

Notice of Council Assessment Panel Meeting



MEMBERSHIP

Mr M Adcock
Mr J Rutt
Mr A Mackenzie
Ms B Merrigan
Mr D Wyld

Independent Member (Presiding Member)
Independent Member
Independent Member
Independent Member
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 SEPTEMBER 2022 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: 13 September 2022

CITY OF TEA TREE GULLY

COUNCIL ASSESSMENT PANEL MEETING 20 SEPTEMBER 2022

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 June 2022 be confirmed as a true and accurate record of proceedings.

3. Business Arising from Previous Minutes - Nil

4. Reports and Recommendations

- 4.1 22022011 - Construction of a two-storey child care centre with non-illuminated signage, retaining walls, acoustic fencing and ancillary car parking and landscaping at 59 & 61 Tristania Terrace Dernancourt 3

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

18 October 2022

REPORT NO: 22022011

RECORD NO: D22/172614

TO: COUNCIL ASSESSMENT PANEL MEETING - 20 SEPTEMBER 2022

FROM: Joshua Banks
Senior Planning Officer

SUBJECT: CONSTRUCTION OF A TWO-STOREY CHILD CARE CENTRE WITH NON-ILLUMINATED SIGNAGE, RETAINING WALLS, ACOUSTIC FENCING AND ANCILLARY CAR PARKING AND LANDSCAPING AT 59 & 61 TRISTANIA TERRACE DERNANCOURT

SUMMARY

DEVELOPMENT NO.	22022011
APPLICANT	Future Urban Pty Ltd
ADDRESS	59 & 61 Tristania Terrace, Dernancourt
NATURE OF DEVELOPMENT	Construction of a two-storey child care centre with non-illuminated signage, retaining walls, acoustic fencing and ancillary car parking and landscaping
ZONING INFORMATION	<p>Zones:</p> <ul style="list-style-type: none"> ● General Neighbourhood Zone <p>Overlays:</p> <ul style="list-style-type: none"> ● Airport Building Heights (Regulated) ● Affordable Housing ● Hazards (Flooding Evidence Required) ● Prescribed Wells Area ● Regulated and Significant Tree ● Stormwater Management ● Urban Tree Canopy
LODGEMENT DATE	5 July 2022
RELEVANT AUTHORITY	Council Assessment Panel at City of Tea Tree Gully
PLANNING & DESIGN CODE VERSION	2021.11 (23 June 2022)

Item 4.1

CODE RULES APPLICABLE AT LODGEMENT	Code Rules at Assessment Start
CATEGORY OF DEVELOPMENT	Code Assessed - Performance Assessed
NOTIFICATION	Yes - Notification Period 1 August 2022 to 19 August 2022
NUMBER OF PROPERTIES NOTIFIED	31
REPRESENTATIONS RECEIVED	2
REPRESENTATIONS TO BE HEARD	0
RECOMMENDING OFFICER:	Josh Banks
REFERRALS STATUTORY	Nil
REFERRALS NON-STATUTORY:	Traffic - Wahid Yousafzai Stormwater - Dennis Kariuki
RECOMMENDATION	Grant Planning Consent

1. DETAILED DESCRIPTION OF PROPOSAL

The proposal is for the construction of a two-storey child care centre with associated advertising, acoustic boundary fencing and retaining walls, car park and landscaping. The **proposal would replace two existing detached dwellings constructed in the late 1960's, both of which are located on separate allotments.**

The proposed use of a child care centre **falls within the definition of “pre-school”** pursuant to Part 7 – Land Use Definitions of the Planning and Design Code (the Code).

Specific features and details of the child care centre are as follows:

- Early education for up to 72 pre-school aged children
- Operating hours from 6:30am until 6:30pm Monday to Friday (excluding public holidays)
- Car parking for 18 vehicles including one disabled parking space, with two-way access from Tristania Terrace
- Up to 12 staff members, noting not all staff are present on site at the same time
- Five separate areas with a range of internal and external spaces including outdoor play spaces, bathrooms, preparation rooms, sleep rooms, staff room, office, reception and foyer
- Waste stored in a dedicated screened area, and collection to be managed via a private **waste collection service to operate outside of the centre's operating hours and in accordance with EPA guidelines**
- Landscaping proposed around the perimeter of the site.

The proposal also includes two advertising displays – one attached to the building and located adjacent to Tristania Terrace on the upper level façade of the building, and the second on the corner boundary wall facing the intersection of Tristania Terrace and Parsons Road. These advertisements are not illuminated.

