

# Notice of Council Assessment Panel Meeting

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## MEMBERSHIP

Mr M Adcock	Independent Member (Presiding Member)
Mr G Salmon	Independent Member
Mr J Rutt	Independent Member
Mr A Mackenzie	Independent Member
Mr D Wyld	Elected 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 20 JULY 2021 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 have a right of deputation to the Panel, 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 July 2021

CITY OF TEA TREE GULLY  
COUNCIL ASSESSMENT PANEL MEETING  
20 JULY 2021

AGENDA

1. Attendance Record:

1.1 Present

1.2 Apologies

2. Minutes of Previous Meeting

That the Minutes of the Council Assessment Panel Meeting held on 15 June 2021 be confirmed as a true and accurate record of proceedings.

3. Business Arising from Previous Minutes - Nil

4. Reports and Recommendations

4.1 CAP.070/120326/2020 - Deferred Item From 18 May 2021 Meeting - Change in Use to Meditation and Yoga Studio at Unit 1, 247 Milne Road, Modbury North .....5

*Recommended to Grant Development Plan Consent*

4.2 CAP.21007142 - Dog Boarding Kennel - 8 Aristotle Close Golden Grove .....47

*Recommended to Grant Planning Consent*

Deputations:

M L Bria ..... (Representor/s)

Representative from URPS ..... (Applicant's Representative)

5. Other Business

5.1 E.R.D. Court Matters Pending

5.1.1 CAP.070/120611/2020 - Removal of a Significant Tree (SA Blue Gum) at 12 Deering Crescent, Banksia Park

Outcome: The matter has been set down for preliminary conference on Friday 16 July 2021.

5.1.2 CAP.070/120266/2020 - Land Division (1 into 3) at 13 Pope Crescent, Hope Valley

Outcome: The appeal on this matter was withdrawn from the ERD Court.

5.2 Policy Considerations

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

5.3 Pending State Commission Assessment Panel Concurrence - Nil

6. Information Reports - Nil

7. Date of Next Meeting

17 August 2021

REPORT NO: CAP.070/120326/2020  
RECORD NO: D21/46766  
TO: COUNCIL ASSESSMENT PANEL MEETING - 20 JULY 2021  
FROM: Timothy Bourner  
Planning Officer  
SUBJECT: DEFERRED ITEM FROM 18 MAY 2021 MEETING -  
CHANGE IN USE TO MEDITATION AND YOGA STUDIO AT  
UNIT 1, 247 MILNE ROAD, MODBURY NORTH

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#### SUMMARY

Applicant: Tamra Shinkfield  
Nature of Development: Change in Use  
Address: Unit 1, 247 Milne Road Modbury North  
Application No: 070/120326/2020  
Lodgement Date: 11 November 2020  
Development Plan: Consolidated 27 December 2018  
Zone and Policy Area: Commercial - Milne Road Policy Area 1  
Relevant Development  
Plan Provisions: Objectives  
Commercial Zone 1, 2  
Milne Road Policy Area 1 1, 3  
Interface between Land Uses 1, 3  
Transportation and Access 2(c)  
Principles of Development Control  
Commercial Zone 1, 2  
Milne Road Policy Area 1 1, 3, 4  
Interface between Land Uses 1(b, g and h), 3, 6  
Transportation and Access 8, 31

Public Notification: Category 3

Representations:  
 Number of Properties Notified: 30  
 Number of Representations Received: 4

Names and Addresses of Representors: D.A. Robertson & J.N. Sternagen \*  
 Unit 5, 245 Milne Road, Modbury North

Elizabeth Owers  
 7 John Ramsay Circuit, Hope Valley

Brian Grech \*  
 Unit 4 & 6 247 Milne Road, Modbury North

Michael Hewett \*  
 Units 1-3 245 Milne Road, Modbury North

Representors marked with \* wish to be heard

Number of Representors wishing to be heard: 3

Schedule 8 Referral: Not required

Was a request for additional information made? Yes

Issues: Car parking

Recommendation: Grant Development Plan Consent

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1. PROPOSAL

The application before the Council Assessment Panel seeks to change the use of the tenancy from an office to a meditation and yoga studio. The studio is to occupy Unit 1 of 6 units within the existing single storey building on the subject site.

