

Notice of Council Assessment Panel Meeting



MEMBERSHIP

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

NOTICE is given pursuant to Sections 87 and 88 of the Local Government Act 1999 that the next **COUNCIL ASSESSMENT PANEL MEETING** will be held in the Council Chambers, 571 Montague Road, Modbury on **TUESDAY 19 APRIL 2022** commencing at **10.00am**

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

Council is committed to providing greater community access to Council meetings during the COVID-19 pandemic. Members of the community are welcome to listen and observe minutes via [Council's website](#).

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

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

JOHN MOYLE
CHIEF EXECUTIVE OFFICER

Dated: 13 April 2022

CITY OF TEA TREE GULLY
COUNCIL ASSESSMENT PANEL MEETING
19 APRIL 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 15 March 2022 be confirmed as a true and accurate record of proceedings.

3. Business Arising from Previous Minutes - Nil

4. Reports and Recommendations

Applications under the Development Act 1993 - Nil

Applications under the Planning, Development and Infrastructure Act 2016

- 4.1 **CAP.2104110/2022** - Childcare Centre with associated advertising, carparking, decking, fencing, retaining walls and landscaping at 275 and 277 Hancock Road Banksia Park.....5

Recommended to Grant Planning Consent

- 4.2 **CAP.21037456/2022** - Two storey detached dwelling at 8 Wellington Court, Greenwith231

Recommended for Refusal

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

17 May 2022

REPORT NO: CAP.2104110/2022

RECORD NO: D22/25089

TO: COUNCIL ASSESSMENT PANEL MEETING - 19 APRIL 2022

FROM: Timothy Bourner
Senior Planning Officer

SUBJECT: CHILDCARE CENTRE WITH ASSOCIATED ADVERTISING, CARPARKING, DECKING, FENCING, RETAINING WALLS AND LANDSCAPING AT 275 AND 277 HANCOCK ROAD BANKSIA PARK

SUMMARY

DEVELOPMENT NO.	21041100
APPLICANT	Development holdings Pty Ltd
ADDRESS	275 and 277 Hancock Road Banksia Park
NATURE OF DEVELOPMENT	Childcare Centre with associated advertising, carparking, decking, fencing, retaining walls 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"> • Affordable Housing • Defence Aviation Area (All structures over 15 metres) • Hazards (Flooding) • Hazards (Flooding Evidence Required) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Transport Routes • Urban Tree Canopy • Water Resources
LODGEMENT DATE	16 December 2021
RELEVANT AUTHORITY	Council Assessment Panel at City of Tea Tree Gully
PLANNING & DESIGN CODE VERSION	2021.17 (dated 16 December 2021)

CODE RULES APPLICABLE AT LODGEMENT	Code Rules Document for 275-277 Hancock Road, Banksia Park
CATEGORY OF DEVELOPMENT	Code Assessed - Performance Assessed
NOTIFICATION	Yes – Notification Period 14 January 2022 to 4 February 2022
NUMBER OF PROPERTIES NOTIFIED	29
REPRESENTATIONS RECEIVED	1
REPRESENTATIONS TO BE HEARD	0
RECOMMENDING OFFICER:	Timothy Bourner
REFERRALS STATUTORY	Commissioner of Highways
REFERRALS NON-STATUTORY:	Traffic – Hossein Mousavi Stormwater – Wahid Yousafzai Environmental Health – Donna Hattam Arboriculture – Shane Cuy/Tony Hall CWMS – Nicola Slack
RECOMMENDATION	Grant Planning Consent

1. DETAILED DESCRIPTION OF PROPOSAL:

The applicant seeks to construct a single storey child care centre with associated advertising, boundary fencing and retaining, outbuilding 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 the Planning and Design Code (the Code).

The proposal includes the following elements:

- Child care centre
- Advertisement
- Retaining Walls
- Fencing
- Outbuilding
- Decking

The child care centre is to be a single storey building including car parking for 24 vehicles, and will provide early childhood education for up to 98 children and will operate between the hours of 6:30am and 6:30 pm Monday to Friday.

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, office, kitchen, laundry, sleeping room, staff room, preparation rooms and a reception area.

The advertisements consist of two large integrated branding signs, one attached to the western elevation facing the primary street and the other to the southern elevation facing the car park.