Retaining walls and various fencing types are proposed on all boundaries with retaining walls required due to the topography of the site and to support the proposed site works associated with the construction. This includes boundary fencing to a minimum height in certain locations and with acoustic properties.

2. SUBJECT LAND & LOCALITY

2.1 Site Description

Location reference: 59 TRISTANIA TCE DERNANCOURT SA 5075

Title Reference:	Plan Parcel:	Council:
5198/498	D7216 AL66	CITY OF TEA TREE GULLY

Location reference: 61 TRISTANIA TCE DERNANCOURT SA 5075

Title Reference:	Plan Parcel:	Council:
5126/586	D7126 AL67	CITY OF TEA TREE GULLY

The subject site consists of two existing allotments commonly known as 59 and 61 Tristania Terrace, Dernancourt. The subject site is irregular in shape and totals approximately 1226m². The northern boundary to Tristania Terrace has a combined length of 44.3m (including a 4m corner cut off), and the eastern boundary to Parsons Road is 38.5m in length.

The site contains two single-storey dwellings together with ancillary domestic structures including a granny flat in the southwestern corner of 59 Tristania Terrace.

2.2 Locality

The locality comprises the northeast busway reserve to the north, the Stuart Street/Parsons Road intersection to the south, Dernancourt School to the east and surrounding residences within a reasonable proximity as shown in the image below:



The built form within the locality comprises single storey dwellings with ancillary domestic structures, in addition to school grounds with associated carpark and buildings. The dwellings within the locality vary in age and architectural style but are generally single storey.

The amenity of the locality is considered fairly high predominantly due to mature street trees and well-maintained front gardens, together with the school grounds opposite the site on the eastern side of Parsons Road.

3. CATEGORY OF DEVELOPMENT

PER ELEMENT

- Pre-school – 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

The proposal underwent public notification as child care centres and advertisements are not listed as being exempt from notification in Table 5 of the General Neighbourhood Zone.

A total of 31 Owners or occupiers of adjacent land were directly notified and a sign detailing the proposal was placed on the subject site for the duration of the notification period. Two representations were received. One further representation was received directly by Council following the closing date for submissions, and was therefore not considered.

LIST OF REPRESENTATIONS

Name	Address	Position	Wishes to be Heard
Robert de Nys	32 Raymond Road, St Agnes	Support with some concerns	No
Shem Jamieson	44 Tristania Terrace, Dernancourt	Oppose	No

A copy of the two representations listed above can be found in Attachment 9. Whilst the representation received out of time has not been considered as part of this assessment, it has been included as an attachment to this report for information purposes only, see Attachment 11.

Summary

The issues raised by the representors are summarised as follows:

- Housing shortage
- Noise
- Proposed use better suited to commercial zones
- Existing traffic congestion unsafe for children
- Access not on Parsons Road, and proposed driveway is close to the corner (intersection)
- Building imposing for the character of the area and too large

A summary and response to the concerns raised by the representors has been provided by the applicant and can be found in Attachment 10.

5. REFERRALS

5.1 AGENCY REFERRALS

Nil

5.2 INTERNAL REFERRALS

5.2.1 Traffic – Wahid Yousafzai

The proposed development was referred to the Team Leader of Civil Assets for an assessment of the parking provisions and the potential impact on the local road network. The response is summarised as follows:

- This application is acceptable in regards to vehicle movements in the proposed car park. The spaces are 2.6m wide which will aid movements.

5.2.2 Stormwater – Dennis Kariuki

The proposed development was referred to was referred to Council's Project and Assets Engineer to assess the proposed stormwater management. The response is summarised as follows:

- The report provided by FMG Engineering is satisfactory however discharge rates exceed Council requirements (15L/s in lieu of stipulated 4L/s). A condition should be included stating that the discharge rates be reduced to this requirement, and if multiple discharge points are nominated then a 3m separation between points is required.

6. PLANNING ASSESSMENT

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

The application was accompanied by an environmental noise assessment report, traffic and parking assessment report, stormwater management report and design and a landscaping design to provide detailed information in support of the proposal. These elements are discussed in further detail below.

6.1 Land Use

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

Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.

The associated Performance Outcomes (PO) of the Zone seek:

PO 1.1 Predominantly residential development with complementary non-residential uses that support an active, convenient and walkable neighbourhood.

