

Notice of Council Assessment Panel Meeting



MEMBERSHIP

Mr M Adcock	Independent Member (Presiding Member)
Mr J Rutt	Independent Member
Mr A Mackenzie	Independent Member
Mr D Wyld	Elected Member
Mrs B Merrigan	Independent Member
Ms N Taylor	Deputy Independent Member

NOTICE is given pursuant to Sections 87 and 88 of the Local Government Act 1999 that the next COUNCIL ASSESSMENT PANEL MEETING will be held in the Council Chambers, 571 Montague Road, Modbury on TUESDAY 21 JUNE 2022 commencing at 10.00am

A copy of the Agenda for the above meeting is supplied.

Council may restrict or limit access to members of the public physically attending the meeting to ensure compliance with current restrictions. Priority will be given to members of the public who wish to speak in the Public Forum and Deputation section of the agenda and have obtained prior approval from Council.

A handwritten signature in purple ink, appearing to read "John Moyle".

JOHN MOYLE
CHIEF EXECUTIVE OFFICER

Dated: 15 June 2022

CITY OF TEA TREE GULLY
COUNCIL ASSESSMENT PANEL MEETING
21 JUNE 2022

AGENDA

1. Attendance Record:

- 1.1 Present
- 1.2 Apologies
 - Ms N Taylor (Independent Member)

2. Minutes of Previous Meeting

That the Minutes of the Council Assessment Panel Meeting held on 19 April 2022 be confirmed as a true and accurate record of proceedings.

3. Business Arising from Previous Minutes - Nil

4. Reports and Recommendations

Applications under the Development Act 1993 - Nil

Applications under the Planning, Development and Infrastructure Act 2016

- 4.1 CAP.21030842/2022 - Construction of a child care centre with associated advertising and boundary retaining and fencing at 492-494 Milne Road Redwood Park.....5

Recommended to Grant Planning Consent

- 4.2 CAP.21037456/2022 - Two storey detached dwelling at 8 Wellington Court151

Recommended to Grant Planning Consent

5. Other Business

- 5.1 E.R.D. Court Matters Pending - Nil

- 5.2 Policy Considerations
Planning Policy Considerations will be recorded in the minutes following discussion by members.

6. Information Reports - Nil

7. Date of Next Meeting

19 July 2022

REPORT NO: CAP.21030842/2022

RECORD NO: D22/45645

TO: COUNCIL ASSESSMENT PANEL MEETING - 21 JUNE 2022

FROM: Blake O'Neil
Planning Officer

SUBJECT: CONSTRUCTION OF A CHILD CARE CENTRE WITH ASSOCIATED ADVERTISING AND BOUNDARY RETAINING AND FENCING AT 492-494 MILNE ROAD REDWOOD PARK

SUMMARY

DEVELOPMENT NO.	21030842
APPLICANT	Emmett C-/ Future Urban Pty Ltd
ADDRESS	492 & 494 Milne Road, Redwood Park SA 5097
NATURE OF DEVELOPMENT	Construction of a child care centre with associated advertising, retaining walls and fencing
ZONING INFORMATION	<p>Zones:</p> <ul style="list-style-type: none"> • General Neighbourhood Zone <p>Overlays:</p> <ul style="list-style-type: none"> • Affordable housing • Defence Aviation Area • Hazards (Flooding - Evidence Required) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy
LODGEMENT DATE	11 October 2021
RELEVANT AUTHORITY	Council Assessment Panel at City of Tea Tree Gully
PLANNING & DESIGN CODE VERSION	2021.14
CODE RULES APPLICABLE AT LODGEMENT	Code Rules for 492-494 Milne Road Redwood Park (This document is available on Council's Website)
CATEGORY OF DEVELOPMENT	Code Assessed - Performance Assessed

NOTIFICATION	Yes – Notification Period 19 April 2022 to 10 May 2022
NUMBER OF PROPERTIES NOTIFIED	30
REPRESENTATIONS RECEIVED	17
REPRESENTATIONS TO BE HEARD	4
RECOMMENDING OFFICER:	Blake O’Neil
REFERRALS STATUTORY	Nil
REFERRALS NON-STATUTORY:	Traffic Engineer – Hossein Mousavi Team Leader Civil Assets– Wahid Yousafzai
RECOMMENDATION	Grant Planning Consent

1. DETAILED DESCRIPTION OF PROPOSAL

The applicant seeks to construct a child care centre with associated advertising, retaining walls and fencing. The proposed development occupies two residential allotments, each with an existing dwelling and ancillary structures that are all to be demolished. One allotment is known as 494 Milne Road is the corner allotment with an access point to Milne Road and Redwood Avenue. The second allotment is 492 Milne Road which has a single access to Milne Road and a signalised pedestrian crossing is located in front of the existing dwelling.

The built form of the proposed child care centre is two storey in nature and has a total floor area of 476m² over the two levels. The lower level comprises four large rooms for babies and toddlers, staff facilities, kitchen and an office space. A 363m² outdoor play area is located to the south of the building and extends east adjacent the Milne Road boundary. The play area will have a 1.8m high brickwork fence with Perspex infill to the south and east facing Milne Road and Redwood Avenue respectively. Fencing to the north and west will be 1.8m high *Colorbond* ‘windspray’.

The building setback to Milne Road is 6.25m and 5.1m to Redwood Avenue. The building setback to the northern boundary is 16.8m and the western boundary 3m. The setback to the north allows for the carparking areas and waste storage.

The carpark will be accessed by a 5.8m wide crossover off Redwood Avenue to allow two-way traffic. Unused crossovers on Milne Road and Redwood Crescent will be reinstated. The carparking area will accommodate 24 carparks which includes one staff parking space and one disability space, and allows for a vehicle turn around area. The carparking area also includes a screened waste storage area. Landscaping and new fencing will be constructed on the northern boundary of the carpark.

The childcare centre itself will accommodate 94 children and a maximum of 14 staff although not all staff are expected to be onsite at any given time. The hours of operation will be between 6:30am and 6:30pm Monday to Friday.

The building will comprise a palette of colours and materials including metal wall cladding, *Colorbond* fencing, cement fibre cladding and aluminum framing to provide a modern appearance in keeping with the locality and provide visual interest.

The building's internal spaces are to be separated based on the age groups of the attending children, with each area having direct access to outdoor play spaces. Other internal spaces will support the functions of the centre and will include bathrooms, offices, kitchen, laundry, sleeping room, staff room, preparation rooms, waiting room and a reception area.

Advertising on the site will comprise a single sign attached to the eastern elevation of the building. Signs will be illuminated and will provide a cohesive appearance to the building utilising sympathetic colours and materials.

Retaining walls proposed include 1.1m in cut along the Milne Road (south) and Redwood Avenue (east) frontages with 1.8m brick fencing on top. The northern boundary will have up to 1.2m of fill with *Colorbond* fencing on top which ranges in height from 1.8m to 2.7m. The western boundary proposes up to 1.8m fill and will have an overall combined height of retaining and fencing between 2.5m and 2.6m.

2. SUBJECT LAND & LOCALITY

2.1 Site Description

Location reference: 492 MILNE RD REDWOOD PARK SA 5097

Title Reference:	Plan Parcel:	Council:
CT5072/818	D6381 AL26	CITY OF TEA TREE GULLY

Location reference: 494 MILNE RD REDWOOD PARK SA 5097

Title Reference:	Plan Parcel:	Council:
CT5792/634	D6382 AL25	CITY OF TEA TREE GULLY

The subject site comprises two allotments known as 492 Milne Road, Redwood Park and 494 Milne Road, Redwood Park. The subject site has a secondary frontage to Redwood Avenue.

The subject sites are regular in shape and have a total area of 1540m². The sites are currently occupied with a dwelling on each allotment, and both allotments having frontage to Milne Road. The 494 Milne Road allotment currently has access to both on Milne Road and Redwood Avenue.

The land forming the subject site has a fall of some 2.5m down towards the north western corner. The northern and western boundaries have existing fencing which will be replaced.

The adjoining road verge has formalised footpaths around the site, however there are no street trees or any regulated or significant trees nearby that will be affected by this development. A signalised pedestrian crossing is adjacent the frontage of the 492 Milne Road allotment.

2.2 Locality

The locality has been defined as an area 120m from the boundaries of the subject site (see Figure 1 below). Milne Road intersects the locality to the south of the subject site. Ridgehaven Primary School is to the south of the subject site.

