

# Notice of Council Assessment Panel Meeting

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## **MEMBERSHIP**

Mr M Adcock	Independent Member (Presiding Member)
Mr J Rutt	Independent Member
Mr A Mackenzie	Independent Member
Ms B Merrigan	Independent Member
Ms N Taylor	Deputy 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 18 APRIL 2023** commencing at **10.00am**

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

Members of the community are welcome to attend the meeting.

A handwritten signature in black ink, appearing to read "Ryan McMahon".

**RYAN MCMAHON**  
**CHIEF EXECUTIVE OFFICER**

Dated: 12 April 2023

**CITY OF TEA TREE GULLY**  
**COUNCIL ASSESSMENT PANEL MEETING**  
**18 APRIL 2023**

**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 21 March 2023 be confirmed as a true and accurate record of proceedings.

**3. Business Arising from Previous Minutes - Nil**

**4. Reports and Recommendations**

- 4.1 **CAP.22025982** - Construction of a Childcare Centre with Associated Signage, Boundary Fencing and Retaining Walls at 285-289 Milne Road Modbury North..... **5**

*Recommended to Grant Planning Consent*

- 4.2 **CAP.22015322** - Two Residential Flat Buildings Comprising of 14 Dwellings (Affordable Housing) at 17-19 Fleming Avenue Ridgehaven ..... **267**

*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**

16 May 2023



**REPORT NO:** CAP.22025982

**RECORD NO:** D23/25146

**TO:** COUNCIL ASSESSMENT PANEL MEETING - 18 APRIL 2023

**FROM:** Hugh Wang  
Planning Officer

**SUBJECT:** CONSTRUCTION OF A CHILDCARE CENTRE WITH ASSOCIATED SIGNAGE, BOUNDARY FENCING AND RETAINING WALLS AT 285-289 MILNE ROAD MODBURY NORTH

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## SUMMARY

<b>DEVELOPMENT NO.</b>	22025982
<b>APPLICANT</b>	Mr Craig McAloney Miss Natalie Scinto
<b>ADDRESS</b>	285-289 Milne Rd Modbury North SA 5092
<b>NATURE OF DEVELOPMENT</b>	Construction of a child care centre with associated signage, boundary fencing and retaining walls
<b>ZONING INFORMATION</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• General Neighbourhood</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Affordable Housing</li> <li>• Building Near Airfields</li> <li>• Defence Aviation Area</li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Urban Tree Canopy</li> </ul>
<b>LODGEMENT DATE</b>	19/09/2022
<b>RELEVANT AUTHORITY</b>	Council Assessment Panel at City of Tea Tree Gully

**Item 4.1**

<b>PLANNING &amp; DESIGN CODE VERSION</b>	2022.24
<b>CODE RULES APPLICABLE AT LODGEMENT</b>	<a href="#">Code Rules at Assessment Start</a>
<b>CATEGORY OF DEVELOPMENT</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION</b>	Yes – Notification Period 13/02/2023 to 03/03/2023
<b>NUMBER OF PROPERTIES NOTIFIED</b>	41
<b>REPRESENTATIONS RECEIVED</b>	4
<b>REPRESENTATIONS TO BE HEARD</b>	3
<b>RECOMMENDING OFFICER:</b>	Hugh Wang
<b>REFERRALS STATUTORY</b>	Nil
<b>REFERRALS NON-STATUTORY:</b>	Stormwater Engineer – Dennis Kariuki Team Leader Civil Assets– Wahid Yousafzai
<b>RECOMMENDATION</b>	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 2548m<sup>2</sup> of the 4046m<sup>2</sup> allotment. The site was previously used as a council reserve which adjoins the Kimberley Reserve to the west and south. The allotment is known as 285-289 Milne Road with access to Milne Road. The site has no frontage to Kimberley Avenue. The proposed use of a child care centre falls within the definition of “pre-school” pursuant to the Planning and Design Code (the Code) and is a use envisaged within the General Neighbourhood Zone as detailed in Performance Outcome (PO) 1.1 and Designated Performance Feature (DPF) 1.1 (h).

The built form of the proposed child care centre is single storey in nature and has a total floor area of 717m<sup>2</sup>. The building comprises five (5) large activity rooms for babies and toddlers, four (4) sleep rooms, staff facilities, kitchen, toilets and an office space. Outdoor play area 1 is 415m<sup>2</sup> and is located to the east of the building and extends to the boundary of the adjacent residential dwelling 291 Milne Road, Modbury North. Outdoor play area 2 occupies 355m<sup>2</sup> and is located to west of the building and extends to the boundary of Kimberley Reserve. The eastern side boundary of play area 1 will have a 2.4m high double layered colorbond fence as required in the acoustic report in Attachment 7. Sonus Acoustic Engineers have also identified a ‘flexshield sonic wall’ with modular panels as an alternative option. Fencing to the south within the allotment boundary will be a 1.8m high colorbond fence with acoustic treatment. The proposal also includes 1.8m high steel blade fencing built on western side boundary to the public reserve.

The building setback to the front boundary is 7.76m and 38.38m to the rear boundary. The building setback to the eastern boundary is 12.63m and the western boundary 11m. The setback to the north allows for the carparking areas and waste storage fronting Milne Road.

The carpark will be accessed via a 6.2m wide crossover off Milne Road to allow two-way traffic. The allotment currently has no existing vehicle access. The carparking area will accommodate 28 vehicles which includes one disability space, and one space allows for a vehicle turn around area. The carparking area also includes a screened waste storage area partially abutting the adjoining garage wall. Landscaping will be provided on the northern boundary of the carpark.

The childcare centre itself will accommodate up to 108 children and a maximum of 21 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 excluding public holidays.

The building will comprise a palette of colours and materials including metal wall cladding, Colorbond fencing, cement fibre cladding and aluminium 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 northern 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 1.13m in cut along the eastern boundary adjoining the brick garage. The southwestern boundary of the development site will have up to 1.5m of fill with Colorbond and a 1.8m in height steel blade fence on top.

## 2. SUBJECT LAND & LOCALITY

### Site Description:

**Location reference:** 285-289 MILNE ROAD MODBURY NORTH SA 5092

<b>Title Reference:</b> 5661/447	<b>Plan Parcel:</b> FIELD PLAN 132047 A45	<b>Council:</b> CITY OF TEA TREE GULLY
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The subject site comprises one allotment known as 285 -289 Milne Road, Modbury North. The subject site has a frontage to Milne Road.