Retaining walls and fencing are to be located on the southern, western and northern boundaries, with the retaining walls required to support associated site works. This includes up to 2.3m of cut in the north western corner of the site and 950mm fill along the southern boundary and 1.8m to the rear boundary. The fencing is to be varied around the site. The front elevation will have a combination of 1.5m high picket style, white in colour, adjacent the entryway, with 1.8m high dark grey steel for the remainder of the frontage. The southern, eastern and northern boundaries will have 2.4m -2.7m high pre-coloured steel fencing in a dark grey colour (Monument) located on top of retaining walls and plinths and decking to the rear.

To the rear of the proposal is to be a large deck with floor level up to 1.9m above the natural ground level, and is sited adjacent the rear eastern boundary with the aforementioned fencing on top.

The car park is located to the south of the main building and consists of 24 vehicle parks, including one access compliant vehicle park, with areas of landscaping to the south and west.

Waste is to be stored in a dedicated screened area to the north of the building and will be collected by a private contractor on a twice weekly basis.

The outbuilding is a pre-coloured steel structure in dark grey with a floor area of 10m² and is 2.4m height. The outbuilding will be located adjacent the southern boundary and will be screened from view behind the waste store area.

2. SUBJECT LAND & LOCALITY

2.1 Site Description:

Location reference: 275 HANCOCK RD BANKSIA PARK SA 5091

Title Reference: 5236/755	Plan Parcel: D8280 AL4	Council: CITY OF TEA TREE GULLY
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Location reference: 277 HANCOCK RD BANKSIA PARK SA 5091

Title Reference: 5457/181	Plan Parcel: D8280 AL3	Council: CITY OF TEA TREE GULLY
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The subject site consists of two existing sites known as 275 and 277 Hancock Road Banksia Park and is located within the General Neighbourhood Zone. There are no sub-zones for these allotments.

The subject site is irregular in shape with a multi-faceted rear (eastern) boundary and a total area of 2237m². The eastern boundary of the site has a total combined length of 52.6m, a northern boundary of 53.3m, an eastern boundary of 41.2m, and a southern boundary of 44.2m.

Access is currently gained to both allotments from Hancock Road via three existing crossovers, one for 275 Hancock Road and two for 277 Hancock Road.

The site contains two dwellings, on each allotment, both constructed in the late 1960's and include numerous outbuildings and subordinate structures.

2.2 Locality



Figure 1: Subject Site and Locality Map – Notified properties marked with blue star

The locality has been determined to be approximately 100m in radius from the subject site, some 40m greater than the prescribed notification area. The locality is exclusively residential in nature with no non-residential uses at present bar a Council owned reserve (Butler Reserve) to the east of the subject site.

The locality is well vegetated with numerous large trees, both on private land and in the public realm, predominantly found on the street verges and Council reserves. The established dwellings in the locality are generally well landscaped with the majority of dwellings along this section of Hancock Road having solid fencing in a variety of materials. The most notable area of vegetation follows a watercourse in Butler Reserve east of the subject site.

Similarly, this pattern of development expands well beyond the locality and includes further residential land uses, public open space and a large shopping centre some 600m to the north of the site.

3. CATEGORY OF DEVELOPMENT

PER ELEMENT

Construction of a single-storey child care centre – Performance Assessed

Advertising– Performance Assessed

Fencing– Performance Assessed

Retaining Walls– Performance Assessed

Outbuilding– Performance Assessed

Deck– Performance Assessed

OVERALL APPLICATION CATEGORY:

Code Assessed - Performance Assessed

REASON

Planning and Design Code

4. PUBLIC NOTIFICATION

REASON

Child care centre, advertisement, fencing, and retaining are not a listed land uses that are exempt from notification in Table 5 of the Employment Zone, and therefore the proposal was required to undergo public notification. The outbuilding is exempt.

LIST OF REPRESENTATIONS

Name	Address	Position	Wishes to be Heard
Barbara and John Richards-Pugh	12 Butler Crescent Banksia Park (not noted on representation)	Oppose	Not noted

SUMMARY

28 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. One representation was received, opposing the development. This representor did not initially note whether they sought to be heard or not, but contacted Council some time later seeking to be heard. A copy of the representation can be found in Attachment 18.

The issues raised by the representor can be summarised in the following categories:

- Land Use
- Location
- Traffic
- Tree impact
- Wastewater management

A comprehensive summary and response to the concerns raised by the representors has been provided by the applicant and can be found in Attachment 19.