The subject site and locality are sited within the General Neighbourhood Zone, and with the exception of the primary school, all development in the locality comprises residential development. There are no Sub Zones applicable to the site.

The bulk of the existing residential development within the locality is consistent with the General Neighbourhood Zone in that it primarily comprises large allotments of 700m² that generally accommodate single storey detached dwellings. The locality is in a state of change with the larger allotments being subdivided and developed with new infill dwellings which are typically single storey in nature. This pattern of development extends beyond the locality in all directions.

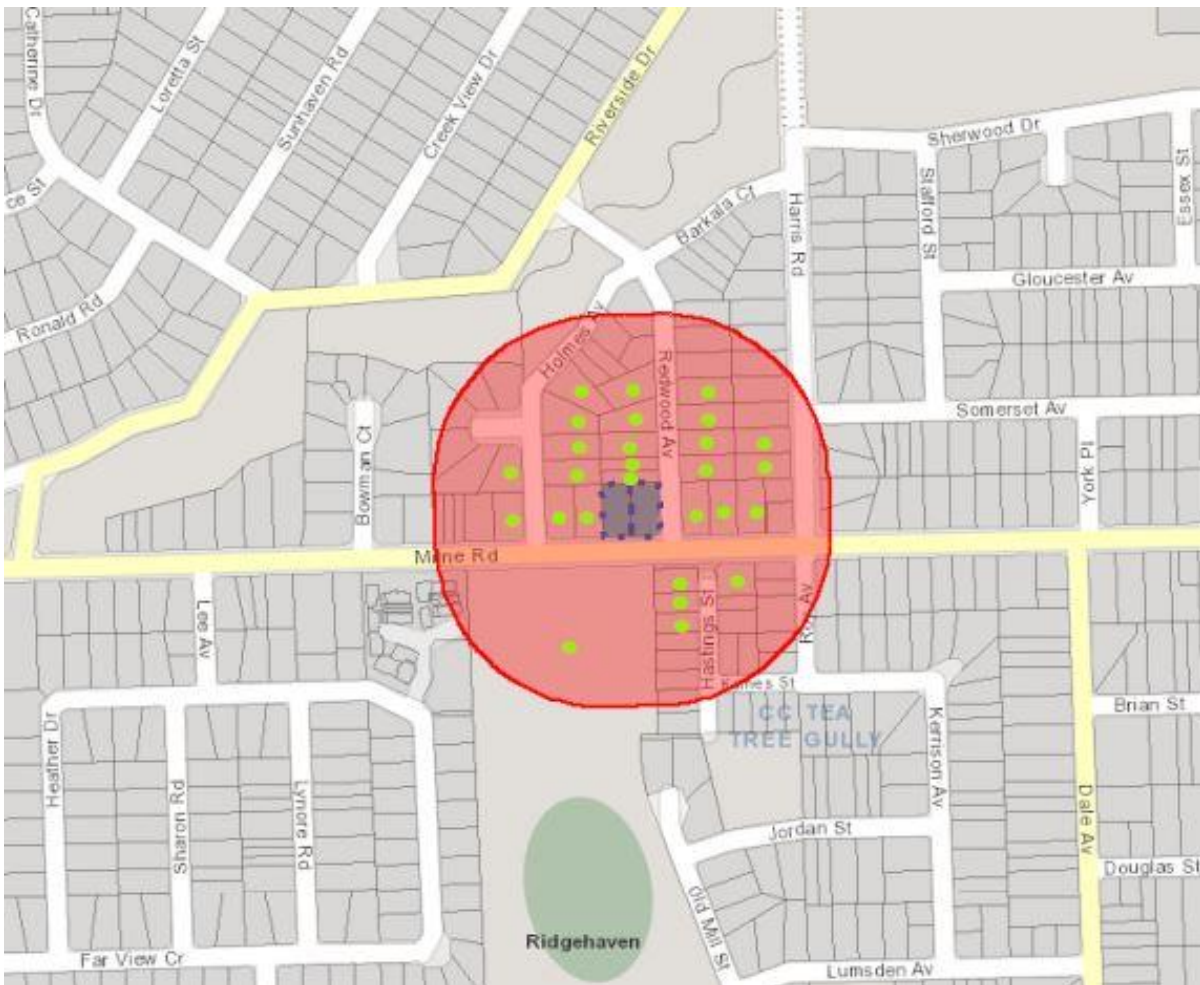


Figure 1: Subject Site and Locality Map – Subject site in blue, notified properties marked in green, locality marked in red.

3. CATEGORY OF DEVELOPMENT

PER ELEMENT

Two storey child care centre – Performance Assessed

Advertising– Performance Assessed

Fencing– Performance Assessed

Retaining Walls– Performance Assessed

OVERALL APPLICATION CATEGORY

Code Assessed - Performance Assessed

REASON

Planning and Design Code

4. PUBLIC NOTIFICATION

REASON

Section 6 of Table 5 of the General Neighbourhood Zone lists Pre-Schools as not requiring Public Notification, except where the development does not satisfy General Neighbourhood Zone DTS/DPF 1.5.

General Neighbourhood Zone DTS/DPF 1.5 stipulates a *maximum building height not exceeding 1 building level*.

As the proposed child care centre comprises two building levels, it does not comply with the above provision and therefore was required to undergo public notification.

LIST OF REPRESENTATIONS

Name	Address	Position	Wishes to be Heard
Tara-Lee Belton	7 Sanford Street, Tea Tree Gully	Oppose	No
Vickie Matters	PO Box 247, St Agnes	Oppose	No
Wendy Fuss	13 Redwood Avenue, Redwood Park	Oppose	No
Kelly Lotheringen	3 Holmes Avenue, Redwood Park	Oppose	No
Samantha McArdle	10 Redwood Avenue, Redwood Park	Oppose	No
Natalie Mueller	2 Yarramie Avenue, Banksia Park	Oppose	No
Doug Elsom	496 Milne Road, Redwood Park	Support with concerns	Yes
Leigh Jackson	2 Redwood Avenue, Redwood Park	Support with concerns	Yes
Archita Panchal	Ridgehaven	Support	No
Rowan Dodds	53 Anthony Road, Modbury North	Oppose	No
Allan Davis	9A Redwood Park	Oppose	No
Barbara Davis	9A Holmes Avenue, Redwood Park	Oppose	No
Grant Elphick	1 Holmes Avenue, Redwood Park	Support with concerns	Yes
Diana Wain	12 Penny Street, Ridgehaven	Oppose	No
Rowan Dodds	53 Anthony Road, Modbury	Oppose	No

SUMMARY

30 owners or occupiers of adjacent land were directly notified and a sign detailing the proposal was placed on the subject site for the duration for the notification period.

Seventeen representations were received, of which two were duplicates. Of the fifteen representations there is one in support of the development, three in support of the development with concerns, and eleven that do not support the development. Three representors wish to be heard. A copy of the representations received can be found in Attachment 10.

Concerns raised during public notification can be summarised as follows:

- Traffic congestion and safety
- Demand for Child Care
- Car parking
- Noise
- Overlooking
- Sewer and stormwater
- Waste Collection

A comprehensive summary and response to the concerns raised by the representors has been provided by the applicant and can be found in attachment 11.

5. AGENCY REFERRALS

No external referrals were required

6. INTERNAL REFERRALS

6.1 Traffic – Hossein Mousavi

The proposal was referred for an assessment of the parking provisions and the potential impact on the local road network. Concerns around the collection of rubbish were raised and have been resolved. Carparking rates and layout acceptable.

6.2 Civil Stormwater – Wahid Yousafzai

The application was referred to Council's Acting Team Leader Civil Assets with respect to impacts on existing Council infrastructure, particularly stormwater management. The response confirmed that the design is acceptable.

7. PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Section 9 of this report, and are available on Council's website as a supplementary document.

7.1 Land Use

The subject site is located within the General Residential Zone where the Desired Outcome (DO) seeks the following:

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.

The proposed use of a child care centre falls within the definition of pre-school pursuant to the Planning and Design Code (the Code). This use is envisaged within the General Neighbourhood Zone as detailed in Performance Outcome (PO) 1.1 and Designated Performance Feature (DPF) 1.1 (h).

It is considered that the proposed child care centre is consistent with the above DO of the zone.

The proposed child care centre will accommodate up to 94 pre-school aged children in a two storey dedicated facility. The application was accompanied by an acoustic report, traffic report and a stormwater management plan to support the proposal. These elements are discussed in further detail below.