The subject site is regular in shape and has a total area of 2548m<sup>2</sup>. The site was historically used as public reserve in conjunction with Kimberley Reserve. No existing vehicle access to the subject site.

The land forming the subject site has a fall of some 3.47m down towards the south western corner. The eastern boundaries have existing fencing which will be partially replaced by a 2.4m height fence.

The front road verge has formalised footpaths in the front of site, however there are no street trees or any regulated or significant trees nearby that will be affected by this development. The closest signalised pedestrian crossing is 622m away which is the McIntyre Road and Milne Road intersection area.

The subject site and locality are sited within the General Neighbourhood Zone, and all development in the locality comprises residential development. There are no Sub Zones applicable to the site. The Employment Zone aligning Famechon Crescent is 60m away from the subject 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 700m<sup>2</sup> 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.**

**3. CATEGORY OF DEVELOPMENT**

**PER ELEMENT**

- Single 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**

Table 5 of the General Neighbourhood Zone does not list construction of Pre-Schools as an exclusion from Public Notification. Therefore, it is required to be publicly notified.

The retaining wall and fence is excluded from notification unless excluded by section 3, Column B.

The proposed retaining wall and fencing as combined structure aligning side boundary exceeds 3m in height and 11.5m length. Therefore, the element will need to be publicly notified per section 3, Column B (2) - Table 5.

#### LIST OF REPRESENTATIONS

Name	Address	Position	Wishes to be Heard
Alan Zwar	18 Shortridge St MODBURY HEIGHTS SA, 5092	Oppose	Yes
Dylan Krebbekx	291 Milne Road MODBURY NORTH SA, 5092	Support with concerns	No
Susan Hill-Turner	3 Oakmount court WEST LAKES SA, 5021	Oppose	Yes
Keith Quast	206, Milne Road MODBURY HEIGHTS SA, 5092	Oppose	Yes

#### 5. SUMMARY

41 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.

Four (4) representations were received. Of the four representations there is one in support of the development with concerns, and three that do not support the development. Three representors wish to be heard. A copy of the representations received can be found in Attachment 13.

Concerns raised during public notification can be summarised as follows:

- o Traffic congestion and safety
- o Demand for Child Care
- o Noise
- o Occupants privacy
- o Waste odour

A comprehensive summary and response to the concerns raised by the representors has been provided by the applicant and can be found in attachment 12.

#### 6. AGENCY REFERRALS

No external referrals were required

## 7. INTERNAL REFERRALS

### Traffic – Wahid Yousafzai

#### 1<sup>st</sup> referral:

The number of onsite parking provided is not sufficient as they require 43 car parks on site they have proposed 29 as per the attached plans.

The applicants need to provide a Local Area Traffic Management Plan (LATM) demonstrating how the traffic flow on Milne Road will be impacted during morning and evening peak hours.

The applicant needs to provide a concept design that avoids queuing on Milne Road and has consideration of the line of sight. No area wide traffic management plan has been provided to accommodate the drop off and pick up demands at 0.25 spaces per child, if the 43-parking area cannot be achieved.

The waste truck turning movements should be provided showing the ingress and egress from the site.

#### 2<sup>nd</sup> referral:

Having worked with Suresh from MFY, I'm happy with the outcome of the traffic report and designated right-hand deceleration lane on Milne Road.

### Stormwater – Dennis Kariuki

#### 1<sup>st</sup> referral:

Stormwater management reports meets all of council's requirements. I am however unable to assess the civil drawings as they have multiple layers in one plan. I have requested the applicant provide storm water design plans with contour layers in a A3 format, with driveway crossovers and gradients to also be detailed.

#### 2<sup>nd</sup> referral:

Final request as a sump/pump system has been proposed. Calculations are required to ensure the system can sustain a 5% AEP discharge and 1% AEP storage.

## 8. PLANNING ASSESSMENT

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

## 8.1 Land Use

The subject site is located within the General Neighbourhood 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 108 pre-school aged children in a single storey dedicated facility. The application was accompanied by a preliminary site investigation report, an acoustic report, a 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 **General Neighbourhood Zone PO 1.1**, the proposed land use is considered to be acceptable for the site and locality.

## 8.2 Building Height

**General Neighbourhood Zone PO 4.1** seeks buildings that contribute to a low-rise suburban character, with corresponding **DPF4.1** 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 one level and has a maximum height measured from finished ground level of 6m. The wall height is 3m with the exception of the gable end. The building has also been designed to present the bulk of the gable end to the road frontages, thus minimising the visual impact on the residential development to the east and west.

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

### 8.3 Setbacks, Design & Appearance

#### 8.3.1 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 DPFs 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 Milne Road with a setback of 18m. The front setback for the adjoining dwelling is 9.3m 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 8.3m under the DPF which has been met.

The building is to have a side setback to the eastern boundary of 12.9m for the building wall where the DPF requires a minimum of 900m, and therefore satisfies **General neighbourhood Zone PO 8.1, DPF 8.1 (a)**.

The rear setback for the proposed child care centre is 28.8m. 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 dwelling abutting to the subject site.

#### 8.3.2 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 859m<sup>2</sup> which corresponds to 21.14% site coverage, thus satisfying the above requirement.

#### 8.3.3 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 Milne Road. The portion that has the gable roof is at the northern end of the building, with the southern gable end face to public reserve. This reduces the bulk of the building particularly at the eastern end when viewed from the adjoining allotment.

The material palette is a light colour with the building being predominantly light colours. The roof is a colorbond corrugated profile with a 10-degree pitch in an evening haze finish. External wall is in a light cream Hebel with matrix cladding. The applicant has provided a detailed colour pattern with an example on the elevations. The proposed colour choice and material is not likely to cause unacceptable glare to surrounding area.

The car park is sited in the front of the building which allows for safe and convenient vehicle access, and also reduces the visual bulk of the building due to the extended setback from the street.

There is an illuminated sign and entry area via Milne Road 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**.

#### 8.4 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. **Transport, Access and Parking 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 8.

The proposed child care centre incorporates a new double width crossover towards the northern side of the site to Milne Road. 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 28 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 108 which requires 27 car parking spaces in total. The quantity and dimension of the on-site parking spaces was reviewed by Council Traffic Engineers who have approved the layout and on-site turning as per the 2<sup>nd</sup> referral comment. 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 at the entry and a turnaround area at the eastern- 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, western 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 relating to the increase in traffic volume in what has been described as an already congested area. In particular during school pickup and drop-off times due to the adjacent commercial area aligning Famechon Crescent and The Heights School traffic from Ladywood Road.