5. REFERRALS

5.1 AGENCY REFERRALS

5.1.1 Commissioner of Highways

Pursuant to *Planning, Development and Infrastructure Regulations 2017* (the Regulations) Schedule 9 (3)(7), Development Affecting Transport Routes and Corridors, the proposal required a referral to the Commissioner of Highways.

Their response stated no objections and provided no comments. Conditions in regards to access, parking, access and egress, stormwater and infrastructure were provided and can be seen in the recommendations of this report

5.2 INTERNAL REFERRALS

5.2.1 Traffic – Hossein Mousavi

The proposal was referred 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.

5.2.2 Stormwater – Wahid Yousafzai

The proposal was referred to assess the proposed stormwater management against the relevant Performance Objectives of the Code. The response is summarised as follows:

- The report provided by Tonkins and CPR is satisfactory and within acceptable range from the creek.
- The developers will be responsible for maintenance of the outlet into the creeks.

5.2.3 Environmental Health – Donna Hattam

The subject site is currently connected to Council’s Wastewater Management System (CWMS) and utilises onsite septic tanks. Two referrals were required during the assessment. The responses are summarised as follows:

- The septic tank is sized for pump outs every 2 years. A wastewater application has been requested.
- Details in regards to the two-yearly pump out will be placed within the wastewater approval because we will be the ones who enforce it if there is an issue.

5.2.4 Arboriculture – Shane Cuy and Tony Hall

The proposal was referred for comments in regards to the large number of Council regulated and significant trees to the east of the subject site. Two referrals were required during the assessment. The responses are summarised as follows:

- As identified in the arborist report Trees 1, 20, 21 & 22 have major encroachments within the Tree Protection Zones (TPZ) as defined in Australian Standard AS4970 2009.

PRELIMINARY RECOMMENDATIONS

- Trees identified require protection and should be included within the Tree Protection Plan as to the guidelines within Australian Standards AS4970-2009 Protection of trees on development sites.
- A Project Arborist should be appointed to assist in the completion and installation of the tree protection plan.
- Arborist to provide certification at the following stages.
 1. Establishment of tree protection zones
 2. Demolition stage
 3. Site preparation and earthworks stage
 4. Installation of underground services
 5. Pre- construction stage
 6. Construction stage
 7. Post construction stage
 8. Landscaping stage

- I have read the Pre-development Arboricultural Impact Assessment report S30232 provided by Project Green, Author: Dr. Martin Ely PhD. The report was very thorough and has covered the required aspects around tree protection during the proposed development. I support the information provided in section 7. DISCUSSION AND CONCLUSIONS and 8 RECOMMENDATIONS of Project Green's report.

5.2.5 CWMS – Nicola Slack and Jonathan Foong

The subject site is connected to CWMS and the main CWMS pipe is now proposed to be re-aligned to avoid a conflict with its current alignment. Multiple referrals were required during the assessment. The responses are summarised as follows:

- One of the detention tanks is proposed over the CWMS alignment, this has to be moved.
- The outdoor 03 space decking is not suitable over the CWMS main. The building is too close to the main, Council will require at least 1.5m clearance from the main for any structure or excavation.
- We could consider re-aligning the main at the developer's cost, subject to approval to construct in TPZ.
- Both septic tanks should be disconnected (capped off at connection) when the tanks are decommissioned at demolition. The new tank can use either connection when ready.
- The applicants have advised that they will engage TMK Consulting Engineers to design a new alignment for CWMS for our consideration. This would involve substantial civil works and costs would be reflective of this. The design must be accepted by Council and if acceptable Council would put out to tender for the works. Costs would be payable by developer, I believe they were attempting to get cost estimates.
- We can approve the proposed realignment in principle. The works will be subject to an application under the Water industry act 2012 and is to be made to the relevant authority at the time.

6. PLANNING ASSESSMENT

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

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 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 **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 98 pre-school age children in a single storey dedicated building. The application was accompanied by an acoustic report, traffic report and study, stormwater management plan, flood study advice and an arborist report to support the proposal. These elements are discussed in further detail below.

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

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 2 levels and 9m high, and wall heights no greater than 7m except in the case of a gable end.

The proposed child care building is to be one level with a maximum height from finished ground level of 7.42m. Further the highest wall, not including a gable end, is 2.71m.

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 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 proposed child care centre has a setback to Hancock Road of 1.76m to the most forward wall at the front of the building. This section of the front wall is approximately 3.25m wide, with the remainder of the front wall setback a further 2.28m from the most forward wall making it 4.04m from the front boundary.