PO 1.2 Non-residential development located and designed to improve community accessibility to services, primarily in the form of:

- (b) community services such as educational establishments, community centres, places of worship, pre-schools, and other health and welfare services.

The proposed land use of a child care centre falls within the scope of the definition of **“Pre-school” as defined in Part 7 of the Code**. A pre-school is a use envisaged within the General Neighbourhood Zone as detailed in PO 1.1 and Designated Performance Feature (DPF) 1.1 (h).

The location of the centre adjacent to the existing Dernancourt Primary school is considered to result in a highly accessible and convenient location for users of both the proposed centre and the school.

The proposed child care centre is consistent with the desired outcome of the zone. Given the proposed land use satisfies both the DO of the zone and the above PO, the proposed land use is considered to be appropriate for the locality.

6.2 Building Height

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

The proposed child care building is two storey and features a maximum height from finished ground level of 8.4m. As such the proposed child care centre building is considered to satisfy General Neighbourhood Zone PO 4.1.

6.3 Setbacks, Site Coverage, Design & Appearance

6.3.1 Setbacks

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

The associated DPF's seek setbacks of 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 majority of dwellings in the immediate locality have traditionally large front yards and are set back from the primary frontage approximately 8 – 10 metres.

The proposed child care centre has a setback to Tristania Terrace of 3m at the closest point to the wall at the front of the building, however it is noted that the stepped design and offset from the neighbouring dwelling at 57 Tristania Terrace should not result in unreasonable, detrimental impacts to the streetscape.

Further to this the proposed building is to be sited in cut up to a height of 1.7m, and 1.8m high front fencing is also proposed. These two factors will aid in lessening the visual impact of the reduced setback to some degree.

Given the above discussion, the reduced front setback of the proposed building is considered to be appropriate and acceptable in the locality, satisfying the intent of the General Neighbourhood Zone PO 5.1.

The building is to have side setbacks to the eastern boundary of 5m and 5.4m to the western boundary. These satisfy General Neighbourhood Zone PO 8.1, DPF 8.1 (a) and (b).

The rear setback for the proposed child care centre is to be 4.58m to the closest point for the ground level, and 11.95m to the upper level. Whilst the Code does not provide guidance for rear setbacks for non-residential development, the setback and building siting are considered to be acceptable given the cut into the rear of the site which will effectively reduce the building height.

6.3.2 Site Coverage

General Neighbourhood Zone PO 3.1 seeks that building footprints 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 the 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 of approximately 645m² which corresponds to 52% site coverage, and this is considered to satisfy the above requirement.

6.3.3 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 building has been designed with high levels of articulation and includes a range of colours, materials and finishes. High numbers of windows and the use of green walls and wooden finishes are also featured. These aspects are considered to result in a positive built form outcome.

The car park being alongside of the building and under the upper level allows for space and separation to the adjoining dwelling to the west and reduces the visual bulk of the building.

The waste storage area is 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.

6.4 Traffic Impact, Access and Parking

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

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

The proposed child care centre incorporates a new double width crossover on Tristania Terrace, away from the nearby intersection and between two existing street trees. All other existing crossovers will be returned to standard kerbing. The crossover will accommodate both entry and exit of all vehicles to the site.

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. Numerically, 18 spaces are required for the proposed 72 children. The proposal has provision for 18 off-street car parks in a car parking area located under the upper deck outdoor play space and this is considered to directly address Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements.

The proposal provides one disabled access park and a turnaround area at the northern-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 front and the western side ensuring 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 a representor. Their concerns related to the increase in traffic volume and potential safety issues given the existing congestion near the site.

The traffic assessment provided by the applicant determined that the forecast increase in traffic volume is low and will have limited impact on the adjacent road network, and accordingly the forecast traffic will not impact on the safety or the capacity of the adjacent road network.

6.5 Interface between Land Uses

6.5.1 Noise Emissions

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

PO 2.1 talks about non-residential development having regard to the amenity of sensitive receivers through its hours of operation.

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

The proposal was accompanied by an environmental noise assessment report. This report can be seen 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.

Recommendations in regards to fencing heights, materials and treatments were provided, and the proposed plans reflect these recommendations. These recommendations have also been reinforced in the proposed conditions of approval below.

The proposed hours of operation are 6:30am to 6:30pm Monday to Friday (excluding public holidays), and are considered typical daylight hours for child care centres.