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 12.

## 8.5 Environmental Factors

### 8.5.1 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 Acoustic Engineers to support the application which can be found in Attachment 7.

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 eastern 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 2.4m.

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**.

#### 8.5.2 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 a 1.8m height Colorbond fence. The fence will be joined to the steel blade fence of the same height. This provides a cohesive appearance in this location that will reduce the visual impact.

Representors raised the concerns that the waste storage area may cause ongoing odour issues as it is close to the dwelling at 291 Milne Road. The applicant provide response that the bin will be airtight with a lid on top. The bin collection frequency is consistent with household collection. There is no odour related requirement of waste storage areas within the Planning Design Code. However, the applicant is open to an Advisory Note to advising the bin storage area is to be kept tidy at all the times with any spills cleaned promptly to reduce the potential for odour.

Waste will be collected by a private contractor between 7:00am and 7:00pm on Saturdays or between 9am and 7pm on Sundays, which are 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 on-site turning circle for a waste collection truck has been reviewed and approved by Council's traffic engineer.

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

#### 8.5.3 Site Contamination

The site was previous owned by council for a public reserve use. The earlier historical use as agriculture, crop farming land back to 1949. The use has been changed to orchard use in around 1968. The childcare centre development constitutes a more sensitive land use change per **Practice Direction 14**. It is required to demonstrate the site has no potential contamination per Schedule 8(2A), *Planning Development and Infrastructure Regulation 2017*. Applicant has supplied a Preliminary Site Investigation Report prepared by Environmental Projects per Appendix 10.



The report has confirmed that no potential contamination was identified onsite. Site contamination Declaration Form also supplied and signed by Accreditation Body (Environmental Projects), Attachment 11. No further investigation required.

## 8.6 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. **Design in Urban Areas 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 eastern side boundary, the walls will be up to 1.13m in cut and the western boundary will have a maximum of 1.5m in fill. The southern side retaining wall will build within the site boundary up to 1.5m. 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 steel blade fencing at 1.8m in height on top of the retaining. The fencing on the eastern boundary will range in height from 1.8m to 2.4m, this will have acoustic treatments and be double skinned. The fencing colour is to be advised by applicant.

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.

No retaining walls along the road boundaries are proposed, 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 western boundary. The fencing will provide privacy and mitigate the noise impacts to eastern adjoining residential land uses. As such the retaining walls and fencing satisfy the **Design in Urban Areas PO 9.1 and PO 9.2**.

## 8.7 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. **Advertisements 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 northern 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, Child Care Early Learning, and includes green, blue, yellow and red small decoration elements. 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 externally 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 Milne Road at a distance of 20m from the boundary of the subject land. The background colour of the sign will merge to existing external wall and 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**.

#### 8.8 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.

An internal referral to council's stormwater engineer has done. 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**.

### 9. 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 provisions, 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.

## 10. 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

## 11. 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 22025982, by Mr Craig McAloney and Miss Natalie Scinto is granted Planning Consent subject to the following reasons/conditions/reserved matters:

### 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 line marked, in accordance with the approved plans and Australian Standards AS 2890.1:2004 and 1742.2:2009. The line marking, 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**

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 10**

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 11**

Stormwater management and water discharge must be undertaken in accordance with the Stormwater Management Plan prepared by Gama Consulting dated 6 October 2022 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 12**

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 13**

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 14**

No materials or equipment are to be stored outside except within the designated areas marked on the approved site plans prepared by Aspex Building Designers.

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

**Condition 15**

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 16**

The acoustic treatments recommended for the site in the acoustic report provided by Sonus, document reference S7468C1 dated September 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 17**

Waste collection services must be undertaken between 7:00am and 7:00pm on Saturday, or 9:00am to 7:00pm on Sunday.

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

**Condition 18**

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 19**

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

Planning Consent

**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](http://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.

**Advisory Note 12**

NBN Co. is responsible for the installation of National Broadband Network (NBN) fibre for all developments in areas where NBN Co. has already rolled out fibre. To ensure services are available when residents move in, developers and builders must register their developments and apply to NBN Co. before building has commenced. To determine if your site is in an NBN area and to register your development, please complete the pre-qualifier forms located at [www.nbnco.com.au/newdevelopments](http://www.nbnco.com.au/newdevelopments). For more information, please contact the NBN Co. New Developments Team on 1800 687 626 or email [newdevelopments@nbnco.com.au](mailto:newdevelopments@nbnco.com.au).

**Attachments**

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**Report Authorisers**

Hugh Wang Planning Officer	8397 7357
Nathan Grainger Manager City Development	8397 7200
Michael Pereira General Manager Community Services	8397 7377

**REPORT NO:** CAP.22015322

**RECORD NO:** D23/24004

**TO:** COUNCIL ASSESSMENT PANEL MEETING - 18 APRIL 2023

**FROM:** Hugh Wang  
Planning Officer

**SUBJECT:** TWO RESIDENTIAL FLAT BUILDINGS COMPRISING OF 14 DWELLINGS  
(AFFORDABLE HOUSING) AT 17-19 FLEMING AVENUE RIDGEHAVEN

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**SUMMARY**

<b>DEVELOPMENT NO.</b>	22015322
<b>APPLICANT</b>	Lofty Project Management Pty Ltd
<b>ADDRESS</b>	17-19 Fleming Avenue, Ridgehaven SA 5097
<b>NATURE OF DEVELOPMENT</b>	Two Residential Flat Buildings Comprising of 14 Dwellings (Affordable Housing)
<b>ZONING INFORMATION</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Urban Activity Centre</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Affordable Housing</li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• Noise and Air Emissions</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Traffic Generating Development</li> </ul> <p><b>Technical Numeric Variations (TNVs)</b></p> <p>Maximum Building Height (Levels) (Maximum building height is 3 levels)</p>
<b>LODGEMENT DATE</b>	24/05/2022
<b>RELEVANT AUTHORITY</b>	Council Assessment Panel at City of Tea Tree Gully
<b>PLANNING &amp; DESIGN CODE VERSION</b>	2022.08