Given the proposed land use satisfies both the DO of the zone and the above PO, the proposed land use is considered to be acceptable for the site and locality.

7.2 Building Height

General Neighbourhood Zone PO 4.1 seeks buildings that contribute to a low-rise suburban character, with the corresponding DPF seeking building heights no greater than two levels and 9m high, and having wall heights no greater than 7m except in the case of a gable end.

The proposed child care building comprises two levels and has a maximum height measured from finished ground level of 8.8m. The wall height is 6.5m with the exception of the gable end. The building has also been designed to present the bulk of the upper level to the road frontages, thus minimising the visual impact on the residential development to the north and west.

As such the proposed child care centre building is considered to satisfy General neighbourhood Zone PO 4.1.

7.3 Setbacks, Design & Appearance

7.3.1 Setbacks

General Neighbourhood Zone PO 5.1 seeks setbacks to the primary street to contribute to the existing/emerging pattern of street setbacks in the streetscape.

The associated DPF's state the primary street setback should be no more than 1m in front of the average setback to the building line of existing buildings on adjoining sites which face the same primary street.

The building will front Redwood Avenue with a setback of 5.1m. The front setback for the adjoining dwelling is 5.3m and there are no other adjoining allotments having the same frontage. Based on the adjoining front setback, the subject has a minimum front setback of 4.3m under the DPF which has been met.

General Neighbourhood Zone PO 6.1 states *Buildings are set back from secondary street boundaries to achieve separation between building walls and public streets and contribute to a suburban streetscape character.* The DPF provides guidance of 0.9m setbacks to secondary frontages. The proposed child care centre has a secondary frontage setback to Milne Road of 6.3m.

The building is to have a side setback to the northern 11.9m for the upper level where the DPF requires a minimum of 2m, and therefore satisfies General neighbourhood Zone PO 8.1, DPF 8.1 (a).

The rear setback for the proposed child care centre is 3m. Whilst the Code does not provide guidance for non-dwelling rear setbacks, the rear setback and building siting generally are considered to be acceptable as they will have no greater impact than a similar sized dwelling, noting that the building faces the side of the adjoining dwelling.

The setbacks exceed the General Neighbourhood Zone DPFs and have been satisfied.

7.3.2 Site Coverage

General Neighbourhood Zone PO 3.1 calls for building footprints to allow sufficient space around buildings to limit visual impact, provide an attractive outlook, and allow access to light and ventilation. One way to achieve this is detailed in DPF 3.1 which states that site coverage should not exceed 60%.

Pursuant to Part 8 of the Code, site coverage is calculated by adding the total roofed area of all buildings and dividing this by the site area.

The proposed building has a total roofed area as per the roofing plan, of approximately 596m² which corresponds to 38% site coverage, thus satisfying the above requirement.

7.3.3 Design and Appearance

Design in Urban Areas PO 1.3 seeks that 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.

The proposed building is designed with a rectangular shape and a gable end roof facing Redwood Avenue. The portion that has the gable roof is at the eastern end of the building, with the western portion being open to the sky and used as an outdoor play area. This reduces the bulk of the building particularly at the eastern end when viewed from the adjoining allotment. The material palette is neutral with the building being predominantly dark earthy colours.

The car park is sited alongside the building which allows for space and separation to the adjoining land to the north, and also reduces the visual bulk of the building due to the extended setback for that side of the building.

There is an illuminated sign and entry area via Redwood Avenue which provides a clearly defined access the building.

Based on the above, the provisions relating to design are considered to have been satisfied.

The waste storage areas and plant and machinery are to be screened with fencing and landscaping to reduce their respective visual impact thus satisfying Design in Urban Areas PO 1.4 and 1.5.

7.4 Traffic Impact, Access and Parking

Transport, Access and Parking PO 3.1 seeks that access is safe and convenient and minimises impact or interruption on the operation of public roads. PO 3.3 calls for access points that are sited and designed to accommodate the type and volume of traffic likely to be generated by the development.

Transport, Access and Parking PO 3.4 and PO 3.5 seek access points to be sited and designed such that they minimise the impact on adjoining properties and minimise the interference with existing street furniture and street trees.

In order to demonstrate that the impact of the proposal accords with the desired outcomes of the Code, the applicant provided a traffic and parking report prepared by MFY, see Attachment 7.

The proposed child care centre incorporates a new double width crossover towards the western side of the site, with the existing two crossovers on Milne Road and one on Redwood Avenue to be decommissioned and returned to standard kerbing. This new crossover is designed to accommodate both entry and exit of all vehicles to the site.

The crossover has been shown to be clear of all street furniture, infrastructure and trees.

Transport, Access and Parking PO 5.1 seeks sufficient onsite parking provided to meet the needs of the development and at a rate in accordance with Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements. This table states the required parking rate for a child care centre is 0.25 parks per child.

The proposal has provision for 24 off-street car parks in a car parking area located to the north side of the building. The proposed maximum number of children at the centre is 94. This number of children requires 23.5 parks in total. The quantity and dimension of the on-site parking spaces was reviewed by Council Traffic Engineers who have approved the layout and quantity. The provisions of Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements have therefore been met.

The proposal provides one disabled access park and a turnaround area at the western-most end. As part of the internal referral process, the design of the car park has been determined to be acceptable. This satisfies Transport, Access and Parking PO 6.2.

The carpark incorporates soft landscaping to the northern and a portion of the eastern boundaries to provide screening. The appearance of the car park is improved when viewed from both the site and the public realm. This satisfies Design in Urban Areas PO 7.5.

Local traffic impacts were raised as a concern by the several representors. Specifically, concerns relate to the increase in traffic volume in what has been described as an already congested area, particularly during school pickup and drop-off times due to Ridgehaven Primary School.

The applicant, in response to these concerns, referred to the MFY report accompanying the application. This report determined the car parking rate to be adequate and the impact of the traffic movements to be minimal. In addition, the applicant has provided a further response from MFY to address the concerns of representors, and this response can be seen in Attachment 11.

7.5 Environmental Factors

7.5.1 Noise Emissions

Interface between Land Uses DO 1 seeks development to be located and designed to mitigate adverse effects on or from neighbouring and proximate land uses. PO 1.2 elaborates and states that development adjacent to a site containing a sensitive receiver or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.

Interface between Land Uses PO 4.1 seeks development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers.

The applicant provided an acoustic report prepared by Sonus to support the application which can be found in Attachment 8.

This report sought to consider noise levels at the surrounding residences from children playing in outdoor areas, car park activity and mechanical plant operation. Several treatments have been added to the proposal to reduce noise to acceptable levels. Fencing on the northern and western boundary has been specifically designed to mitigate noise impacts to adjoining residential land uses. This assessment has considered the noise impact based on the proposed fence arrangement along the northern section which has a maximum height on the boundary of 3m. The upper level of the building also has solid walls to the play area to reduce the noise from children when using the space.

The report concluded that the proposal has been designed in such a way as to mitigate adverse impacts on the adjoining residential allotments.

When considering the findings and recommendations of the Sonus report, it is considered the proposal accords with Interface between Land Uses PO 1.2 and PO 4.1.

7.5.2 Waste Management

Design in Urban Areas PO 1.5 seeks that 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.

The bin storage area is screened with the same weatherboard cladding used on the main building to provide a cohesive appearance and landscaping in this location will reduce the visual impact.

Waste will be collected by a private contractor between 6:30pm and 7:00pm which is outside of normal business hours. The collection will be in accordance with the Environmental Protection (Noise) Policy 2007. The collection vehicle has been provided space to allow for entry and exit to the site in a forward gear.

The method of storage, screening and collection is considered to satisfy Design in Urban Areas PO 1.5 and PO 11.1.

7.6 Retaining Walls and Fencing

Design in Urban Areas PO 9.1 seek that fences, walls and retaining walls of sufficient height maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to sunlight or the amenity of public places. PO 9.2 seeks that landscaping is incorporated on the low side of retaining walls that are visible from public roads and public open space to minimise visual impacts.

The plans provide retaining walls on all boundaries of the site. On the Milne Road boundary, the walls will be 1.1m in cut, and the northern boundary will have a maximum of 1.2m in fill. These walls are required to manage the degree of cut and fill needed to create the benched areas for the child care centre building and associated car parking.