The meditation and yoga studio will operate 7 days a week with varied operating hours generally afternoons and evenings on weekdays, mornings on Saturday, and full days on Sundays. The specific operating hours are as follows:

Monday	5:30pm – 9:15pm
Tuesday	4:00pm – 9:15pm
Wednesday	5:30pm – 9:15pm
Thursday	4:00pm – 9:15pm
Friday	5:30pm – 9:15pm
Saturday	8:30am – 12:00pm
Sunday	9:00am – 5:00pm

Unit 1 is located in the centre of the building with Unit 2 to the south and Unit 5 to the north.

The other tenancies within the site are occupied by an IT business (Unit 2), pilates studio (Unit 3), dance studio (Unit 4 and 6) and a chiropractor (Unit 5).

No alterations are proposed to the exterior of the building, nor is any signage proposed.

## 2. BACKGROUND

This application was previously considered at the Council Assessment Panel (CAP) meeting on 18 May 2021, during which a decision on the application was deferred to allow the applicant the opportunity to provide the following:

- **Traffic Survey Data or Further Information relating to the timed usage of the site's car parking; particularly between the hours of 4pm and 6pm.**

The minutes of the CAP meeting can be found in Attachment 2 of this report.

On 30 June 2021, the leasing agent for the tenancy provided a document on behalf of the **applicant detailing the landlord's car parking plan to manage the onsite parking issues as highlighted during the CAP meeting on 18 May 2021**. This can be found in Attachment 3.

## 3. PLANNING ASSESSMENT

At the meeting of (CAP) 18 May 2021, it was identified by representors that there are instances **where users of the subject site's carpark are not attendees of any of the six tenancies on the land**. Use of the car park by unrelated persons leads to an under supply of car parking for the tenants and their clients.

As detailed in the car parking plan provided to Council, the landlord has proposed a series of parking management techniques, see Attachment 3.

These include signage identifying parking limits, nominated staff parking areas and private parking notices. These signs have been planned for installation within three weeks and are likely to have been installed by the time of this CAP meeting.

The second technique proposed is the installation of bollards and chains. These are intended to reinforce the private nature of the carpark, and is said to be a technique commonly used at other similar properties.

The final technique is only proposed to be undertaken if the parking issues persist. This technique involves engaging a private parking company to manage the parking by way of regular patrols, parking permits and enforcement.

In looking at the above measures proposed, it is considered that the proposed development satisfies Transportation and Access Objective 2(c), and PDC 31 and will ensure the onsite **car parking is available to the site's tenants and clients**.

## 4. CONCLUSION

The applicant provided a document detailing the landlord's plan to manage the onsite parking issues as highlighted during the CAP meeting on 18 May 2021.

This document details a car parking plan to ensure all onsite parking spaces are available to the tenants and their clients at all times, and is not utilised by those not associated with the site.

With the proposal demonstrating the site had sufficient car parking provisions for all the uses on the site including the proposed use, the undertaking by the landlord is acceptable to manage external impacts and sufficiently address the request by the CAP.

As such the proposal warrants Development Plan Consent, subject to conditions.

## 5. RECOMMENDATION

That pursuant to the authority delegated to the Council Assessment Panel by Council, the Council Assessment Panel:

A. RESOLVES that the proposed development is not seriously at variance with the policies in the Tea Tree Gully (City) Development Plan.

B. RESOLVES to GRANT Development Plan Consent to the application by Tamra Shinkfield to change the use of the subject tenancy to a meditation and yoga studio at Unit 1, 247 Milne Road Modbury as detailed in Development Application No. 070/120326/2020 subject to the following conditions and advisory notes:

(1) The development must be undertaken, completed and maintained in accordance with the plan(s) and information in Application No. 070/120326/2020 except where varied by any condition(s) listed below.

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

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

(3) The hours of operation herein approved are as follows:

- Monday 5:30pm – 9:15pm
- Tuesday 4:00pm – 9:15pm
- Wednesday 5:30pm – 9:15pm
- Thursday 4:00pm – 9:15pm
- Friday 5:30pm – 9:15pm
- Saturday 8:30am – 12:00pm
- Sunday 9:00am – 5:00pm

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

- (4) A maximum of 11 persons, including staff, are permitted on site between the approved opening hours of 4:00pm and 5:30pm on Tuesdays and Thursday. A maximum of 15 persons, including staff, are permitted during other approved operating times.