**Item 4.2**

<b>CODE RULES APPLICABLE AT LODGEMENT</b>	<a href="#">Code Rules at Assessment Start</a>
<b>CATEGORY OF DEVELOPMENT</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION</b>	No – Delegated to the Assessment Panel by the Assessment Manager
<b>NUMBER OF PROPERTIES NOTIFIED</b>	N/A
<b>REPRESENTATIONS RECEIVED</b>	N/A
<b>REPRESENTATIONS TO BE HEARD</b>	N/A
<b>RECOMMENDING OFFICER:</b>	Hugh Wang
<b>REFERRALS STATUTORY</b>	Nil
<b>REFERRALS NON-STATUTORY:</b>	Traffic - Hossein Mousavi - Wahid Yousafzai - Josh Leong  Stormwater – Kariuki Dennis  Waste Officer – Darren Hill
<b>RECOMMENDATION</b>	Grant Planning Consent

## 1. DETAILED DESCRIPTION OF PROPOSAL

The applicant seeks to construct a (2) x Two-storey residential flat building comprising fourteen (14) dwellings with associated retaining walls and fencing. The proposal is to replace two existing detached dwellings constructed in the 1970's.

The proposed plan is for (2) x two -storey residential flat buildings that will provide 14 dwellings on the site all of which are designated as affordable housing. A dwelling is a form of development envisaged within the Urban Activity Centre Zone as detailed in **Designated Performance Feature (DPF) 1.1 (h)**.

The retaining walls are proposed to be up to 600mm high to support the required fill in order to bench the site. The retaining walls in fill are located on the northern and western boundaries. The retaining walls in cut up to 1m in height are located on southern and eastern boundaries. Fencing is to sit on top of the walls and also be located on the southern and western boundary with a span inside and parallel to the front boundary. The bin storage area also has a surrounding fence and is located at rear of the allotment. The fencing is to be 1.8m high and constructed of pre-coloured steel with no colour specified, except the fence aligning Line Street using non-reflective (powered-coated) aluminium horizontal slats.

## 2. SUBJECT LAND & LOCALITY

### 2.1 Site Description:

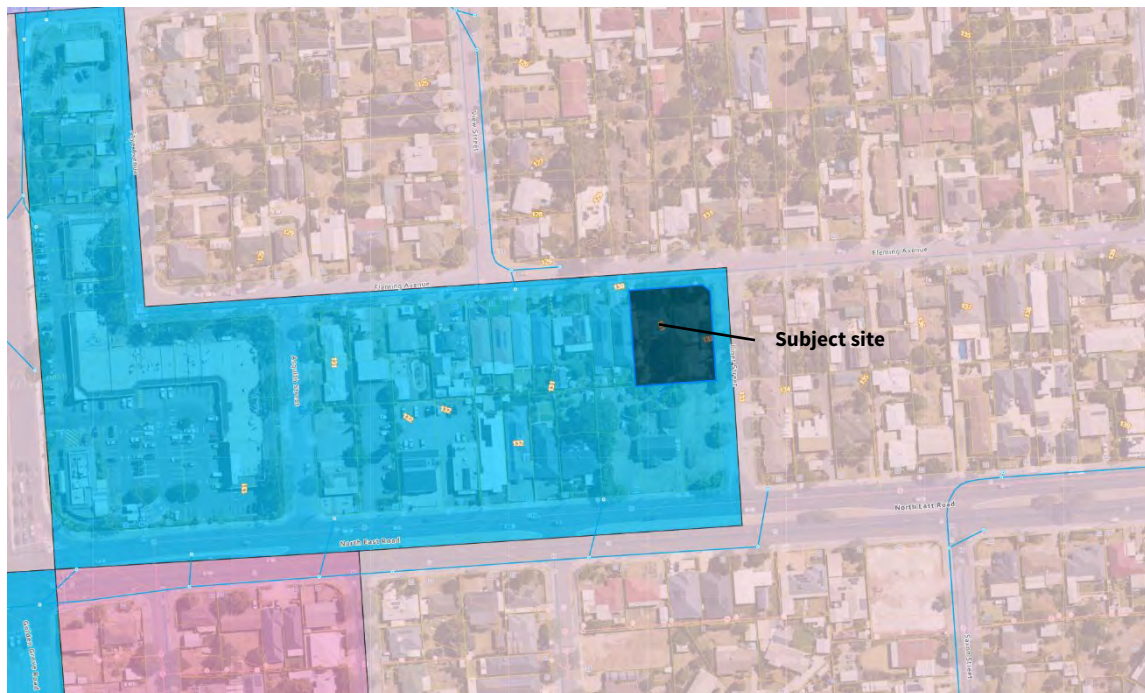
**Location reference:** 17 Fleming Avenue, Ridgehaven SA 5097

<b>Title Reference:</b> 5657/185	<b>Plan Parcel:</b> D6005 A43	<b>Council:</b> CITY OF TEA TREE GULLY
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**Location reference:** 19 Fleming Avenue, Ridgehaven SA 5097

<b>Title Reference:</b> 5507/369	<b>Plan Parcel:</b> D6005 A42	<b>Council:</b> CITY OF TEA TREE GULLY
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## 2.2 Locality



**Figure 1: Subject Site and Locality Map with the Urban Activity Centre Zone identified in blue.**

The locality is predominantly residential in nature with a shopping centre 163m west of the subject site. To the south of the site is a detached dwelling occupying three allotments. The western boundary is abutting a single storey detached dwelling. The subject site is situated on a corner allotment facing to Fleming Avenue with secondary frontage to Line Street. Residential properties of varying ages and formats can be found to the east, south, north and west of the site.

The residential properties in the locality generally have established front yard landscaping, with the majority reasonably well maintained. The housing style is single storey detached dwellings on large allotments with an emerging pattern of development to subdivide into two with a more modern style, higher density housing unto three storeys in height.

The subject site is located on the eastern fringe of the Urban Activity Centre Zone. The site is separated by two public roads (Fleming Avenue and Line Street) from the Housing Diversity Neighbourhood Zone. The adjoining allotments within the Urban Activity Zone occupy detached dwellings. No mixed use residential and commercial development is identified in the locality.

Similarly, this pattern of development expands well beyond the locality and includes medium density residential land uses adjacent to public transport and a large shopping centre and public reserve.

### 3. CATEGORY OF DEVELOPMENT

#### PER ELEMENT

Residential Flat building – Performance Assessed

Retaining Walls – Performance Assessed

Fencing – Performance Assessed

#### OVERALL APPLICATION CATEGORY

Code Assessed - Performance Assessed

#### REASON

Planning and Design Code

### 4. PUBLIC NOTIFICATION

#### REASON

A Residential flat building is a form of conventional residential development. A Dwelling is listed on Colum A (3), Table 5 of Procedural Matters and does not trigger column B (3).