The western boundary will have *Colorbond* fencing at 1.8m in height on top of the retaining. The fencing on the northern boundary will range in height from 1.8m to 2.7m, will have acoustic treatments and be double skinned. The fencing colour is to be **'windspray' that will complement the building.**

The Milne Road and Redwood Avenue boundaries are to have brick fencing at 1.8m high when viewed from the street. The Milne Road boundary will also incorporate Perspex infill to add visual interest and to provide transparency to the front boundary allowing improved passive surveillance to the site.

Retaining walls along the road boundaries will not be visible outside the site, and the retaining on the other boundaries are necessary despite the lower car park level having been designed to minimise the amount of fill on the northern boundary. The fencing will provide privacy and mitigate the noise impacts to adjoining residential land uses. As such the retaining walls and fencing satisfy the Design in Urban Areas PO 9.1 and PO 9.2.

7.7 Overlooking

Design in Urban Areas PO 10.1 refers to mitigating direct overlooking from upper level windows to habitable rooms and the private open space of adjoining residential land uses.

The proposal has upper level windows facing north to the residence at 2 Redwood Avenue. These windows have fixed, frosted glazing to 1.5m to meet the DTS/DPF provision. The windows have therefore satisfied PO 10.1.

Design in Urban Areas PO 10.2 refers to mitigating direct overlooking from balconies to habitable rooms and the private open space of adjoining residential land uses.

The upper level play area functions as a balcony with no roof or windows. The plans provide for 1.8m solid walls to the western side of the area reducing to 1.5m on the northern side. The southern side of the area has clear balustrade at 1.5m which faces a road reserve of at least 15m. The upper level play area meets the DTS/DPF provisions of the above PO, and as such the screening is considered acceptable.

7.8 Signage

Advertisements DO 1 seeks advertisements and advertising hoardings are appropriate to context, efficient and effective in communicating with the public, limited in number to avoid clutter, and do not create a hazard.

Advertisements PO 1.1 seeks that advertisements are compatible and integrated with the design of the building and/or land they are located on. PO 1.5 seeks that advertisements and/or advertising hoardings are of a scale and size appropriate to the character of the locality.

Similarly, General Neighbourhood Zone PO 12.1 seeks that advertisements identify the associated business activity, and do not detract from the residential character of the locality.

The proposal incorporates branded signage into the overall design of the building. The signage consists of large integrated branding attached to the eastern elevation. The materials and colours are complementary to the material and colour palette of the building and are somewhat simple in their designs.

The message conveyed within the signage identifies the name of the centre, *Great Beginnings*, and includes the corporate logo of the centre. No other messaging or images are proposed. This satisfies Advertisements PO 3.1 which seeks that advertising is limited to information relating to the use of the land they are located on.

The signage is internally illuminated. In the response to representations the applicant has indicated they will be accepting of a condition that this lighting will meet Australian Standards. The sign faces a dwelling across Redwood Avenue at a distance of 20m from the boundary of the subject land. The dark colour of the sign will reduce the intensity of the light from the sign. Based on the discussion the proposed sign satisfies Advertisements PO 4.1 and PO 5.2.

7.9 Stormwater management

The proposal includes a comprehensive stormwater management plan and associated report (Attachment 9) which has been designed to ensure that no stormwater-borne **pollutants are discharged into Council's stormwater system, and the post-development stormwater discharge rates do not exceed the pre-development stormwater discharge rates.**

Stormwater will be directed to a 16kL underground detention tank with the system designed to endure up to a 1 in 100-year storm event and not exceed predevelopment discharge. The water will run through an Ecosol Storm pit to filter the water prior to discharge into the Council drainage system.

The overall concept has been endorsed by Council's civil assets department. As such, the Stormwater Management Plan satisfies the requirements of Design in Urban Areas PO42.1, PO 42.2 and PO 42.3.

8. CONCLUSION

The proposal is for the construction of a child care centre, with associated advertising, fencing and retaining in the General Neighbourhood Zone. The zone anticipates non-residential uses, with pre-school and consequently child care centre included within these envisaged uses. The proposal is considered to be of a scale that will serve the local community with minimal impact on neighbouring properties and the locality.

The development has been designed to minimise impacts on the locality and nearby residential properties with suitable setbacks, car parking provision, acoustic treatment, and comprehensive landscaping.

It is considered that the applicant has sufficiently addressed the concerns raised by the representors and that the development, on balance, meets the requirements of the relevant Desired Outcomes and Performance Objectives of the Planning and Design Code.

Consent is warranted, subject to conditions and notes as set out in the recommendation below.

9. PLANNING & DESIGN CODE POLICIES

Child Care Centre

General Neighbourhood Zone

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

Defence Aviation Area Overlay

PO 1.1

Hazards (Flooding – Evidence Required) Overlay

PO 1.1

Prescribed Wells Area Overlay

PO1.1

Regulated and Significant Tree Overlay

PO 2.1

Water Resources Overlay

PO 1.1, 1.7

Clearance from Overhead Powerlines

PO 1.1

Design

PO 1.1, 1.3, 1.4, 1.5, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 3.2, 4.1, 4.2, 4.3, 5.1, 7.1, 7.2, 7.3, 7.5, 7.6, 7.7, 8.1, 9.1, 9.2, 10.1, 10.2, 15.1, 31.1, 31.2

Design in Urban Areas

PO 1.1, 1.3, 1.4, 1.5, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 4.1, 4.2, 4.3, 5.1, 7.1, 7.2, 7.3, 7.5, 7.6, 7.7, 8.1, 10.1, 10.2, 11.1, 42.1, 42.2, 42.3

Interface between Land Uses

PO 1.2, 2.1, 3.1, 3.2, 3.3, 4.1, 4.2, 6.1, 6.2, 7.1

Out of Activity Centre Development

PO 1.1, 1.2

Transport Access and Parking

PO 1.1, 1.2, 1.3, 1.4, 2.1, 2.2, 3.1, 3.3, 3.4, 3.5, 3.6, 3.8, 4.1, 5.1, 6.1, 6.2, 6.7, 10.1

10. RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

- A. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- B. Development Application Number 21030842, by Emmett C-/ Future Urban Pty Ltd is granted Planning Consent subject to the following conditions and advisory notes:

CONDITIONS

Condition 1

The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 21030842 except where varied by any condition(s) listed below.

Condition 2

The materials used on the external surfaces of the development and the pre-coloured steel finishes or paintwork must be maintained in good condition at all times. All external paintwork must be completed within 2 months of the erection of the structures herein consented to.

Reason: To preserve and enhance the amenity of the site and locality.

Condition 3

The premises must be kept tidy and buildings, fences, landscaping and paved or sealed surfaces must be maintained in good condition at all times.

Reason: To maintain the amenity of the site and locality.

Condition 4

The hours of operation herein approved are as follows:

Monday to Friday 6:30am to 6:30pm

Any variation to these hours of operation will require a further consent.

Reason: To minimise the impact on adjoining properties.

Condition 5

All driveways, parking and manoeuvring areas must be formed, sealed with concrete, bitumen or paving, and be properly drained. They must be maintained in good condition thereafter.

Reason: To ensure useable and safe carparking.

Condition 6

All off-street car parking spaces must be linemarked, in accordance with the approved plans and Australian Standards AS 2890.1:2004 and 1742.2:2009. The linemarking, signposting and directional arrows must be maintained to a clear and visible standard at all times.

Reason: To maintain safety for users.

Condition 7

Free and unrestricted access must be available to all the designated carparking spaces and the vehicle access ways at all times.

Reason: *To ensure useable access and appropriate off-street carparking is provided.*

Condition 8

Driveways, parking and manoeuvring areas and footpaths must be lit in accordance with the Australian Standard AS 1158 during the hours of darkness that they are in use. Such lights must be directed and screened so that overspill of light into nearby properties is avoided and motorists are not distracted.

Reason: *To minimise the impact on adjoining properties and provide a safe environment for users during darkness*

Condition 9

Any existing crossing places not providing vehicle access on the approved plans must be replaced with kerb and watertable and the verge restored with materials consistent with the surrounding verge to a uniform level free of obstructions.

Reason: *To maintain consistency of the streetscape and protect the infrastructure within the road verge*

Condition 10

Except where varied by the approved plans or other conditions listed below, the new or modified crossing place must meet the minimum standard of design and construction as detailed on City of Tea Tree Gully drawings (as applicable):

- 1/15/SD – ‘Concrete Vehicle Crossing Place’;
- 2/15/SD – ‘Block Paved Vehicular Crossing Place’;
- 40/15/SD – ‘Property Access Grades;’ and/or;
- 45/15/SD – ‘Commercial Concrete Vehicular Crossing Place.