Reason: To ensure adequate carparking is available on the site at all times.

Note(s):

- (1) 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.
- (2) 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 do not pollute the environment in a way which causes or may cause environmental harm. This includes being mindful of minimising noise, dust and vibration impacts associated with the development.

Attachments

1. <a href="#">↓</a>	Previous CAP Report - 18 May 2021 .....	10
2. <a href="#">↓</a>	Minutes of CAP Meeting - 18 May 2021 .....	43
3. <a href="#">↓</a>	Landlords Carparking Plan .....	45

Report Authorisers

Timothy Bourner Planning Officer	8397 7251
Nathan Grainger Manager City Development	8397 7200
Carol Neil Director Community & Cultural Development	8397 7341

**REPORT NO:** CAP.070/120326/2020  
**RECORD NO:** D21/28948  
**TO:** COUNCIL ASSESSMENT PANEL MEETING - 18 MAY 2021  
**FROM:** Timothy Bourner  
Senior Planning Officer  
**SUBJECT:** CHANGE IN USE TO MEDITATION AND YOGA STUDIO AT  
UNIT 1, 247 MILNE ROAD, MODBURY NORTH

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**SUMMARY**

**Applicant:** Tamra Shinkfield  
**Nature of Development:** Change in Use  
**Address:** Unit 1, 247 Milne Road Modbury North  
**Application No:** 070/120326/2020  
**Lodgement Date:** 11 November 2020  
**Development Plan:** Consolidated 27 December 2018  
**Zone and Policy Area:** Commercial - Milne Road Policy Area 1  
**Relevant Development Plan Provisions:**

- Objectives
- Commercial Zone 1, 2
- Milne Road Policy Area 1 1, 3
- Interface between Land Uses 1, 3
- Transportation and Access 2(c)
- Principles of Development Control
- Commercial Zone 1, 2
- Milne Road Policy Area 1 1, 3, 4
- Interface between Land Uses 1(b, g and h), 3, 6
- Transportation and Access 8, 31

**Item 4.1**

**Public Notification:** Category 3

**Representations:**

Number of Properties Notified: 30

Number of Representations Received: 4

Names and Addresses of Representors: D.A. Robertson & J.N. Sternagen \*  
Unit 5, 245 Milne Road, Modbury North

Elizabeth Owers  
7 John Ramsay Circuit, Hope Valley

Brian Grech \*  
Unit 4 & 6 247 Milne Road, Modbury North

Michael Hewett \*  
Units 1-3 245 Milne Road, Modbury North

Representors marked with \* wish to be heard

Number of Representors wishing to be heard: 3

**Schedule 8 Referral:** Not required

**Was a request for additional information made?** Yes

**Issues:** Car parking

**Recommendation:** Grant Development Plan Consent

**1. PROPOSAL**

The application before the Council Assessment Panel seeks to change the use of the tenancy from an office to a meditation and yoga studio. The studio is to occupy Unit 1 of 6 units within the existing single storey building on the subject site.

The meditation and yoga studio will operate 7 days a week with varied operating hours generally afternoons and evenings on weekdays, mornings on Saturday, and full days on Sundays. The specific operating hours are as follows:

Monday	5:30pm – 9:15pm
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Thursday	4:00pm – 9:15pm
Friday	5:30pm – 9:15pm
Saturday	8:30am – 12:00pm
Sunday	9:00am – 5:00pm

Unit 1 is located in the centre of the building with Unit 2 to the south and Unit 5 to the north.

REPORT NO: CAP.21007142  
 RECORD NO: D21/45176  
 TO: COUNCIL ASSESSMENT PANEL MEETING - 20 JULY 2021  
 FROM: Blake O'Neil  
 Planning Officer  
 SUBJECT: CAP.21007142 - DOG BOARDING KENNEL -  
 8 ARISTOTLE CLOSE GOLDEN GROVE