Therefore, this form of dwelling is excluded from public notification.

#### LIST OF REPRESENTATIONS

Name	Address	Position	Wishes to be Heard
Nil	Nil	Nil	Nil

### 5. AGENCY REFERRALS

#### 5.1 Referral Body Name

*Minister responsible for the administration of the South Australian Housing Trust Act 1995*

Referral Reason: *Schedule 9 (3) (20) Affordable Housing Overlay Advice*

No objection, with comments (See attachment 10 – Updated letter provided 11/4/2023).

## 6. INTERNAL REFERRALS

### 6.1 Department Name

#### Traffic

#### **1<sup>st</sup> referral** - Hossein Mousavi

As you can see in the photos, all of the turning movements for all the dwellings are acceptable.

- The turning bay: Some parts of the B85 goes over the landscaping in vicinity of the turning bay and in front of Lot 8 and Lot 9, but it is considerable.
- The Laundry is accessible with the presence of the car, but it is too tight for the users to pass.
- About On-street parking:
  - According to the code, they need five on-street parking spaces. On Lines Street, they have shown 7 on-street parking spaces, whereas only 5 of them are acceptable.

#### **2<sup>nd</sup> referral** – Wahid Yousafzai

- Manoeuvrability of MRV is acceptable.
- The spillage of parking on to the local road will have major consequences during construction and once all 14 dwellings are occupied.

#### **3<sup>rd</sup> Referral** - Josh Leong (Final)

- On-street parking:
  - Based on the attached plan, they have allowed 9 on-street parking spaces – 3x on Fleming Avenue, 6x on Lines Street. However, I believe we had discussions about Lines Street being too narrow to accommodate those 6x on-street parking spaces, and my position on that remains unchanged. Lines Street is approx. 5.3m wide. If we assume vehicles parked on Lines Street meet the B85 specification, you would have approx. 3.3m of road width to manoeuvre, which leaves too little margin of error. As such, they may have to revisit this issue – indented parking bay would be a good way of addressing it. Otherwise, the application would not have met Code requirement (5x on-street parking spaces)
- Turning movements on the shared driveway/access to the garages:
  - Turning movement adequate



## Waste Management

### **Final Referral – Darren Hill**

- Waste compound
  - the numbers and allocations look fine for the site based on high density living.
  - As a precaution it would be good to ensure the compound is kept clean and tidy with bins serviced regularly as the compound is now along a neighbouring boundary. The neighbouring property is also now a deceased estate which will more than likely undergo development in the coming years
  - Noted all bins are now communal for whole of site and no separate bins for 8-14 as per previous plan.
- Kerbside placement
  - As the bin compound is now at the rear of the property and has direct access to Lines Street, it would be good to ensure that there is a condition with in the strata terms that the residents do not place the bins in front of neighbouring properties, bins must be placed in front of lot 8 – 14, or on Fleming avenue in front of 7 and 14 or a mix.

## Stormwater

### **Final Referral - Dennis Kariuki**

Reviewed stormwater plans as proposed and most stormwater conditions have been met apart from one. The retaining wall top design levels (TRWs) are lower than top of kerb levels (TK) along Lines Street. Council mandates that retaining wall levels must be at a minimum 100mm higher than top of kerb levels, please request for this amendment.

## **7. PLANNING ASSESSMENT**

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

### **Land Use and Intensity**

The subject site is located within the Urban Activity Centre Zone where the **Desired Outcome (DO1 and DO2)** seeks the following:

#### **DO1**

*A cohesive and legible environment supporting a broad spectrum of regional level business, shopping, entertainment and recreational facilities that can cater for large crowds, smaller social gatherings and events over extended hours.*

**D02**

*Primary business, shopping and entertaining areas are integrated with public transport facilities, pedestrian and cycling networks, and community transport infrastructure, and designed to enhance the quality of the public realm.*

The proposed Residential Flat Building falls within the list of envisaged uses in the zone, as detailed in **Designated Performance Feature (DPF) 1.1 (h)**. While **Performance Outcome (PO) 1.1** only discusses comprehensive commercial developments, the proposed land use satisfies the requirements of **DPF 1.1**, which is one way to achieve **PO1.1**. Therefore, **PO1.1** is achieved through the proposed land use of a Residential Flat Building.

According to **PO1.5**, medium-to-high density is required within the Urban Activity Centre Zone. The proposed development net density is 88.08 dwellings per hectare, which is considered high density and meets the zoning density requirement.

In addition to the above requirements, the Urban Activity Centre Zone has additional requirements for residential uses. These requirements are as follows:

**PO1.3**

*Residential development does not prejudice the operation of existing non-residential development and the long term provision of services and facilities for wider community benefit.*

The locality has no adjoining existing non-residential development. The closest non-residential development is 163m to the west of the subject site. The proposed residential flat buildings will not impact the existing non-residential use. Therefore, Urban Activity Centre Zone PO1.3 is achieved.

**PO1.4**

*Dwellings developed in conjunction with non-residential uses to support business, entertainment and recreational activities and contribute to making streets and pedestrian thoroughfares pleasant and lively places.*

**DPF1.4**

*Dwellings are located at upper levels of buildings with non-residential uses located at ground level.*

The current land use consists of detached dwellings. The proposal seeks to create a solely residential development in the form of residential flat buildings. However, this proposal is not considered to meet the requirements of Urban Activity Centre Zone PO1.4 and DPF1.4. Council have obtained legal advice from Norman Waterhouse Lawyers (dated 14/02/2023) to confirm this. The advice is as follows:

*“The proposed land use is considered inappropriate in the Urban Activity Centre Zone. More particularly, the use of the land for solely residential purposes is not appropriate in a zone in which residential land uses are only contemplated where in conjunction with non-residential land uses and where new residential development may prejudice the attainment of the intent of the zone and conflict with its envisaged non-residential uses. The proposal fails to be in accordance with the Desired Outcomes as well as Performance Outcomes **1.1, 1.2, 1.3 and 1.4**”*

However, it should be noted that the locality is predominantly residential. Nevertheless, the proposed residential development, with a satisfactory density, is unlikely to create any unacceptable impacts on the surrounding area. The development initially proposed 15 dwellings in the form of residential flat buildings, but was later increased to 16 dwellings. The applicant has worked with the council to provide a better design and reduce the impact on the surrounding area by proposing a 14-dwellings. The proposed density of 14 dwellings is considered reasonable for a solely residential land use on the subject site.