The front setbacks for this section of Hancock Road are quite varied. The existing dwellings located on 275 and 277 Hancock Road are setback approximately, 16m and 8m respectively. The allotment at 273 Hancock Road has a dwelling setback approximately 5m and the dwelling at 279 Hancock Road is setback 17m, with a garage further forward at 9m. Further afield setbacks vary from 4.5m to over 15m.

With consideration of the above PO and associated DPF, the desired setback would be 11m. This, however, is not considered essential given the varied nature of setbacks in the

locality, the existing setbacks on the subject sites and the general character of the locality. The prevalence of solid front fencing also reduces the visual appearance of dwelling setbacks.

Further to this, the proposed child care centre building is to be sited in cut up to a height of 2m and the front boundary is proposed to have 1.8m high solid fencing. These two factors lessen any visual impact the reduced setback may have.

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 **General Neighbourhood Zone PO 5.1**.

The building is to have side setbacks to the southern boundary of a minimum of 8.04m to the closest point. The side setback to the northern boundary is to be 7.4m. 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 4.46m to the closest point with the general setback varying due to the irregular nature of the rear boundary. Whilst the Code does not provide guidance for non-dwelling rear setbacks, the setback and building siting are considered to be acceptable and have no greater impact than a similarly-sized dwelling.

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 as per the roofing plan, of approximately 854m² which corresponds to 38% site coverage, thus satisfying 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 proposed building is designed in an L shape with a gable end roof facing the street. The building has general form and bulk akin to a similar sized dwelling with a roof form not dissimilar to other buildings in the locality. The material palette is neutral with the building being predominantly white.

The car park being alongside of the building, allows for space and separation to the adjoining land to the south and reduces the visual bulk of the building due to the extended setback for the rear half of the building.

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**.

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.

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 Cirqa. This report can be seen in Attachment 12.

The proposed child care centre incorporates a new double width crossover towards the southern side of the site, with the existing three crossovers to be decommissioned and returned to standard kerbing. This new crossover is designed to accommodate both entry and exit of all vehicles to the site.

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

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

The proposal has provision for 24 off-street car parks in a car parking area located forward of the proposed building line and is partially covered by the upper deck outdoor play space. The proposed maximum number of children at the centre is 98. This number of children requires 24.5 parks in total. The shortfall has been assessed by the applicant's traffic engineer as acceptable. This conclusion is supported by Council's Traffic Engineer and as such the parking provided is considered to accord with **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 site also incorporates bicycle parking in line with the **Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements**.

The carpark incorporates soft landscaping to the southern and western sides 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 the single representor. Specifically, concerns relate to the increase in traffic volume and the banking up of vehicles entering the site.

The applicant, in response to these concerns, referred to the Cirqa report (Attachment 12) accompanying the application. This report determined the car parking rate to be adequate and the impact of the traffic movements to be minimal. This response can be seen in Attachment 19.

6.5 Interface between Land Uses

6.5.1 Noise Emissions

Interface between Land Uses DO 1 seeks that Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses. **PO 1.2** elaborates and state 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 proposal was accompanied by an environmental noise assessment report prepared by Sonus. This report can be seen in Attachment 13.

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 materials were provided and the plans reflect these recommendations.

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**.

6.5.2 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 proposal includes a designated bin storage area to the southern side of the site. This storage area is to be screened from view by the installation of a 2.1m high pre-coloured steel fence and gate.

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 between the hours of 9.00am and 7.00pm on Sundays and Public Holidays, and between 7.00am and 7.00pm on any other day.

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

The proposal includes retaining walls to some degree to all sides of the site. These walls are to manage the degree of cut required to create the benched areas for the child care centre building and associated car parking. The maximum height of these walls is 2.3m in cut and 1.8m in fill with the height tapering away from this point as the land fall alters.

Attached to the boundary walls is a proposed pre-coloured steel fence varying in height from 1.8m to 2.7m in height. The fencing is to be coloured in a Monument colour (dark grey). 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.

The front boundary also incorporates a picket fence to a maximum height of 1.5m. This fencing is to provide transparency to the front boundary allowing vehicle sight lines and improved passive surveillance to the site.

Given the majority of the walls are in cut, with the boundary walls in fill being less than 1m, and the perimeter fencing being dark coloured, 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 visible to the street.