## SUMMARY

DEVELOPMENT NO.	21007142
APPLICANT	Mrs Emilia Jaworek
ADDRESS	8 Aristotle Close, Golden Grove SA 5125
NATURE OF DEVELOPMENT	Change of Use to Animal Keeping (Dog Day Care Facility) and associated advertising
ZONING INFORMATION	<p>Zones:</p> <p>Employment</p> <p>Overlays:</p> <ul style="list-style-type: none"> <li>• Defence Aviation Area</li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Water Resources</li> </ul> <p>Technical Numeric Variations (TNVs)</p> <ul style="list-style-type: none"> <li>• Maximum Building Height (Metres) (Maximum building height is 9m)</li> <li>• Maximum Building Height (Levels) (Maximum building height is 2 levels)</li> </ul>
LODGEMENT DATE	2 May 2021
RELEVANT AUTHORITY	Council Assessment Panel at City of Tea Tree Gully
PLANNING & DESIGN CODE VERSION	2021.5 (dated 22 April 2021)
CODE RULES APPLICABLE AT LODGEMENT	<a href="#">Code Rules Document for 8 Aristotle Close, Golden Grove</a> (This document is available on Council's Website)

CATEGORY OF DEVELOPMENT	Code Assessed - Performance Assessed
NOTIFICATION	Yes – Notification period 25 May 2021 to 10 June 2021
RECOMMENDING OFFICER	Mr Blake O’Neil
REFERRALS STATUTORY	N/A
REFERRALS NON-STATUTORY:	Traffic - Wahid Yousafzai

#### 1. DETAILED DESCRIPTION OF PROPOSAL

The application before the Council Assessment Panel seeks to change the use of two Industrial type units from an existing vacant warehouse/store to a short term dog boarding kennel ‘Doggy Daycare’. **The proposed land use falls within the ‘Animal Keeping’ land use definition in the Planning and Design Code (‘the Code’). The site contains a single building** with four industrial units, and the proposed development will occupy Units 1 and 2 which are at the eastern end of the building and closest to the road reserve.

The facility will operate Monday to Friday from 6:30am to 6:30pm for the short term boarding **of dogs. On Saturday and Sunday there will be ‘dog parties’ for a maximum of 3 hours** between 9am and 2pm on an ad hoc basis. There is no provision for overnight or weekend boarding of animals on the site.

No alterations are proposed to the exterior of the building, there is a sign proposed that is attached to the fence on the front boundary. The proposed sign is not illuminated, flashing or moving, and has an approximate height of 1m and width of 2m. The sign will reach a total of height of 1.5m above natural ground level.

There will be maximum of 4 staff on site at any time which includes the applicant/owner and a dog groomer. The proposal will include **maximum of 30 clients’ dogs and the applicants’ dog** to a total of 31 dogs that will be on the site during the operating hours.

A plan for the management of waste products has been provided which includes sealed bags and bins, plus the use of absorbent materials for a reduction in odour. Traps on the drains will prevent fur entering the waste water system. Internal building alterations are also proposed **to align with the applicant’s acoustic consultant.**

The business will operate entirely within the building, with dogs in care to remain indoors for the duration of their stay which includes any indoor exercise.

2. SUBJECT LAND & LOCALITY

2.1. Site Description

Location reference: 8 ARISTOTLE CL GOLDEN GROVE SA 5125  
 Title reference: Plan Parcel: Council:  
 CT 5677/221 D52366 AL20 CITY OF TEA TREE GULLY

The subject site is known as 8 Aristotle Close and is located within the Employment Zone. There are no subzones for the allotment.

The subject land has a rectangular shape comprising approximately 1,923m<sup>2</sup> and a frontage of 33m to Aristotle Close. The land was levelled as part of the original warehouse development, and has a gradual slope down from the front boundary to the curb. The site is accessed directly from Aristotle Close via one existing crossover that allows for two-way traffic. The subject tenancy has access to 8 car parking spaces of the total 16 spaces that exist to service all four tenancies on the land.

The existing building is currently established for light industrial land uses, with the subject units (Units 1 and 2) being vacant and the remaining two units at the rear (Units 3 and 4). These units are occupied by an electrical circuit board manufacturer with Unit 3 being used primarily for storage. The building covers some 947m<sup>2</sup> with each unit occupying a quarter of the building and each tenancy or land use occupying 2 units.

The proposed land use will include administrative uses towards the front of the units and the dog boarding area located to the rear. The dogs will have separate enclosures based on the size of the dogs and an exercise area all under the main roof.