### **Building Height**

Urban Activity Centre Zone PO 3.1 seeks a building height that is consistent with the form expressed in any relevant Maximum Building Height Levels Technical and Numeric Variation and Maximum Building Height Metres and is otherwise generally medium rise.

The corresponding DPF seeks building heights no greater than 3 levels. The proposed residential flat building is to be 2 levels in height and as such satisfies Urban Activity Centre Zone **PO 3.1**.

### **Setbacks, Design & Appearance**

#### Setbacks

The Urban Activity Centre Zone is primarily envisaged for commercial purposes and therefore does not specify any building setbacks or residential design requirements within the zoning policies.

However, the subject site is adjacent to the Housing Diversity Neighbourhood Zone, which requires the following setbacks:

- Front setback – at least 3m from front boundary;
- Secondary street setback – at least 0.9m;
- Rear setback – Ground level at least 3m, second level at least 5m;
- Side setback – Ground level at least 0.9m, second level at least 0.9m plus 1/3 wall height above 3m;

The proposed two residential flat buildings provide a similar setbacks pattern, as follows:

- Front setback – 5.5m;
- Secondary street setback – 3.47m;
- Rear setback – 3m;
- Side setback – 3m;

**Urban Activity Centre Zone PO2.1** requires that the development within the zone should be designed to integrate with the existing development by incorporating similar building scale, establishing connections, and incorporating complementary land uses. The adjoining detached dwelling, which was built in 2010, provides a 7m front setback. The proposed development will be 1.5m forward of the adjoining dwelling to merge the street pattern.

Therefore, the proposed two residential flat buildings maintain a sympathetic setback design to meet the requirements of the Housing Diversity Neighbourhood Zone. As a result, it satisfies PO2.1 by integrating with the existing adjoining residential dwelling through building scale and a complementary land use.

#### Design and Appearance

**Design in Urban Areas DO 1** seeks that development is contextual by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the locality.

**Design in Urban Areas PO 20.2** seeks dwelling elevations facing public streets and common driveways make a positive contribution to the streetscape and the appearance of common driveway areas.

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

**Design in Urban Areas PO 17.1 and 17.2** seek primary street facing windows and entry doors facing the primary street to encourage passive surveillance, provided a legible entry point and make a positive contribution to the streetscape.

**Design in Urban Areas PO 31.2** seeks the orientation and siting of buildings minimises impacts on the amenity, outlook and privacy of occupants and neighbours.

**Affordable Housing Overlay PO 2.1** requires affordable housing need to be complement the residential design of the locality.

The building incorporates a variety of materials and finishes which features articulation and windows to create visual interest. The front facade is screened by landscaping, as shown in Elevation 1 in **Attachment 6**. The applicant previously proposed colourbond fences on the Lines Road frontage, which have been replaced with a more visually appealing fence. The landscaping design allows for sufficient visibility to the lower level of the building and the entryway to Dwellings 7 and 14 via Fleming Street. Additionally, the bin storage area has been relocated to the rear allotment in the amended plan, which minimizes the impact on the streetscape and the surrounding area.

However, the internal facade facing the common driveway does not offer any obscured windows or dwelling protrusions, and the provision for landscaping is limited. As a result, the lower level outlooks are deemed unsatisfactory.

On the east facade facing the secondary street, a 1.8m slat fence has been included on the lower level. However, pedestrians can access the designated private open space area as the main entrance to the dwellings. This undermines the usability of this private open space for Dwellings 8 to 13 and does not contribute positively to the streetscape or passive surveillance.

The western and southern elevations of the building consist of upper level obscured windows to the adjoining detached dwelling.

The proposed residential flat buildings exhibit acceptable articulations to the secondary street and west, but the outlook from the dwellings towards the internal driveway is poor. The presence of a solid aluminium slat fence to the secondary street whilst an improvement, does not positively contribute to the creation of an active street frontage.

However, as a low-rise residential building, the proposed development is considered to complement the surrounding residential dwellings in terms of design and height, and thus meets the **Affordable Housing Overlay PO 2.1**.

While the proposal is not considered to meet **Design in Urban Areas PO17.2** and **PO 20.3**, it is still deemed to satisfy **Design in Urban Areas PO 17.1, 20.2, and 31.2**. As a result, **DO 1** is achieved.

#### Overlooking

**Design in Urban Areas PO 10.1** and **PO 10.2** seek that development mitigates direct overlooking from upper level windows and balconies to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.

The proposal includes small upper level habitat windows to the western and southern elevations, which have been designed with 1.5m obscured glazing to provide privacy to adjoining dwellings. The windows for the staircase have not been obscured to allow natural light access, but the upper level staircase windows cannot be approached by occupants, thereby avoiding any potential for unacceptable overlooking.

Based on the above, the proposal is considered to satisfy the **Design in Urban Areas PO 10.1** and **10.2**, which require the protection of the privacy and amenity of adjoining dwellings while still allowing for adequate natural light and ventilation.

#### Private Open Space

**Design in Urban Areas PO 21.1** seeks that dwellings are provided with suitable sized areas of usable private open space to meet the needs of the occupants. The associated DPF refers to **Table 1 – Private Open Space** for the desired areas. **Design in Urban Areas PO 21.2** also states this private open space should be conveniently accessed from internal living areas.

The proposal meets the minimum private open space requirement of 15m<sup>2</sup> per dwelling, as specified in the **Design in Urban Areas PO 21.1**. The ground level private open space and balconies for most of the dwellings exceed the minimum requirements. However, dwellings 2-6 provide slightly less than 15m<sup>2</sup> of ground level private open space accessible from living area. Overall, the proposal is considered to satisfy **Design in Urban Areas PO 21.1 and PO 21.2**.

#### Landscaping

The Code has numerous performance outcomes in relation to landscaping and planting.

**Design in Urban Areas PO 22.1** seeks that soft landscaping is incorporated into the development to minimise heat absorption and reflection, contribute shelter and shade, provide for stormwater infiltration and biodiversity, and enhance the appearance of land and streetscapes.

The associated **DPF22.1** seeks soft landscaping to have a minimum dimension of 700mm and have a total area for allotments less than 150m<sup>2</sup> to be a total of 10% of the site area. **Design in Urban Areas DPF22.1** also states at least 30% of the area between the primary street frontage and the primary building line is soft landscaping.