Reason: *To maintain consistency of the streetscape and protect the infrastructure within the road verge.*

Condition 11

The new crossing places must be constructed and/or modified, as per the approved plans and conditions, within six (6) months of completing the childcare centre, associated carparking, retaining walls, fencing and landscaping.

Reason: *To maintain consistency of the streetscape and protect the infrastructure within the road verge*

Condition 12

Stormwater management and water discharge must be undertaken in accordance with the Stormwater Management Plan prepared by PT Design dated September 2021 with works **outside the boundary of the site to be undertaken to the satisfaction of Council’s engineer.**

Reason: *To assist and maintain water quality entering Council’s drainage network and minimise the impact of development on neighbouring properties.*

Condition 13

Where stormwater is to be discharged to the street gutter, the stormwater system installation must meet the minimum requirements of City of Tea Tree Gully drawing:

- 62/15/SD – ‘**Stormwater Pipe Connection to Council Kerb and Gutter**’

Reason: *To maintain consistency of the streetscape and protect the infrastructure within the road verge.*

Condition 14

Any lights on the subject land including the carpark must be installed, directed and screened in accordance with Australian Standard AS 4282—1997 – Control of Obtrusive Effects of Outdoor Lighting.

Reason: *To ensure that overspill of light into the nearby properties is avoided and motorists are not distracted and to minimise the impact on adjoining properties and motorists*

Condition 15

No materials or equipment are to be stored outside except within the designated areas marked on the approved plans prepared by Matthews Architects Interior Designers.

Reason: *To preserve and enhance the amenity of the site and locality.*

Condition 16

The planting and landscaping identified in the Landscape Concept Plan prepared by Greenhill herein consented to, and submitted with the application must be completed in the first planting season concurrent with or following commencement of the use of the land. Such planting and landscaping must not be removed nor the branches of any tree lopped and any plants which become diseased or die shall be replaced by suitable species.

Reason: *To maintain amenity and site of locality.*

Condition 17

The acoustic treatments recommended for the site in the acoustic report provided by Sonus, document reference S6907C5 dated June 2022, are complied with and completed prior to commencement of the use and will remain in place and be maintained to the satisfaction of Council thereafter.

Reason: *To minimise the impact on adjoining properties.*

Condition 18

Waste collection services must be undertaken between 6:30pm and 7:00pm.

Reason: *To minimise the impact on adjoining properties.*

Condition 19

The signage, herein approved, must be maintained in good repair with all words and symbols being clearly visible at all times.

Reason: *To ensure amenity of the site and locality.*

Condition 20

The illumination of the signage must be kept to a level which ensures, that no hazard, difficulty or discomfort is caused to either approaching drivers on adjacent public roads or nuisance to adjoining residents, and in accordance with the relevant Australian Standards.

Reason: *To not distract road users and adjoining properties.*

ADVISORY NOTES

GENERAL NOTES

1. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
2. Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
3. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
 - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

PLANNING CONSENT NOTES

Advisory Note 1

This consent does not obviate the need to obtain any other necessary approvals from any/all parties with an interest in the land.

Advisory Note 2

The granting of this consent does not remove the need for the applicant to obtain all other consents that may be required by other statutes or regulations.

Advisory Note 3

The development (including during construction) must not at any time emit noise that exceeds the relevant levels derived from the *Environmental (Noise) Policy 2007*.

Advisory Note 4

The applicant/developer is reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practical measures to ensure the activities on the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm. This includes being mindful of and minimising off site noise, dust and vibration impacts associated with development.

Advisory Note 5

The cost of rectifying any damage or conflict with any existing services or infrastructure arising out of this development will be borne by the applicant.

Advisory Note 6

The applicant/owner is advised that any driveway crossovers on the Council verge, and shown on the stamped plans, has been approved as part of this application. For further information on the specifications and conditions relating to crossovers and stormwater connections, **please contact Council's Civil Operations Department on 8397 7444.**

Any works undertaken on Council owned land (including but not limited to works relating to reserves, crossing places, landscaping, footpaths, street trees and stormwater connections and underground electrical connections), shall require a separate authorisation from Council. Further information and/or specific details can be obtained by contacting Council's Civil Operations department on 8397 7444.

Advisory Note 7

Public services may be present in the road and it is the property owner's responsibility to ensure these services are not damaged as a result of the work. If services require alterations, it is the property owner's responsibility to consult with the particular service agency before performing any works. (Contact "Dial Before you Dig" on telephone 1100 or their website www.dialbeforeyoudig.com.au).

At all times during the construction, removal or repair of a crossing place or stormwater pipe, sufficient barricades and signs, visible at night (where work duration exceeds daylight hours), are to be installed and maintained to give adequate warning to the public.

The applicant shall be responsible for all costs associated with:

- The construction, removal or repair of crossing places or stormwater pipes. This may include the repairs and modifications to an abutting footpath as a result of the construction or alteration of the crossing place or stormwater pipe.
- The pruning, removal and replacement of any tree as approved in accordance with **Council's Tree Management Policy and the Council's Fees and Charges Register.**

Advisory Note 8

The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

Advisory Note 9

This application involves development located on the boundary or within close proximity to the boundary of the allotment. To ensure that the proposed development is constructed within the allotment, it is recommended that a site survey be undertaken to confirm the location of the relevant boundaries.

Advisory Note 10

You are advised that under the *Fences Act 1975* you are legally required to give notice for the removal of a fence on the common boundary. Please refer to the *Fences Act 1975* for the correct procedural requirements.

Advisory Note 11

Please be advised that your application involves work that may impact on the stability of neighbouring land. Pursuant to Section 139 of the *Planning, Development and Infrastructure (PDI) Act 2016*, you are reminded of your obligations to:

- 20 business days before the building is commenced, caused to be served on the owner of the affected land a notice of intention to perform the building work and the nature of that work; and
- Take precautions as may be prescribed to protect the affected land or premises and carry out work in accordance with the Section 139 of the Act.

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Report Authorisers

Blake O'Neil Planning Officer	8397 7331
Chelsea Tully Team Leader Planning	8397 7223
Nathan Grainger	

Manager City Development	8397 7200
Carol Neil Director Community & Cultural Development	8397 7341

Item 4.1

REPORT NO: CAP.21037456/2022
 RECORD NO: D22/45639
 TO: COUNCIL ASSESSMENT PANEL MEETING - 21 JUNE 2022
 FROM: Rhiya Singh
 Planning Officer
 SUBJECT: TWO STOREY DETACHED DWELLING AT 8 WELLINGTON COURT

SUMMARY

DEVELOPMENT NO.	21037456
APPLICANT	Fairmont Homes
ADDRESS	8 Wellington Court, GREENWITH SA 5125
NATURE OF DEVELOPMENT	Construct a two storey detached dwelling
ZONING INFORMATION	<p>Zones:</p> <ul style="list-style-type: none"> Hills Neighbourhood Zone <p>Overlays:</p> <ul style="list-style-type: none"> Affordable Housing Defence Aviation Area (all structures over 15 metres) Hazards (Flooding) Hazards (Bushfire – Urban Interface) Hazards (Flooding – Evidence Required) Prescribed Wells Area Regulated and Significant Tree Stormwater Management Urban Tree Canopy Water Resources
LODGEMENT DATE	22 Nov 2021
RELEVANT AUTHORITY	Council Assessment Panel at City of Tea Tree Gully
PLANNING & DESIGN CODE VERSION	04 November 2021 (2021.16)
CODE RULES APPLICABLE AT LODGEMENT	Code Rules Document for 8 Wellington Court Greenwith (This document is available on Council's Website)
CATEGORY OF DEVELOPMENT	Code Assessed - Performance Assessed

NOTIFICATION	Yes – Notification Period 25 November 2021 to 15 December 2021
NUMBER OF PROPERTIES NOTIFIED	12
REPRESENTATIONS RECEIVED	2
REPRESENTATIONS TO BE HEARD	1
RECOMMENDING OFFICER:	Rhiya Singh
REFERRALS STATUTORY	Nil
REFERRALS NON-STATUTORY:	Nil
RECOMMENDATION	Grant Planning Consent

1. DETAILED DESCRIPTION OF PROPOSAL

The proposed application includes a two-storey detached dwelling on an existing vacant allotment, known as 8 Wellington Court, Greenwith. It is one of the only few undeveloped parcels of land remaining in the locality. The application does not include retaining walls and fencing.