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

6.7 Outbuilding

The proposal includes a small outbuilding adjacent the norther boundary. This outbuilding is to be utilised as a storage shed.

The outbuilding has a floor area of 10m² and total height of 2.4m. It is to be finished in pre-coloured steel cladding to match the boundary fencing.

The location of the outbuilding ensures it has limited visual impact and will be totally screened behind the proposed bin storage area. The size of the outbuilding also ensures it will have no impact on the provision of the required vehicle parking spaces. As such the outbuilding satisfies general **Neighbourhood Zone PO 3.1** and **11.2**.

6.8 Signage

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

Advertisements PO 1.1 seeks that advertisements are compatible and integrated with the design of the building and/or land they are located on. **PO 1.5** seeks that advertisements

and/or advertising hoardings are of a scale and size appropriate to the character of the locality.

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

The proposal incorporates branded signage into the overall design of the building. The signage consists of large integrated branding attached to the southern and western elevations. 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, *Guardian – Childcare and Education*, and includes the corporate logo of the centre. No other messaging or images are proposed. This satisfies **Advertisements PO 3.1** which seeks that advertising is limited to information relating to the use of the land they are located on.

The signage is not illuminated which satisfies **Advertisements PO 4.1** and **PO 5.2** by achieving the respective **DPF's**.

The proposed advertising signage is incorporated into the design of the building, is not illuminated and is not considered to adversely impact the site or residential character of the locality.

6.9 Stormwater Management and Flooding

The proposal includes a comprehensive stormwater management plan and associated report (Attachment 16) 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 run-off is to be directed to sumps and grates and directed to a 10kL underground detention tank, with roof water to be directed into two 7.5kL underground detention tanks. All stormwater is to be discharged to the rear of the site into the creek via a gross pollutant trap.

The subject site is located within a flood water area and is subject to the **Hazards (Flooding) Overlay**. The proposal was accompanied by a flood study report prepared by Tonkin (Attachment 17) which assessed the impact the proposal may have on the adjacent watercourse and floodwater area. The report concluded that the development would not cause unacceptable flood risk impacts to either upstream or downstream properties or impede the flow of waters through the site. The report recommended the deck and retaining wall be designed to withstand debris impacts and impacts by any flood waters.

The overall concept has been endorsed by Council's civil assets department. As such, the Stormwater Management Plan satisfies the requirements of **Hazards (Flooding) Overlay PO 2.2, 3.2, 3.3 and 3.5**, and **Design in Urban Areas PO 42.2 and PO 42.3**.

6.10 Wastewater Management

The subject site is connected to Council's Wastewater Management System with a primary pipe and connection points currently to the rear of the site, both in the adjoining reserve and within the subject site itself. The plans show a new septic tank under the proposed car park.

The original proposal demonstrated an encroachment over the pipe by the proposed decking, fill and to a small degree, the building itself. Council's Wastewater engineers were not prepared to support this encroachment. As such, the applicant altered the proposal insofar as they intend to re-route the CWMS pipe along the northern side of the site so that it can then travel down Hancock Road and rejoin the network.

Council's Wastewater Engineers have considered this re-route and in principle have provided support. The works will however, need a formal approval as required by the *Water Industry Act 2012*, with the application to be submitted to the relevant authority at the time (Council or SA Water).

As noted above, the plans show a 20kL septic tank for wastewater collection. Council's Environmental Health Officers have noted this is only sufficient for 2 years waste collection. Council operates a 4 yearly pumping schedule. Whilst this size of the tank is not sufficient, the applicant has agreed to ensure the tank will be managed appropriately and pumped every two years. This will be managed via a wastewater application process.

It should be noted that SA Water may be taking ownership of the entire CWMS system in the near future and as such, will likely be the authority for all wastewater works.

6.11 Regulated and Significant Trees

To the rear of the subject site in the Council owned Butler Reserve are numerous regulated and significant trees. The initial documents supplied with the proposal included a pre-development arboricultural impact assessment. This report was followed by an amended version assessing further detail as requested. These reports can be found in Attachments 14 and 15 respectively.

The proposal has been assessed to provide acceptable impact on the nearby trees, and the proposal and reports have been endorsed by Council's arboricultural team on the condition that the conclusion and recommendations put forward by the applicant's arborist are adhered to.

As such the proposal is considered to satisfy **Regulated and Significant Tree Overlay DO 1** and **PO 2.1**.