The report concluded that the proposal has been designed in such a way as to mitigate adverse impacts on the adjoining residential allotments. In consideration of the findings and recommendations of the report, the proposal is considered to accord with Interface between Land Uses PO 1.2 and PO 4.1.

6.5.2 Overshadowing

Interface between Land Uses PO 3.1 and 3.2 talk to overshadowing of habitable room windows and private open space areas of adjacent dwellings. The neighbouring dwelling to the south has no habitable room windows facing the subject land that are not already covered by structures, and due to the siting and design of the proposed building (and in particular the excavation) and the upper level setback of 11.9m, overshadowing is not a concern.

6.5.3 Overlooking

Design in Urban Areas PO 10.1 and 10.2 have been addressed as the upper level open space area will be surrounded by 1.8m high acoustic glazed fencing to the western side with the exception of the southern elevation (2.1m high). This is considered sufficient in mitigating direct overlooking onto adjacent habitable rooms or private open space areas of dwellings.

6.5.4 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 proposal includes a designated bin storage area towards the front of the site along the western side boundary. This storage area will be screened from view by landscaping and fencing to the street, and a landscaping strip along the western boundary.

Waste will be collected by a private contractor out of operating hours of the facility. The collection will be in accordance with the Environmental Protection (Noise) Policy 2007, and be collected twice weekly.

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

6.6 Retaining Walls and Fencing

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

The proposal includes retaining walls to the boundaries of the entire site. These are required due to the sloping nature of the site and to manage the degree of cut required to appropriately construct the building and car park. The maximum height of these walls is 2m and will be cut in to the rear (southern) boundary.

Fencing will be constructed on top of the retaining walls. 2.1m high acoustic fencing is proposed to the side and rear boundaries. This fencing is designed to provide privacy to the adjoining properties, security to the subject site and act as an acoustic barrier, reducing the noise impacts of the child care centre.

To the eastern side boundary and a section of the northern front boundary 1.8m timber paling fencing is proposed. This fencing is to provide some openness to the subject site whilst also securing the outdoor play areas.

Given the majority of the walls are in cut, the visual impact to the public realm and adjoining properties will be minimal. Further, with the site predominately in cut the retaining walls will not be readily noticeable from the street.

As such the retaining walls and fencing satisfy the Design in Urban Areas PO 9.1 and PO 9.2.

6.7 Signage

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

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

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

The proposal incorporates branded signage in two locations. One large logo and name will feature on the northern elevation near the entrance. The other smaller logo and name will be affixed to the north-eastern facing corner of the front fence. The materials and colours are complementary to the material and colour palette of the building and are simplistic in design.

The signage identifies the name of the centre. No other messaging or images are proposed. This satisfies Advertisements PO 3.1 which seeks that advertising is limited to information relating to the use of the land they are located on.

The signage is not illuminated which satisfies Advertisements PO 4.1 and PO 5.2 by achieving the respective DPFs.

6.8 Stormwater Management and Flooding

The proposal includes a comprehensive stormwater management plan and associated report 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.

Groundwater and roof run-off is to be directed to sumps and grates and directed to an underground detention tank. All stormwater is to be discharged to the front of the site at two different points into the street water table.

The subject site is located within a flood water area and is subject to the Stormwater Management Overlay. It is noted that the PO for this overlay is only concerned with residential development, however the desired outcome talks about water sensitive urban design and capture/re-use of stormwater some of which has been incorporated into the design of this development.

The overall concept **has been endorsed by Council's civil assets department subject to** conditioning some changes to discharge rates from the site. These requirements have been included in the recommended conditions below.

As such, the proposal satisfies the requirements of Stormwater Management Overlay DO and Design in Urban Areas PO 42.1, 42.2 and PO 42.3.

7. CONCLUSION

The proposal is for the construction of a two-storey child care centre with associated advertising, boundary fencing and retaining, car park and landscaping in the General Neighbourhood Zone. The zone anticipates non-residential uses, with pre-schools (child care centres) 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 appropriate and professional building design, suitable setbacks, car parking provision, simplistic advertising, acoustic treatments and comprehensive landscaping.

It is considered that the applicant has sufficiently addressed the concerns raised by the representor 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.