The proposed development is located within the Hills Neighbourhood Zone. The land fronts Wellington Court and backs onto Marengo Reserve to the east.

The dwelling has a total of two building levels as viewed from the street. The dwelling has a minimum front setback of 6m, a southern side setback of 1.7m and a northern side setback of 6.6m. The rear setback is 38.7m.

The proposed dwelling is contemporary in design and style, with five bedrooms and a formal recreation area located on the upper storey with associated wet areas, two car garage and an outdoor area consisting of a semi-enclosed verandah under the main roof.

Finishes to the dwelling include face brick work to the upper and lower storeys with *Colorbond* pre-coloured steel roof, gutters and fascias.

Plans of the proposed development can be found in Attachment 3.

A development application was lodged for 8 Wellington Court for a two-storey detached dwelling in May 2020 and development approval was granted in August 2020. As a part of this application, substantially sized moss rocks located towards the rear of the site were approved. The moss rocks retain fill up to a height of 5m. Moss rock retaining was also approved to be used at the front of the subject site to retain the area in cut, thereby providing a bench for the approved two storey dwelling.

Looking at past aerial images, the moss rock retaining was constructed between January and April 2021. In August 2021, the applicant requested that the development approval be revoked. The proposed bench level for the current application is somewhat similar to the previously approved design, and therefore requires minimal earthworks.

2. SUBJECT LAND & LOCALITY

2.1 Site Description:

Location reference: 8 WELLINGTON CT GREENWITH SA 5125

Title ref.:	Plan Parcel:	Council:
CT 6031/22	D79568 AL101	CITY OF TEA TREE GULLY

The subject site comprises a single allotment known as 8 Wellington Court, Greenwith SA. The site is irregular in shape and has a total area of 1885sqm. Access to the allotment is from Wellington Court. The eastern rear boundary fronts Marengo Reserve.

There is a sewerage easement to SA Water within the middle of the site and a drainage easement in favour of Council at the rear of the allotment. No works are proposed within these easements.

The land has existing *Colorbond* fencing to the northern and southern side boundaries. There is an existing galvanised iron fence on the eastern rear boundary. The allotment is vacant with grasses over the majority of the land and no regulated or significant trees on the site or land adjacent the proposed development.

The land slopes from the western corner to the north eastern corner with a rise of 16m over 69.3m between these corners of the site.

2.2 Locality

The locality is considered the area depicted within Figure 2 below being the land encircled by the red line.

The locality is bound by dwellings west on Wellington Court, south east on Marengo Court and east on Borodino Court.

The locality accommodates residential development. The residential development consists of large allotments between 650sqm and 1885sqm. The built form and character of the locality is a mix of single and double storey detached dwellings designed to conform to the slope of the area, typical in design and styling of the late 1990s to mid-2000s. Dwellings are generally conventional with hipped roofs and gable ends with brick, render and iron sheeting being the common building materials. The locality is considered to be well landscaped with established gardens and fencing. Low density prevails in the locality.



Figure 1: Locality Map, with subject site highlighted in orange

The locality is comprised of land that is both part of Hills Neighbourhood Zone and that of the General Neighbourhood Zone. The subject site is located within Hills Neighbourhood Zone, with the abutting reserve located in the General Neighbourhood Zone. Figure 2 below identifies the zoning in the locality in relation to the subject site (highlighted in orange).



Figure 2 - Zoning

3. CATEGORY OF DEVELOPMENT

PER ELEMENT

Detached Dwelling – Performance Assessed

OVERALL APPLICATION CATEGORY

Code Assessed - Performance Assessed

REASON

Planning and Design Code

4. PUBLIC NOTIFICATION

REASON

(Column B) Section 3 of Table 5 provides *development that 1. Exceeds the maximum building height specified in Hills Neighbourhood Zone DTS/DPF 4.1*

Hills Neighbourhood Zone DTS/DPF 4.1

Building height (excluding garages, carports and outbuildings) is no greater than:

- (a) *The following:*
- (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.*

In relation to DTS/DPF 4.1, in instances where:

- (c) *More than one value is returned in the same field, refer to the Maximum building Height (Levels) Technical and Numeric Variation layer or Maximum Building Height (Meters) Technical and Numeric Variation layer in SA planning database to determine the applicable value relevant to the site of the proposed development.*
- (d) *Only one value is returned for DTS/DPF 4.1(a) (i.e. there is one blank field), then the relevant height in meters or building levels applies with no criteria for the other.*

The proposed dwelling comprises two building levels however there is a total building height of 9.32m, thereby not satisfying DTS/DPF 4.1 of the Hills Neighbourhood Zone and requiring public notification.

LIST OF REPRESENTATIONS

Name	Address	Position	Wishes to be Heard
Ewelina Grigore x 2	7 Wellington Court GREENWITH SA, 5125 Australia	Oppose	Yes

SUMMARY

Public notification consisted of direct contact with 17 owners or occupiers of adjacent land and a sign detailing the proposal placed on the subject site for the duration of the notification period.

Two representations from the same representor were received that oppose the development. The representor elected to be heard by the Panel in the latest representation.

The representor is the owner of the adjoining allotment 7 Wellington Court, located south of the subject site. The main concerns of the representor include overlooking from the second storey windows of the proposed dwelling into the private open space and swimming pool area of the adjoining dwelling, and overshadowing that may be caused due to the reduced setback to the upper level on the southern side boundary. The concerns of the representor are noted and discussed in the further sections of the report.

Both the representations were forwarded to the applicant to respond.

A copy of the representations can be found in Attachment 4.

The applicant provided the following response:

- All upper level windows are fitted with fixed obscured glass to 1700mm above the floor level (200mm greater than required).
- All other non-habitable windows are fitted with obscure glass in a max opening of 125mm.
- The plans have been designed in accordance to the best outcome for this site with the constraints set.

The response to the representations can be found within Attachment 5.

5. AGENCY REFERRALS

No agency referrals were required

6. INTERNAL REFERRALS

6.1 Civil Stormwater

Council's Team Leader Civil Assets has reviewed the amended application and provided the following comments in regard to flood risk from the creek:

- The plans meet all Council requirements and is acceptable.

6.2 Traffic

The amended **plans have been reviewed by Council's Traffic Engineer and provided the following comments in regard to the driveway and crossover grades:**

- The application is acceptable.

7. PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Section 9 of this report and are available on Council's website as a supplementary document.

7.1 Quantitative Provisions

Table 1 Hills Neighbourhood Zone – Quantitative Provisions (DPF criteria)

DPF	Provision	Requirement	Provided	Complies
3.1	Site coverage	Maximum 40% on sites with a gradient 1-in-8	13%	✓
4.1(a)	Building height	2 Building Levels and 9m maximum	2 and 9.32m	X
5.1	Front setback	1m forward of neighbouring dwelling = 16m	6m	X

8.1	Side setback	On sites with a site gradient greater than 1-in-8 Other than a wall facing a southern boundary = 1.9m	6.66m	✓
		For walls facing a southern boundary, at least 1.9m plus 1/3 of the wall height above 3m measured from the top of the footings = $1.9 + 1/3(2.8) = 2.82\text{m}$	1.74m	X
9.1	Rear setback	4m ground floor, 6m any other building level	38.75m to both levels	✓

7.2 Land Use

Proposal is for residential land use in the Hills Neighbourhood Zone. Zone Performance Outcome (PO) 1.1 speaks to *predominantly low-density residential development*, with the Zone Desired Outcome (DO) 1 stating *development provides a complementary transition to adjacent natural and rural landscapes. Low density minimises disturbances to natural landforms and existing vegetation to mitigate the visible extent of buildings, earthworks and retaining walls.*

The residential land use proposed is low-density and therefore complies with Zone PO 1.1.

7.3 Building Height

The proposed dwelling comprises of two building levels and a maximum building height of 9.32m to the top of the top of the roof ridgeline. Zone PO 4.1 states that *buildings contribute to a low-rise suburban character and complement the height of nearby buildings*. The corresponding Designated Performance Feature (DPF) 4.1 seeks dwellings with a maximum height of 2 building levels and 9m. The Code definition of **'low-rise' means development up to and including building levels.**

The proposal comprises two building levels which is considered to satisfy the above PO, however the height of 9.32m exceeds the height requirement by 0.32m. It is noted that even with the additional height above the requirement, the proposal remains low-rise development having regard to the above definition.