7. CONCLUSION

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

The development has been designed to minimise impacts on the locality and nearby residential properties with suitable setbacks, car parking provision, acoustic treatment, tree sensitive construction methods 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

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) Overlay

PO 1.1, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5 , 3.6, 4.2, 5.1, 6.1

Hazards (Flooding – Evidence Required) Overlay

PO 1.1

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, 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

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

Fencing

Defence Aviation Area Overlay

PO 1.1

Hazards (Flooding) Overlay

PO 3.6

Water Resources Overlay

PO 1.1, 1.7

Clearance from Overhead Powerlines

PO 1.1

Design in Urban Areas

PO 9.1

Retaining Walls

Hazards (Flooding) Overlay

PO 5.1, 5.2

Water Resources Overlay

PO 1.1, 1.7

Design in Urban Areas

PO 9.1, 9.2

Outbuilding

General Neighbourhood Zone

PO 3.1, 11.2

Defence Aviation Area Overlay

PO 1.1

Hazards (Flooding) Overlay

PO 3.1, 3.2, 3.3, 3.4, 4.2, 5.1, 6.1

Item 4.1

Water Resources Overlay
PO 1.1

Clearance from Overhead Powerlines
PO 1.1

Design in Urban Areas
PO 8.1

Infrastructure and Renewable Energy Facilities
PO 12.2

Decking

General Neighbourhood Zone
PO 1.1, 1.2, 1.3, 1.4, 3.1, 11.2

Defence Aviation Area Overlay
PO 1.1

Hazards (Flooding) Overlay
PO 3.1, 3.2, 3.3, 3.4, 3.5, 4.2, 5.1, 6.1

Hazards (Flooding – Evidence Required) Overlay
PO 1.1

Regulated and Significant Tree Overlay
PO 2.1

Water Resources Overlay
PO 1.1

Clearance from Overhead Powerlines
PO 1.1

Design in Urban Areas
PO 8.1

9. RECOMMENDATION

It is recommended that the Council Assessment Panel/SCAP 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 21041100, by Development His 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. 21007142 except where varied by any condition(s) listed below.

Condition 2

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

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

Condition 3

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

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

Condition 4

The hours of operation herein approved are as follows:

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

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

Reason: To minimise the impact on adjoining properties.

Condition 5

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

Reason: To ensure useable and safe carparking.

Condition 6

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

Reason: To maintain safety for users.

Condition 7

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

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

Condition 8

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

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

Condition 9

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

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

Condition 10

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

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

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

Condition 11

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

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

Condition 12

Stormwater management and water discharge must be undertaken in accordance with the Stormwater Management Plan prepared by Coombe Pearson Reynolds dated 25 November 2021 with works outside the boundary of the site to be undertaken to the satisfaction of Council’s engineer.

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

Condition 13

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

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

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

Condition 14

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

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

Condition 15

No materials or equipment are to be stored outside except within the designated areas marked on the approved plans prepared by ON Architecture.

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

Condition 16

The planting and landscaping identified on the Landscape Plan prepared by Brown Falconer dated 2 February 2022 herein consented to, and submitted with the application must be completed in the first planting season concurrent with or following commencement of the use of the land. Such planting and landscaping must not be removed nor the branches of any tree lopped and any plants which become diseased or die shall be replaced by suitable species.

Reason: To maintain amenity and site of locality.

Condition 17

The acoustic treatments recommended for the site in the acoustic report provided by Sonus, document reference S7158C3 dated December 2021, 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.

Condition 18

Waste collection services must be undertaken between 9.00am and 7.00pm on Sundays and public holidays and between 7.00am and 7.00pm on any other day.

Reason: To minimise the impact on adjoining properties.

Condition 19

All construction works must be undertaken in accordance with the recommendations of Project Green dated 28 February 2022 in relation to the management of nearby regulated and significant trees.

Reason: To ensure the health and longevity of nearby regulated and significant trees.