2.2 Locality



Figure 1: Subject Site and Locality Map (notified properties identified in blue, location of nearby representors within locality identified in red)

The subject site and adjoining land to the north, east and south are all located in the Employment Zone, and land to the rear/west is located within the Suburban Neighbourhood Zone.

Adjoining allotments to the north and south consist of light industrial land uses (landscaping and advertising manufacturing businesses), whereas land directly to the west is residential in nature, comprising detached dwellings and associated residential structures. A Council drainage reserve is located directly east of the site.

The wider locality to the north, south and east forms part of the Golden Grove Light Industry Estate, and includes a variety of light industry uses and the Council Service Centre site. This portion of the locality consists of large industrial buildings with a moderate level of landscaping within the reserve and car parking areas. The portion of the locality within the Suburban Neighbourhood Zone primarily consists of dwellings, predominately single storey, and low levels of landscaping.

There is a watercourse that runs along the eastern side of Aristotle Close and is contained within the council reserve.

3. CATEGORY OF DEVELOPMENT

PER ELEMENT:

Change of use to Animal Keeping

OVERALL APPLICATION CATEGORY:

Code Assessed - Performance Assessed

REASON

Planning and Design Code

4. PUBLIC NOTIFICATION

REASON

Not a listed land use that is exempt from notification in Table 5 of the Employment Zone, and therefore was required to undergo public notification.

LIST OF REPRESENTORS

Rainbow	Katharine	19 Parkwood Drive, Golden Grove 5125
Rainbow	Antony	19 Parkwood Drive, Golden Grove 5125
Colleen	Barrow	5 Gorman Street, Modbury 5092
James	Dimitri	PO Box 101, Highbury 5089
Greg	Jerome	22 Maughan Avenue, Redwood Park 5097
Leah	Bria	9 Wyndham Crescent, Surrey Downs 5126

## SUMMARY

34 owners or occupiers were publicly notified, 6 representations were received. Of the 6 received, 3 opposed the development and 3 support the development. One representation in support wishes to be heard.

Panel members may wish to note that a seventh representation was received during the notification period however that was withdrawn on 6 July 2021.

The representors who opposed the dog boarding kennels all have concerns over noise, such as barking at night, with one also raising concerns about the waste and associated smells. Those in favour speak to the need for this type of business in the area and the lack of availability.

The applicant has provided a response to the representations which reiterates the noise report provided with the application and the recommendations for alterations to the building to minimise the noise. These acoustic treatments would be completed by the applicant in a manner that will meet or exceed the minimum requirements of the recommendations. A copy of the representations are provided in Attachment 8 and the response to representations have been provided in Attachment 9.

## 5. REFERRALS

### 5.1 Agency Referrals

Proposed change of use triggered no agency referrals.

### 5.2 Internal Referrals

#### 5.2.1 Traffic (Wahid Yousafzai)

The proposed parking rate for the dog day care is acceptable. The parking area will need to be line marked as per Australian standards and a turnaround area should be provided in case the parking is full.

## 6. PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are listed in Section 8, and available on Council's Website as a supplementary document.

### 6.1 Land Use

The subject tenancy is located in the Employment Zone where the Desired Outcome (DO) seeks the following:

*'a diverse range of low-impact light industrial, commercial and business activities that complement the role of other zones accommodating significant industrial, shopping and business activities.'*

The proposed Dog Daycare facility falls within the scope of the defined land use of 'Animal Keeping' according to the definitions in Part 7 of the Code. The proposed land use is not an envisaged land use per Employment Zone Performance Outcome (PO) 1.1, notwithstanding that it is in keeping with the above DO of the Zone.

The proposed development will house up to 31 dogs, and in support of the scale of the proposed use, the applicant has provided an acoustic report that recommends some additional insulation for noise mitigation. Noise assessment and mitigation is discussed in detail below in this report.

Noting the proposal is in keeping with the above Desired Outcome, the proposed land use is therefore considered acceptable under the Code.

#### 6.2 Setbacks, Design & Appearance

Existing setbacks and design of the building remain unchanged. The building allows for passive surveillance to the common areas with the entrance having safe, perceptible and direct access from the street and car parking areas which meets Design PO 2.1, PO 2.2, PO 2.3, PO 2.4 and PO 2.5.

The plant and equipment that services the tenancy is screened for acoustic purposes and is located on the parapet roof which will minimise the visual impact. The outdoor bins are screened from the street by the provision of landscaping. These factors will be in keeping with Design in Urban Areas PO 1.4 and PO 1.5.