It is therefore concluded that the additional height is of limited consequence and will not be to the detriment of the character of the zone or that of the locality. Hills Neighbourhood Zone PO 4.1 is satisfied.

7.4 Setbacks, Design and Appearance

The calculated site coverage for this development is 13%, and therefore satisfies Zone DPF 3.1 which seeks a maximum of 40%.

As demonstrated in Table 1 above, the side setback to the northern side boundary and the rear setback to the eastern rear boundary satisfies the Zone DPF 8.1(a)(ii) and DPF 9.1. However, the proposal does not satisfy the front setback DPF 5.1 nor the southern side setback DPF 8.1(a)(ii).

The adjoining dwelling located to the south of the subject site fronts Wellington Court with a south-west orientation, and the secondary frontage setback of this dwelling is 5.5m. The 6m front setback of the proposed dwelling would provide a gradual staggered pattern of development for the streetscape. The reduced front setback is considered to be of little detriment to the locality and does not detract from the low-rise suburban character.

The minimum southern side boundary setback is 1.7m, a distance which is 1.12m lesser than what is sought in the Code. The reduced setback would cause overshadowing issues to the swimming pool area and a section of the private open space of the adjoining allotment to the south. This concern has also been raised by the representor, and is discussed further in Section 7.7 of this report.

Since the proposed dwelling is designed to have a flat building face with no step or varied setbacks in the design, Hills Neighbourhood Zone PO 10.1 and PO 10.2 is not satisfied.

Similarly, the flat building design with little articulation on a bench level that is 5m in fill would be dominating when viewing the site from the Marengo Reserve, thus not satisfying Zone PO 11.1. However, the applicant has provided a landscape plan to screen buildings and excavation or filling from view. Hills Neighbourhood Zone PO 11.2 is achieved.

There are multiple windows on the second storey facing the primary street from a habitable room that encourage passive surveillance and make a positive contribution to the streetscape. As such, Design in Urban Areas PO 17.1 is satisfied.

Given the levels of the site, the entry door is set-down from the level of the street and would be visible from certain points of the primary street boundary. This design is acceptable with respect to Design in Urban Areas PO 17.2.

The provision of balcony from upper storey living area that overlooks the street, and location of lower level living areas that directly front outdoor recreation areas also satisfies Design in Urban Areas 18.1.

A double garage is proposed, being setback 9.5m from the primary street boundary, and has a 5.5m wide opening. This is consistent with the garage requirements set out in Design in Urban Areas PO 20.1.

Design in Urban Areas DTS/DPF 20.2 states that *each dwelling includes at least 3 of the following design features within the building elevation facing a primary street, and at least 2 of the following design features within the building elevation facing any other public road (other than a laneway) or a common driveway:*

- (a) *A minimum of 30% of the building wall is set back an additional 300mm from the building line*
- (b) *A porch or portico projects at least 1m from the building wall*
- (c) *A balcony projects from the building wall*
- (d) *A verandah projects at least 1m from the building wall*
- (e) *Eaves of a minimum 400mm width extend along the width of the front elevation*
- (f) *A minimum 30% of the width of the upper level projects forward from the lower level primary building line by at least 300mm*
- (g) *A minimum of two different materials or finishes are incorporated on the walls of the front building elevation, with maximum of 80% of the building elevation in a single material or finish.*

The proposed dwelling has a flat building face design, with no porch, portico, balcony or verandah elements projecting forward of the building line. The 400mm wide eaves are all that extend beyond the flat face of this front elevation. Finally, the upper storey elevation will incorporate plain render and paint finish and the ground floor elevation will be face brickwork. Multiple materials have been incorporated on the walls of the front building elevation. It is therefore considered that the above PO has been satisfied.

On balance, the proposed built form is considered reasonable in the context of the site and its impact on the streetscape and adjoining land.

7.5 Landscaping and private open space

With respect to the landscaping, Design in Urban Areas DPF 22.1 requires a minimum 25% of the allotment to comprise soft landscaping, with 30% of the front setback area also comprising soft landscaping. The proposal provides 84% and 67% respectively to satisfy these requirements.

A large tree (Eucalyptus Torquata (Coral Gum)) has been proposed within the site plan to satisfy Urban Tree Canopy Overlay DPF 1.1.

With respect to private open space, the provision of 1380m² space to the rear of the site satisfies Design in Urban Areas 22.1. The private open space remains directly accessible from living areas of the dwelling, as sought in Design in Urban Areas DPF 21.2.

7.6 Traffic Access and Parking

The proposed dwelling has a double garage under the main roof which will allow for two undercover carparking spaces. Further visitor parking is also available in the driveway, and the driveway width at the primary street boundary is 5m.

With respect to parking, Design in Urban Areas PO 23.1, PO 23.2 and PO 23.3 are satisfied. There is no street furniture or street trees that might hinder access, which is consistent with Design in Urban Areas PO 23.4.

The civil plan was internally referred to both Council's **Traffic Engineer to review the** driveway design, grades and crossover access. The driveway and crossover grades have been deemed acceptable.

The driveway gradient also satisfies Design in Urban Areas PO 8.2, PO 8.3 and PO 23.5.

The development therefore has been appropriately designed for this sloping site and provides safe and convenient vehicle access.

7.7 Overlooking and Overshadowing

Design in Urban Areas DPF 10.1 states that *upper level windows facing side or rear boundaries shared with a residential use in a neighborhood-type zone:*

- (a) *Are permanently obscured to a height of 1.5m above finished floor level and are fixed or not capable of being opened more than 125mm*
- (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 1.5m above the finished floor level.*

The elevation plans demonstrate that upper level windows facing side or rear boundaries have been appropriately obscured. As such there are no overlooking concerns and Design in Urban Area DPF 10.1 is satisfied.

As noted in Section 7.4 of this report, the proposed development has a reduced setback to the southern boundary. This reduced southern side boundary setback, coupled with the bulk of the proposed dwelling, poses potential overshadowing concerns. The representor has also raised concern regarding overshadowing.

Interface between Land Uses DPF 3.2 seeks development that *maintains 2 hours of sunlight between 9.00 am and 3.00pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following:*

- a. *For ground level private open space, the smaller of the following:*
 - i. *Half the existing ground level open space*
 - Or*
 - ii. *35sqm of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m)*
- b. *For ground level communal open space, at least half of the existing ground level open space.*

The applicant has not provided any shadow diagrams or analysis to demonstrate whether the above has been achieved. While it is expected that the swimming pool and a section of the private open space on the adjoining allotment will experience some overshadowing, their property will still receive at least 2 hours of sunlight to at least 35m² of private open space between 9.00 AM and 3.00 PM on 21 June. Interface between Land Uses PO 3.2 is therefore satisfied, noting the size of the proposed two **storey building relative to the size of the adjoining site's yard coupled with the increasing side setback ensures the extent of overshadowing is not excessive.**

7.8 Environmental Factors

7.8.1 Stormwater Management Overlay

For an allotment of 1885m², Stormwater Management Overlay requires 4000L retention that is connected to a minimum of 60% of the roof area. The plans provide a 4000l stormwater retention tank that is plumbed into the dwelling. Stormwater Management Overlay DPF 1.1 is satisfied.

7.8.2 Hazards (Flooding – Evidence Required) Overlay

Hazards (Flooding – Evidence Required) Overlay DPF 1.1 states that *habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished floor level at least 300mm above:*

- (a) *The highest point 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.*

Since the finished floor level of the proposed dwelling is lower than the highest **point top of kerb, the application was referred to Council's Civil Stormwater team.**

Council's Team Leader Civil Assets reviewed the application and requested that given the option of changing the FFL is difficult due to level differences, a 100mm plinth is required from the highest point top of kerb along the property primary boundary to prevent stormwater going into the property.

The applicant has provided amended plans to demonstrate this, and as a result Hazards (Flooding - Evidence Required) Overlay PO 1.1 is satisfied.

This is also consistent with Design in Urban Areas PO 8.4 which states that development on sloping land should be appropriately designed to minimise erosion as a result of the proposed drainage design.