Each dwelling has been allocated 14m<sup>2</sup> of soft landscaping in the rear yards, which takes into account the space required for tanks and perimeter paving. This represents between 11.1% and 15.1% of the site area as soft landscaping, depending on the likely allotment boundaries and areas.

In addition, the front of the site is proposed to have landscaping covering a total area of 76.36m<sup>2</sup>, which represents approximately 38% of the front area when accounting for the driveway and perimeter paving.

The proposal includes a planting plan which identifies groundcovers, shrubs, and small trees, as shown in the planning statement prepared by Future Urban (**Attachment 4**).

**Design in Urban Areas PO 34.2** seek soft landscaping is provided between dwellings and common driveways, and incorporate landscaping and permeability to improve appearance and assist in stormwater management.

The associated **DPF** requires a minimum landscaping width of 1 metre of landscaping between dwellings and the common driveway, as well as soft landscaping between the common driveway, or alternatively, providing 50% of the driveway as permeable paving.

However, the proposed residential flat building does not provide any landscaping between the dwellings and common driveway. Additionally, the strip of landscaping adjacent to the rear boundary is only 800mm wide. The driveway is made of concrete and is not permeable in any way.

Therefore, the proposal is considered not to meet the requirements of **Design in Urban Areas PO 34.2**.

### **Traffic Impact, Access and Parking**

#### Vehicle Movements and Driveway Interface

**Design in Urban Areas PO 33.4** calls for residential driveways that service more than one dwelling be designed to allow passenger vehicles to enter and exit and manoeuvre within the site in a safe and convenient manner.

As indicated in **Section 6** of this report, the proposal was referred to Council's traffic engineers who found that internal vehicle movements were feasible. However, it should be noted that the turning movement plans shown in Attachment 9 are overlaid on a plan that has since been replaced by a new site plan.

**Design in Urban Areas PO 33.5** seeks that dwellings are adequately separated from common driveways and manoeuvring areas. The proposal does not have ground level habitable rooms facing the common driveway.

The proposal is therefore considered to adequately satisfy **Design in Urban Areas PO 33.4** and **PO 33.5**.

#### Off-Street Parking

**Transportation, Access and Parking PO 5.1** states that sufficient on-site vehicle parking and specifically marked accessible car parking places should be provided to meet the needs of the development having regard to factors that may support a reduced on-site rate, which may include on-street parking availability and shared use of other parking areas.

The subject site is not located within a **Designated Area** for the purposes of parking and as such **Table 1 – General Off-street Car Parking Requirements** is relevant in assessing the associated DPF of the above PO.

**Table 1 – General Off-street Car Parking Requirements** states the required parking rate for a residential flat building with dwellings having 3 or more bedrooms (including rooms capable of being used as a bedroom) is 2 spaces per dwelling, 1 of which is to be covered. Further, for developments involving 3 or more dwellings, an additional 0.33 spaces per dwelling for visitor parking are required.

The proposed development comprises 14 three-bedroom dwellings, resulting in a requirement for 28 covered parking spaces, as well as 4.62 visitor parking spaces (rounded up to 5). The development plans include 14 under-covered parking spaces and 5 off-street communal parking spaces.

However, it should be noted that the proposed development is classified as affordable housing under the **Affordable Housing Overlay**. A referral comment from the **Minister responsible for the administration of the South Australian Housing Trust Act 1995** has been included in **section 5** of the report, which provides advice on the development. The comment does not object to the proposal but includes a condition that *all dwellings must be developed as 'affordable housing.'*

**Affordable Housing Overlay PO4.1** seek that development provide sufficient vehicle parking spaces to *meet the needs of occupants of affordable housing*. While, the **DPF4.1(b)** requires 1 vehicle parking space per dwelling on ground level for affordable housing. The **DPF4.1** is one way to achieve the **PO4.1**. Therefore, the **PO4.1** is met.

The subject site benefits from its location adjacent to O'Bahn station, an arterial road, a public reserve, and a large-scale shopping centre.

This proximity to public facilities means that the occupants of the proposed development will have reduced vehicle dependence compared to developments in other residential localities.

The current proposal includes three extra visitor parking spaces, while also reducing the number of dwellings compared to a previous proposal. Furthermore, the 14 dwellings will be used for affordable housing, which typically requires fewer on-site vehicle parking spaces. According to the **Planning Design Code** policies hierarchy, overlay policies such as the **Affordable Housing Overlay** carry more weight than general development policies. Therefore, the provision of off-street parking for affordable housing is considered acceptable.

#### On-Street Parking

Based on **Design in Urban Area PO23.6**, a minimum of 0.33 on-street parking spaces per dwelling are required, which would equate to a minimum of 5 on-street parking spaces for the proposed development of 14 dwellings. However, the site plan provided indicates 4 on-street parking spaces on Line Street and 3 on-street parking spaces on Fleming Avenue. Council's traffic engineer has raised concerns about the feasibility of creating 4 on-street parking spaces on Line Street due to its narrow width and the reduction of potential on-street parking spaces due to the second vehicle access from Fleming Street.

While it is a concern that the development may cause a shortage of on-street parking in the locality, there are no **Planning Design Code** policies that specifically address this matter. As such, it should not be assumed as a result of the planning assessment. The proposed development includes 5 on-site visitor parking spaces, which can complement the on-street parking demand. The reduced number of dwellings and affordable housing nature of the development should also be taken into consideration when assessing the street parking requirements.

Therefore, even if the proposed development does not meet the on-street parking requirements of **Design in Urban Area PO23.6**, it can still be considered acceptable, given that the proposal includes five off-street parking spaces, a reduced number of dwellings, and is an affordable housing project which requires a reduced number of parking spaces. Therefore it is considered that the proposal meets the parking requirements of the Code.

#### **Environmental Factors**

##### Waste Management

**Design in Urban Areas PO 11.1, 11.2 and 11.3** seek communal waste storage and collection areas be of a sufficient size, located, enclosed and designed to be screened from the public domain, open space and dwellings, and should be well ventilated and located away from habitable rooms. **Design in Urban Areas PO 24.1** also calls for the storage of waste bins in a location screened from public view.