ADVISORY NOTESGENERAL NOTES

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

PLANNING CONSENT NOTES**Advisory Note 1**

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

Advisory Note 2

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

Advisory Note 3

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

Advisory Note 4

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

Advisory Note 5

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

Advisory Note 6

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

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

Advisory Note 7

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

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

The applicant shall be responsible for all costs associated with:

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

Advisory Note 8

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

Advisory Note 9

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

Advisory Note 10

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

Advisory Note 11

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

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

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Report Authorisers

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

REPORT NO: CAP.21037456/2022

RECORD NO: D22/28163

TO: COUNCIL ASSESSMENT PANEL MEETING - 19 APRIL 2022

FROM: Rhiya Singh
Planning Officer

SUBJECT: TWO STOREY DETACHED DWELLING AT 8 WELLINGTON COURT,
GREENWITH

SUMMARY

DEVELOPMENT NO.	21037456
APPLICANT	Fairmont Homes
ADDRESS	8 Wellington Court, GREENWITH SA 5125
NATURE OF DEVELOPMENT	Construct a two storey detached dwelling
ZONING INFORMATION	<p>Zones:</p> <ul style="list-style-type: none"> • Hills Neighbourhood Zone <p>Overlays:</p> <ul style="list-style-type: none"> • Affordable Housing • Defence Aviation Area (all structures over 15 metres) • Hazards (Flooding) • Hazards (Bushfire – Urban Interface) • Hazards (Flooding – Evidence Required) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy • Water Resources
LODGEMENT DATE	14 September 2021
RELEVANT AUTHORITY	Council Assessment Panel at City of Tea Tree Gully
PLANNING & DESIGN CODE VERSION	2021.13
CODE RULES APPLICABLE AT LODGEMENT	Code Rules Document for 8 Wellington Court, Greenwith (This document is available on Council’s Website)
CATEGORY OF DEVELOPMENT	Code Assessed - Performance Assessed

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

1. DETAILED DESCRIPTION OF PROPOSAL

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

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

The dwelling has a total of 2 building levels as viewed from the street. The dwelling has a minimum front setback of 6m, a southern side setback of 1.7m and a northern side setback of 6.6m. The rear setback is 38.7m.

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

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

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

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

Looking at past aerial images, the moss rock retaining was constructed between January and April 2021. In August 2021, the applicant requested that the development approval be revoked.

The proposed bench level for the current application is somewhat similar to the previously approved design, and therefore requires minimal earthworks.

2. SUBJECT LAND & LOCALITY

2.1 Site Description:

Location reference: 8 WELLINGTON CT GREENWITH SA 5125

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

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

There is a sewerage easement to SA Water within the middle of the site and a drainage easement in favour of Council at the rear of the allotment.

The land has existing *Colorbond* fencing to the northern and southern side boundaries. There is existing GI Fence on the eastern rear boundary. The allotment is vacant with grasses over the majority of the land and no regulated or significant trees on the site.

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

2.2 Locality

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

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

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



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

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



Figure 2 - Zoning

3. CATEGORY OF DEVELOPMENT

PER ELEMENT

Detached Dwelling – Performance Assessed

OVERALL APPLICATION CATEGORY

Code Assessed - Performance Assessed

REASON

Planning and Design Code

4. PUBLIC NOTIFICATION

REASON

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

Hills Neighbourhood Zone DTS/DPF 4.1

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

- (a) *The following:*
- (b) *In all other cases (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)) – 2 building levels up to a height of 9m.
In relation to DTS/DPF 4.1, in instances where:*
- (c) *More than one value is returned in the same field, refer to the Maximum building Height (Levels) Technical and Numeric Variation layer or Maximum Building Height (Meters) Technical and Numeric Variation layer in SA planning database to determine the applicable value relevant to the site of the proposed development.*
- (d) *Only one value is returned for DTS/DPF 4.1(a) (i.e. there is one blank field), then the relevant height in meters or building levels applies with no criteria for the other.*

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

LIST OF REPRESENTATIONS

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

SUMMARY

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

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

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

Both the representations were forwarded to the applicant to respond.

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

The applicant provided the following response:

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

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

5. AGENCY REFERRALS

No agency referrals were required

6. INTERNAL REFERRALS

6.1 Civil Stormwater

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

- Changing of Finished Floor Levels (FFL) will be very difficult due to level differences. A 100mm plinth should be constructed from the highest point of kerb on the front property boundary to prevent stormwater going into the property.
- There is an 8.3m level difference from the FFL to the creek at the rear. The risk of flooding from the creek will be very minimal.

6.2 Traffic

The proposed development application has been reviewed by Council's Team Leader Civil Assets and Council's Traffic Engineer and provided the following comments in regard to the driveway and crossover grades:

- The driveway design is not satisfactory in accordance to Australian Standards. 1 in 4 (25%) is not satisfactory.