7.8.3 Hazards (Flooding) Overlay

A water catchment creek is located to the east of the subject land. For this reason, the subject land is captured by the Hazards (Flooding) Overlay and has been internally **referred to Council's Projects and Assets Engineer to review.**

It was confirmed that since there is an 8.3m level difference from the FFL to the creek at the rear, the risk of flooding from the creek will be very minimal and therefore there are no concerns.

7.8.4 Waste Management

Domestic waste can be disposed of in standard bins for which there is storage spaces on the site that are screened from public view. The waste storage complies with Design in Urban Areas PO 24.1.

8. CONCLUSION

The proposal is for a two-storey detached dwelling and associated retaining walls and fences, all of which are envisaged within the Hills Neighbourhood Zone.

Albeit, the proposal does exhibit some variances in terms of height and setbacks, the height proposed is not considered excessive nor detrimental to the locality or zone, and the front setback still contributes to the desired pattern of development in the locality and Zone.

Having regard to the relevant assessment criteria, the proposal on balance satisfies the Planning and Design Code sufficiently to recommend Planning Consent subject to conditions.

9. PLANNING & DESIGN CODE POLICIES

Detached Dwelling

Hills Neighbourhood Zone

PO 1.1, PO 3.1, PO 4.1, PO 5.1, PO 8.1, PO 9.1, PO 10.1, PO 10.2, PO 11.1, PO 11.2

Defence Aviation Area Overlay

PO 1.1

Hazards (Flooding) Overlay

PO 3.1, PO 3.2, PO 3.3, PO 3.4, PO 3.5, PO 4.2, PO 5.1, PO 5.2, PO 6.1, PO 6.2

Hazards (Flooding – Evidence Required)

PO 1.1

Stormwater Management Overlay

PO 1.1

Urban Tree Canopy Overlay

PO 1.1

Water Resources Overlay

PO 1.1, PO 1.2

Clearance from Overhead Powerlines

PO 1.1

Design in Urban Areas

PO 6.1, PO 8.1, PO 8.2, PO 8.3, PO 8.4, PO 8.4, PO 8.5, PO 10.1, PO 10.2, PO 17.1, PO 17.2, PO 18.1, PO 20.1, PO 20.2, PO 20.3, PO 21.1, PO 21.2, PO 22.1, PO 23.1, PO 23.2, PO 23.3, PO 23.4, PO 23.5, PO 23.6, PO 24.1

Infrastructure and Renewable Energy Facilities
PO 11.2, PO 12.1, PO 12.2

Interface between Land Uses
PO 3.1, PO 3.2, PO 3.3

Transport, Access and Parking
PO 5.1

10. RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

- A. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- B. Development Application Number 21037456, by Fairmont Homes is GRANTED Planning Consent subject to the following conditions and advisory notes:

CONDITIONS

Condition 1

The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in the application herein approved, except where varied by any condition(s) listed below.

Condition 2

Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).

Condition 3

Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.

Condition 4

The entire structure must be finished in an unobtrusive, natural, earthy colour. The paintwork or pre-coloured steel finish must be maintained in good condition at all times. This condition must be complied with within 2 months of the erection of the dwelling.

Reason: *To preserve and enhance the amenity of the site and locality.*

Condition 5

The materials used on the external surfaces of the building and the pre-coloured steel finishes or paintwork must be maintained in good condition at all times. All external paintwork must be completed within 2 months of the erection of the dwelling.

Reason: *To preserve and enhance the amenity of the site and locality.*

Condition 6

All driveways, parking and manoeuvring areas must be formed, sealed with concrete, bitumen or paving, and be properly drained. They must be maintained in good condition thereafter.

Reason: *To ensure useable and safe carparking.*

Condition 7

Free and unrestricted access must be available to the driveway and this area must be available for parking at all times.

Reason: *To ensure appropriate off street carparking is provide at all times.*

Condition 8

Any existing crossing places not providing vehicle access on the approved plans shall be replaced with kerb and watertable and the verge restored with materials consistent with the surrounding verge to a uniform level free of obstructions.

Reason: *To maintain consistency of the streetscape and protect the infrastructure within the road verge.*

Condition 9

Except where varied by the approved plans or other conditions listed below, the new or modified crossing place shall meet the minimum standard of design and construction as detailed on City of Tea Tree Gully drawings (as applicable):

- 1/15/SD – ‘Concrete Vehicle Crossing Place’;
- 2/15/SD – ‘Block Paved Vehicular Crossing Place’;
- 40/15/SD – ‘Property Access Grades;’ and/or;
- 45/15/SD – ‘Commercial Concrete Vehicular Crossing Place.’

Reason: *To maintain consistency of the streetscape and protect the infrastructure within the road verge.*

Condition 10

The upper level windows of the dwelling facing the side and rear boundaries must have:

- Minimum window sill heights of 1.5 metres above the upper finished floor level; or
- Fixed and obscured glass to a height of 1.5 metres (minimum) above upper floor level; or
- Obscured glass to a height of 1.5 metres (minimum) above the upper floor level, which are hinged at the top of the window panel and include a wind out mechanism to no greater than 200mm.

The obscured glass must be fitted prior to occupation of the dwelling and maintained at all times thereafter.

Reason: *To minimise overlooking of adjoining properties.*

Condition 11

The planting and landscaping identified on the landscape plan submitted with the application must be completed in the first planting season concurrent with or following commencement of the use of the dwelling. Such planting and landscaping must not be removed nor the branches of any tree lopped and any plants which become diseased or die must be replaced by suitable species.

Reason: *To maintain the amenity of the site and locality.*

ADVISORY NOTES

GENERAL NOTES

1. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
2. Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
3. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
 - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

PLANNING CONSENT NOTESAdvisory Note 1

This consent does not obviate the need to obtain any other necessary approvals from any/all parties with an interest in the land.

Advisory Note 2

The cost of rectifying any damage or conflict with any existing services or infrastructure arising out of this development will be borne by the applicant.

Advisory Note 3

The applicant/owner is advised that any driveway crossover works on the Council verge as shown on the stamped plans, have been approved as part of this application. For further information on the specifications and conditions relating to crossovers and stormwater connections, please contact Council's Civil Operations Department on 8397 7444.

Any further works undertaken on Council owned land (including but not limited to stormwater connections, access over Council reserves to construct the development, verge landscaping, and underground electrical and other service connections), requires a separate authorisation from Council.

Further information and/or specific details can be obtained by contacting Council's Civil Operations department on 8397 7444 or accessing the web form at https://www.teatreegully.sa.gov.au/Council_documents_Landing/Council_documents/Permits/Section_221_Application.

Advisory Note 4

You are advised that it is an offence to undertake *tree damaging activity* in relation to a regulated or significant tree without the prior consent of Council.

Tree damaging activity means:

- The killing or destruction of a tree; or
- The removal of a tree; or
- The severing of branches, limbs, stems or trunk of a tree; or
- The ringbarking, topping or lopping of a tree; or
- Any other substantial damage to a tree, (including severing or damaging any roots),

and includes any other act or activity that causes any of the foregoing to occur, but does not include maintenance pruning that is not likely to affect adversely the general health and appearance of a tree.

Advisory Note 5

The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

Advisory Note 6

This application involves development located on the boundary or within close proximity to the boundary of the allotment. To ensure that the proposed development is constructed within the allotment, it is recommended that a site survey be undertaken to confirm the location of the relevant boundaries.

Advisory Note 7

You are advised that under the *Fences Act 1975* you are legally required to give notice for the removal of a fence on the common boundary. Please refer to the *Fences Act 1975* for the correct procedural requirements. Further information can be obtained from the Legal Services Commission at www.lsc.sa.gov.au.

Advisory Note 8










Public services may be present in the road and it is the property owner's responsibility to ensure these services are not damaged as a result of the work. If services require alterations, it is the property owner's responsibility to consult with the particular service agency before performing any works. (Contact "Dial Before you Dig" on telephone 1100 or their website www.dialbeforeyoudig.com.au).

At all times during the construction, removal or repair of a crossing place or stormwater pipe, sufficient barricades and signs, visible at night (where work duration exceeds daylight hours), are to be installed and maintained to give adequate warning to the public.

The applicant shall be responsible for all costs associated with:

- The construction, removal or repair of crossing places or stormwater pipes. This may include the repairs and modifications to an abutting footpath as a result of the construction or alteration of the crossing place or stormwater pipe.
- The pruning, removal and replacement of any tree as approved in accordance **with Council’s Tree Management Policy and the Council’s Fees and Charges Register.**

Attachments

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