none"> a) minimise heat absorption and reflection b) maximise shade and shelter c) maximise stormwater infiltration d) enhance the appearance of land and streetscapes. 	DPF 3.1	None are applicable.
PO 5.1	<p>Development is sited and designed to maintain natural hydrological systems without negatively impacting:</p> <ul style="list-style-type: none"> a) the quantity and quality of surface water and groundwater b) the depth and directional flow of surface water and groundwater c) the quality and function of natural springs. 	DPF 5.1	None are applicable.
PO 7.2	Vehicle parking areas appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced and the like.	DPF 7.2	None are applicable.
PO 7.3	Safe, legible, direct and accessible pedestrian connections are provided between parking areas and the development.	DPF 7.3	None are applicable.
PO 7.4	Street-level vehicle parking areas incorporate tree planting to provide shade, reduce solar heat absorption and reflection.	DPF 7.4	Vehicle parking areas that are open to the sky and comprise 10 or more car parking spaces include a shade tree with a mature canopy of 4m diameter spaced

			for each 10 car parking spaces provided and a landscaped strip on any road frontage of a minimum dimension of 1m.
PO 7.5	Street level parking areas incorporate soft landscaping to improve visual appearance when viewed from within the site and from public places.	DPF 7.5	Vehicle parking areas comprising 10 or more car parking spaces include soft landscaping with a minimum dimension of: a) 1m along all public road frontages and allotment boundaries b) 1m between double rows of car parking spaces.
PO 7.6	Vehicle parking areas and associated driveways are landscaped to provide shade and positively contribute to amenity.	DPF 7.6	None are applicable.
PO 7.7	Vehicle parking areas and access ways incorporate integrated stormwater management techniques such as permeable or porous surfaces, infiltration systems, drainage swales or rain gardens that integrate with soft landscaping.	DPF 7.7	None are applicable.
PO 9.1	Fences, walls and retaining walls of sufficient height maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to sunlight or the amenity of public places.	DPF 9.1	None are applicable.
Interface between Land Uses			
DO1:	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.
Transport, Access, and Parking			
DO1:	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.		
PO 1.1	Development is integrated with the existing transport system and designed to minimise its potential impact on the functional performance of the transport system.	DPF 1.1	None are applicable.
PO 1.2	Development is designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive receivers.	DPF 1.2	None are applicable.
PO 1.3	Industrial, commercial and service vehicle movements, loading areas and designated parking spaces are separated from passenger vehicle car parking areas to ensure efficient and safe movement and minimise potential conflict.	DPF 1.3	None are applicable.
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.	DPF 1.4	All vehicle manoeuvring occurs onsite.
PO 2.2	Walls, fencing and landscaping adjacent to driveways and corner sites are designed to provide adequate sightlines between vehicles and pedestrians.	DPF 2.2	None are applicable.
PO 3.6	Driveways and access points are separated and minimised in number to optimise the	DPF 3.6	Driveways and access points:

	provision of on-street visitor parking (where on-street parking is appropriate).		<ul style="list-style-type: none"> 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 b) for sites with a frontage to a public road greater than 20m: <ul style="list-style-type: none"> c) a single access point no greater than 6m in width is provided or d) not more than two access points with a width of 3.5m each are provided.
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.	DPF 3.8	None are applicable.
PO 3.9	Development is designed to ensure vehicle circulation between activity areas occurs within the site without the need to use public roads.	DPF 3.9	None are applicable.
PO 4.1	Development is sited and designed to provide safe, dignified and convenient access for people with a disability.	DPF 4.1	None are applicable.
PO 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"> 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. 	DPF 5.1	<p>Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant:</p> <ul style="list-style-type: none"> a) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements b) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.
PO 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.	DPF 6.1	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.	DPF 6.2	None are applicable.
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.	DPF 6.5	None are applicable.
PO 6.7	On-site visitor parking spaces are sited and designed to be accessible to all visitors at all times.	DPF 6.7	None are applicable.

**5. APPEALS UPDATE
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 15 FEBRUARY 2023**



5.1 APPEALS AGAINST PANEL DECISIONS

New Appeals

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status
---------------	----------------	--------------------------	-----------------------	-----------------	---------------------------

On-going Appeals

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status
100/2020/0659	1 Wattle Terrace, Plympton Park	04/11/2022	REFUSE	REFUSE	Conference adjourned. Pending date for site inspection with applicant and Council staff.
100/2021/0195	3, 7 and 9 Franklin Street Sturt	13/01/2023	GRANTED	REFUSE	Conciliation conference to be held 14 February 2023.

**6. POLICY OBSERVATIONS
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 15 FEBRUARY 2023**



No items listed for discussion.

7. OTHER BUSINESS
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 15 FEBRUARY 2023



No items listed for discussion.