8. PLANNING & DESIGN CODE POLICIES

Child Care Centre

General Neighbourhood Zone

DO 1, PO 1.1, 1.2, 1.3, 1.4, 3.1, 4.1, 5.1, 6.1, 8.1, 9.1, 12.1

Hazards (Flooding – Evidence Required) Overlay

DO 1, PO 1.1

Stormwater Management Overlay

DO 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, 10.1, 10.2, 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

Advertisements

General Neighbourhood Zone

PO 1.1, 1.2, 1.3, 1.4, 12.1

Advertisements

DO 1, PO 1.1, 1.2, 1.3, 1.5, 2.1, 2.3, 3.1, 5.2, 5.3, 5.4

Fencing

Design in Urban Areas
PO 9.1

Retaining Walls

Design in Urban Areas
PO 9.1, 9.2

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 22022011 by Future Urban Pty Ltd is granted Planning Consent subject to the following conditions and advisory notes:

CONDITIONS

Condition 1

The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 22022011 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 (excluding public holidays).

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 prior to occupation. They must be maintained in good condition thereafter.

Reason: To ensure useable and safe carparking.

Condition 6

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

Reason: To maintain safety for users.

Condition 7

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

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

Condition 8

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

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

Condition 9

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

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

Condition 10

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

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

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

Condition 11

Stormwater management must be undertaken in accordance with the Stormwater management report by FMG Engineering (Job Number S58646 – 280183) with the exception of stormwater discharge being restricted to 4L/s. If multiple discharge points are nominated then 3m separation between points is required, and any works outside the boundary of the site to be undertaken to the satisfaction of Council.

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

Condition 12

Waste collection services must be undertaken outside of operating hours of the child care centre and in accordance with relevant EPA noise guidelines.

Reason: To minimise the impact on adjoining properties.

Condition 13

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

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

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

Condition 14

Any lights on the subject land including the carpark must be installed, directed and screened in accordance with Australian Standard

AS 4282—1997 – Control of Obtrusive Effects of Outdoor Lighting.

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

Condition 15

The planting and landscaping identified on the Landscape Design prepared by daStudio (Project 2210_Dernancourt Childcare Centre dated 27 June 2022) must be completed in the first available 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 Environmental Noise Assessment report provided by Echo Acoustic Consulting (Reference ID 9-5 dated 27 June 2022) are complied with and completed prior to commencement of the use and will remain in place and be maintained to the satisfaction of Council thereafter.

Reason: To maintain amenity minimise noise impacts on adjoining properties.

PLANNING CONSENT NOTESAdvisory Note 1

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

Advisory Note 2

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

Advisory Note 3

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

Advisory Note 4

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

Advisory Note 5

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

Advisory Note 6

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

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

Advisory Note 7

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

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

The applicant shall be responsible for all costs associated with:

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

Advisory Note 8

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

Advisory Note 9

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

Advisory Note 10

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

Advisory Note 11

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

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

Advisory Note 12

Once development approval is granted, the development must be:























- a) Substantially commenced within 24 months from the date of the decision of this Consent or Approval, otherwise this Consent or Approval will lapse at the expiration of 24 months from this date (unless Council extends this period), and a new development application shall be required; and
- b) Fully completed within 3 years from the date of the decision of this Approval, otherwise this Approval will lapse at the expiration of 3 years from this date (unless Council extends this period), and a new development application shall be required; and
- c) Any request for an extension of time must be lodged through the Plan SA portal prior to the expiry of the above-mentioned periods.

Advisory Note 13

Pursuant to Section 202 of the *Planning, Development and Infrastructure Act 2016*, you have the right of appeal to the Environment, Resources and Development Court against either (1) a refusal of consent or (2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period allowed by the Court.

The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (Ph. 8204 0289).

Attachments

1. 	Aerial Photograph	23		
	2. 	Applicant’s Planning Report and Certificate of Titles	24	
	3. 	Survey Plan.....	51	
	4. 	Site Plan and Architectural Plans	52	
	5. 	Stormwater Management Plan	63	
	6. 	Traffic and Parking Assessment	87	
	7. 	Acoustic Report	93	
	8. 	Landscaping Plans	114	
	9. 	Representations.....	123	
	10.	Response to Representations.....	125	
		11.	Late Representation.....	127
				

Report Authorisers

- | | |
|---|-----------|
| Joshua Banks
Senior Planning Officer | 8397 7251 |
| Chelsea Tully
Team Leader Planning | 8397 7223 |
| Nathan Grainger
Manager City Development | 8397 7200 |
| Carol Neil
Director Community & Cultural Development | 8397 7341 |