Similarly, **Design in Urban Areas PO 35.3** seeks that provision is made for suitable household waste and recyclable material storage facilities which are located away, or screened, from public view, and conveniently located in proximity to dwellings and the waste collection point. Further, **Design in Urban Areas PO 35.4** seeks that waste and recyclable material storage areas are located away from dwellings, with the associated **DPF 35.4** stating that dedicated waste and recyclable material storage areas be located at least 3m from any habitable room window.

The proposed bin storage area has been amended to address the potential amenity impact on the adjacent dwellings. The relocation of the bin storage area to the rear of the site and screening by 1.8m fence and landscaping is considered appropriate to reduce any potential adverse impact.

The proposed bin storage capacity for the high-density residential development is in compliance with the requirements of the **Better Practice Guide Waste Management 2014**. Additionally, the development proposes to have the strata committee manage the communal bins collection and storage area, which is an acceptable waste management method for communal bins collection by council.

Therefore, the proposed development achieves the **PO11.1, 11.2, 11.3, 24.1, 35.3, and 35.4**.

#### Stormwater

The proposed stormwater collection and detention systems have been designed to satisfy the **Stormwater Management Overlay**. The tanks are proposed to be located within each yard of all fourteen dwellings. The location for the tanks is shared with other utilities and is not included in the POS calculations in this report. All stormwater is directed to the kerb and gutter via a communal system. A referral comment from council's stormwater engineer in **Section 6** in the report has confirmed that the proposed stormwater design is acceptable.

The proposed Finish Floor Level (FFL) are lower than highest point top of kerb. Council stormwater engineer requires the top level of the retaining walls on both primary and secondary frontages be a minimum of 100mm higher than top of kerb level. A condition is recommended for this matter.

### **7.5 Retaining Walls and Fencing**

**Design in Urban Areas PO 9.1** calls for fences, walls and retaining walls of sufficient height that maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to sunlight or the amenity of public places.

The proposal incorporates retaining walls to the eastern, southern and northern boundaries. These walls are required to manage the degree of cut and fill in order to bench the site for the proposed building and associated driveway.

The maximum height of the wall in cut on the northern boundary is to be 1m with the maximum on the eastern boundary of 1m. The maximum height of the wall in cut along the eastern and southern boundary are proposed to be 1m. No retaining wall proposed on the western boundary.

Sited on top of the retaining walls is a pre-coloured steel fence 1.8m high. This fence will also extend from the southern boundary and part of the bin storage enclosure. The eastern boundary fence includes an aluminum slat fence built on top of the retaining walls.

The impact to the adjoining allotments to the south and west is considered to be minimal and not unreasonable. The retaining wall and fencing combination will not limit access to sunlight and not create an unreasonable visual impact.

## 8. CONCLUSION

Based on the information provided, it appears that the proposed development of two residential flat buildings containing fourteen affordable housing units, retaining walls, and fencing in the **Urban Activity Centre Zone** has some deficiencies in meeting the Planning and Design Code performance outcomes. Specifically, it does not satisfy design, landscaping, and the off-street parking requirements. However, the proposal shows sufficient merits to support the residential development and is considered to have an acceptable impact on the streetscape and locality.

Overall, it is recommended that the proposal be approved, as it is a suitable complement to the surrounding area and does not have any significant negative impacts.

## 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 22015322, by Lofty Project Mgmt Pty Ltd is granted Planning Consent subject to the following conditions:

### CONDITIONS

#### Condition 1

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 lodgment of the application) within 12 months of occupation of the dwelling(s).

**Condition 2**

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 residential flat buildings.

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

**Condition 3**

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 4**

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 5**

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 6**

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 7**

The new crossing place must be constructed and/or modified, as per the approved plans and conditions, within six (6) months of completing the residential flat buildings.

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

**Condition 8**

The planting and landscaping identified on the site plan, elevation and planning statement submitted with the application must be completed in the 12 months concurrent with or following commencement of the use of the residential flat buildings. 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.*

**Condition 9**

Stormwater generated on the site during the construction period and for the life of the development, must be collected, treated as necessary to ensure contaminated stormwater does not discharge directly or indirectly to any waters. Discharged water shall not contain suspended solids in excess of twenty milligrams per litre (20mg/L).

**Note:** The Environment Protection Authority 'Handbook for Pollution Avoidance on Building Sites' details a range of strategies to collect, treat, store and dispose of stormwater during construction.

*Reason: To assist and maintain water quality entering Council's drainage network.*

**Condition 10**

Where stormwater is to be discharged to the street gutter, the stormwater system installation shall 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 11**

Communal waste bins should be kept clean and tidy with bins serviced regularly avoiding impact to adjoining allotments.

**Condition 12**

Retaining wall levels on the primary and secondary street boundary must be minimum 100mm higher than top of kerb levels as mitigation solution for *Hazard (Flooding – Evidence Required) Overlay*.

**Condition 13**

All dwellings must be developed as 'affordable housing' in accordance with the affordable housing criteria in the Government Gazette Notice (under regulation 4 of the *South Australian Housing Trust Regulations 2010*) and submitted Affordable Housing Plan.

**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

##### Planning Consent

###### **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.

###### **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.

###### **Note 3**

All earthworks must be confined to and contained entirely within the property boundaries and must not encroach on or over the roadside verge/reserve.

###### **Note 4**

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](https://www.teatreegully.sa.gov.au/Council_documents_Landing/Council_documents/Permits/Section_221_Application)**.

**Note 5**

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](http://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.

**Note 6**

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.

**Note 7**

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.

**Note 8**

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](http://www.lsc.sa.gov.au)**.

**Note 9**

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**.

**Note 10**

NBN Co. is responsible for the installation of National Broadband Network (NBN) fibre for all developments in areas where NBN Co. has already rolled out fibre. To ensure services are available when residents move in, developers and builders must register their developments and apply to NBN Co. before building has commenced. To determine if your site is in an NBN area and to register your development, please complete the pre-qualifier forms located at [www.nbnco.com.au/newdevelopments](http://www.nbnco.com.au/newdevelopments). For more information, please contact the NBN Co. New Developments Team on **1800 687 626** or email [newdevelopments@nbnco.com.au](mailto:newdevelopments@nbnco.com.au).

**Note 11**

The applicant is encouraged to market and offer for sale to Eligible Buyers in accordance with the eligible buyer criteria in the Government Gazette Notice (under regulation 4 of the *South Australian Housing Trust Regulations 2010*) and the HomeSeeker SA framework. Email [homeseecker.partners@sa.gov.au](mailto:homeseecker.partners@sa.gov.au) for more information.

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