#### 6.3 Traffic Impact, Access and Parking

The tenancy occupies a total floor area of 500 m<sup>2</sup> between the two units, and the overall site has 16 car parking spaces that are shared by all of the tenancies.

Transport, Access and Parking Designated Performance Feature (DPF) 5.1 of the General Development Policies stipulates 1.5 car parking spaces is required per 100 m<sup>2</sup> of floor area as a way to meet corresponding PO 5.1. This equates to 7.5 car parking spaces for the proposed development, and with the tenancy having access to 8 spaces the development is considered to meet the above requirement of the Code.

In addition, the applicant has provided a report from a traffic engineer to support the application. The application was referred to Councils Traffic Engineers who are in support of the development and raised no concerns.

The car parking area remains unchanged for this proposed change of use, though it is noted that the design of the existing car park meets Design in Urban Areas PO 7.2, PO 7.3, PO 7.5, PO 7.8 and PO 7.7. Specifically, these performance outcomes relate to the car parking being safe and legible, that there is landscaping to provide shade, screening for the car parking area from the road and stormwater management techniques have been implemented.

The proposal will have minimal impact on the functional performance of the transport system, with no commercial vehicles needing to transit residential streets which is in keeping with Transport, Access and Parking PO 1.1, PO 1.2 and PO 1.4.

There is an existing access point that will be suitable for the type and volume of traffic anticipated as part of the proposed Dog Daycare, and this access meets Transport, Access and Parking PO 3.1, PO 3.3, PO 3.4, PO 3.5 and PO 3.8.

## 6.4 Environmental Factors

### 6.4.1 Noise Emissions

The representations received are mostly concerned with the noise impact of dogs barking. The definition of Light Industry in the Code refers to the scale of the industry not detrimentally affecting the amenity of the locality through the emission of noise.

The application is supported by an acoustic report that identifies the *Environment Protection (Noise) Policy 2007* as providing the framework for noise emissions in a Light Industry area.

**The applicant's acoustic consultant, Sonus, has identified areas** of the building to be modified which will reduce the noise to an acceptable level. When assessing **the application, Sonus has accounted for the "annoying" characteristics of barking dogs** by further reducing the acceptable noise limit for the development.

For active noise prevention, the dogs will be engaged with by staff to stimulate them and reduce the potential for boredom barking. The applicant also proposes **the use of 'Adaptil wall socket diffusers' which are said to help calm dogs and reduce barking.**

The applicant has agreed to undertake all recommendations in the Sonus report, including measures such as appropriately designing and locating mechanical plant equipment and the air supply system, sealing of the roof and internal wall alterations.

While there will be noise created by the short term boarding of dogs, the acoustic report states that the noise will be of an acceptable level for the Employment Zone, which meets Interface Between Land Uses PO 1.1, PO 1.2, PO 4.1 and PO 4.2.

The proposed hours between 6:30am and 6:30pm Monday to Friday, and 9am to 2pm on Saturdays is consistent with what would be expected in the Employment Zone and is in keeping with the Interface between Land Uses PO 2.1.

### 6.4.2 Waste Management

Another concern raised was the odour from animal waste. The applicant has provided a waste management plan as part of the application.

Animal waste will be collected and put into a sealed and lined bin within the building. The waste will then be covered with an absorbent material to reduce odour. This bin will be emptied daily as a minimum, or on an as needs basis, into a larger outdoor bin. The larger bin will be collected weekly by a contractor.

The application states that in addition to these measures they will also be using a **product called ‘bin bombs’ in the outdoor bin to further minimise any odours.** The drains within the building are proposed to have silt traps to prevent fur and other matter from entering the wastewater system. Drains to be cleaned daily as a minimum or as needed.

The proposed waste management plan is in keeping with Interface between Land Uses PO 5.1 which stipulates development must have air pollution control measures so as to not unreasonably impact the amenity of sensitive receivers.

#### 6.4.3 Site Contamination

The existing land use of the tenancy is vacant, however the prior land use was a warehouse for the trade of wine making equipment. The warehouse land use is listed as Item 6 in Table 1: Land Use Sensitivity Hierarchy from Practice Direction 14.

Animal keeping is not a listed land use in the Land Use Sensitivity Hierarchy Table 1, however a similar use would be a combination of Primary Production for the animal keeping and Commercial for the business model which are both listed in Item 6 in Table 1. The sensitivity of the land use is therefore deemed to be at the same level in Table 1 when comparing the existing to proposed use, and therefore site contamination is not a further consideration for this development application.

#### 6.5 Signage

The applicant proposes a sign attached to the chain link fence on the front boundary which is in keeping with Advertisements PO 1.3 and PO 1.4. The sign does not have dimensions but is approximately 2 metres in width and 1m high. There is no animation or illumination proposed as part of the application, so as to meet Advertisements PO 1.2. The sign will not be a distraction to vehicles on the road, and is similar to the form of advertising commonly found in this locality.

### 7. CONCLUSION

**While the proposed dog boarding kennels as a ‘Doggy Daycare’ is not an expressly envisaged land use in the Employment Zone, the form of development is in keeping with the Desired Outcome of the Zone.** The representations in favour of the application indicate that it is a required land use in the area due to a lack of similar facilities available in the locality.

The Employment Zone by its nature expects activities that generate noise as would be found **in a light industrial area. The acoustic report provided does also capture the ‘annoyance’ of dog barking and the potential impact of this on the locality.** The impact is one that can be

assessed with the *Environment Protection (Noise) Policy 2007* metric. In this case the acoustic report supports the proposed land use based on the maximum capacity of the business. The report provides minor alterations to the building to reduce the noise impact to an acceptable level in keeping with the requirements of the Planning, Development and Infrastructure Act 2016.

The applicant has provided a comprehensive waste management plan and has indicated that they will adhere to the minimum standard of alterations required by the acoustic report. The proposed Dog Daycare will have minimal traffic impacts on the street capacity and the provided car parking meets the provisions of the Code.

It is therefore considered that the proposed development is largely consistent with the relevant provisions of the PDI Code and therefore Planning Consent is warranted subject to conditions.

## 8. PLANNING & DESIGN CODE POLICIES

Employment Zone  
PO 1.1, PO 6.1

Defence Aviation Area Overlay  
POI 1.1

Hazards (Flooding Evidence Required) Overlay  
PO 1.1

Advertisements  
PO 1.1, PO 1.2, PO 1.3, PO 1.5, PO 2.1, PO 2.2, PO 3.1, PO 5.3

Clearance from Overhead Power lines  
PO 1.1

Design  
PO 1.5, PO 2.1, PO 2.2, PO 2.3, PO 2.4, PO 2.5, PO 7.2, PO 7.3, PO 7.4, PO 7.7, PO 31.2, PO 32.1

Design in Urban Areas  
PO 1.4, PO 1.5, PO 2.1, PO 2.2, PO 2.3, PO 2.4, PO 2.5, PO 7.2, PO 7.3, PO 7.4, PO 7.7, PO 11.1, PO 11.2, PO 11.4, PO 42.1, PO 42.2, PO 43.1

Interface between Land Uses  
PO 1.1, PO 1.2, PO 2.1, PO 4.1, PO 4.2, PO 4.4, PO5.1

Site Contamination  
PO 1.1

Transport, Access and Parking  
PO 1.1, PO 3.1, PO 3.3, PO 3.4, PO 3.8, PO 4.1, PO 5.1

## 9. 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 21007142, by Mrs Emilia Jaworek is granted Planning Consent subject to the following conditions and advisory notes:

Condition 1

The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 21007142 except where varied by any condition(s) listed below.

Condition 2

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 3

The hours of operation herein approved are as follows:

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

Saturday 9am to 2pm

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

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

Condition 4

The keeping of animals on the premises overnight is not permitted.

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

Condition 5

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 6

Free and unrestricted access must be available to both 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 7

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 8

A maximum of four employees are permitted on site at any given time.

*Reason: To ensure adequate carparking is available on the site.*

Condition 9

The acoustic treatments recommended for the site in the acoustic report provided by Sonus, document reference S6858C2 dated April 2021, are complied with and completed prior to commencement of the use and will remain in place and be maintained thereafter.

## 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 Disability Discrimination Act 1992 places obligations on the applicant/developer in relation to the provision of facilities and access for people with disabilities.

Advisory Note 3

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 4

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 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.

Attachments

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