7. PLANNING ASSESSMENT

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

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

DPF	Provision	Requirement	Provided	Complies
3.1	Site coverage	Maximum 40% on sites with a gradient 1-in-8	13%	✓
4.1(a)	Building height	2 Building Levels and 9m maximum	2 and 9.32m	X
5.1	Front setback	1m forward of neighbouring dwelling = 16m	6m	X
8.1	Side setback	On sites with a site gradient greater than 1-in-8 Other than a wall facing a southern boundary = 1.9m	6.66m	✓
		For walls facing a southern boundary, at least 1.9m plus 1/3 of the wall height above 3m measured from the top of the footings = $1.9 + 1/3(2.8) = 2.82\text{m}$	1.74m	X
9.1	Rear setback	4m ground floor, 6m any other building level	38.75m to both levels	✓

7.2 Land Use

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

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

7.3 Building Height

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

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

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

7.4 Setbacks, Design and Appearance

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

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

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

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

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

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

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

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

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

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

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

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

The proposed dwelling has a flat building face design, with no porch, portico, balcony or verandah elements projecting forward of the building line. The 400mm wide eaves are all that extend beyond the flat face of this front elevation. Finally, face brickwork is the only material incorporated on the walls of the front building elevation. It is therefore considered that the above PO has not been satisfied.

7.5 Landscaping and private open space

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

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

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

7.6 Traffic Access and Parking

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

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

The civil plan was internally referred to both Council's Team Leader Civil Assets and Council's Traffic Engineer to review the driveway design, grades and crossover access. Both the Team Leader and Traffic Engineer stated that in accordance with Australian Standards, 1-in-4 (25%) gradient is not satisfactory and the design is not acceptable. According to the Civil Assets Team Leader, the proposed 1-in-4 ramp grade is not acceptable given the dwelling is on the lower side of the road.

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

The development therefore has not been appropriately designed for this sloping site and does not provide safe and convenient vehicle access.

7.7 Overlooking and Overshadowing

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

- (a) *Are permanently obscured to a height of 1.5m above finished floor level and are fixed or not capable of being opened more than 125mm*
- (b) *Have sill heights greater than or equal to 1.5m above finished floor level*
- (c) *Incorporate screening with a maximum of 25% openings, permanently fixed no more than 500mm from the window surface and sited adjacent to any part of the window less than 1.5m above the finished floor level.*

The elevation plans provided have no information or legend regarding windows being fitted with obscured glass. A window located along the stair landing on the right (eastern) elevation has 'FG' denoted on the elevation plans, however, no legend or explanation is provided. This window has the potential to overlook the southern allotment's swimming pool area private open space. This is inconsistent with the above PO.

This omission has been raised by the representor as well. However, in response to the representations the applicant states that "all upper level windows are fitted with obscured glass to 1700mm above floor level (200mm greater than required)".

The applicant's statement would ensure the development achieves the intent of **Design in Urban Areas DPF 10.1** should this be reinforced by way of condition requiring screening to the side and rear elevations.

Further, the applicant's statement also suggests the windows on the primary front elevation on the second level are also proposed for screening. This is considered inappropriate as unobscured windows are important for passive surveillance purposes to the primary street, as sought in **Design in Urban Areas PO 17.1**.

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

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

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

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

7.8 Environmental Factors

7.8.1 Stormwater Management Overlay

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

7.8.2 Hazards (Flooding – Evidence Required) Overlay

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

- (a) *The highest point top of kerb of the primary street*
Or
- (b) *The highest point of natural ground level at the primary street boundary where there is no kerb.*

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

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

The applicant has not provided amended plans to demonstrate this, and as a result **Hazards (Flooding - Evidence Required) Overlay PO 1.1** is not satisfied.

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

7.8.3 Hazards (Flooding) Overlay

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

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

7.8.4 Waste Management

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

8. CONCLUSION

The proposal is for a two-storey detached dwelling which is envisaged within the Hills Neighbourhood Zone.

It is acknowledged that some quantitative provisions for setbacks have either been met or have an insignificant shortfall, and that other assessment requirements such as the number of carparks and private open space are acceptable under the Planning and Design Code.

However, the development has been designed with a number of other shortfalls that have the potential for a significant impact on the proposed dwelling, the surrounding land uses and occupants of the development.

These issues relate to unacceptable driveway access grades, bulk and scale of built form which has not been appropriately designed for this sloping locality, lack of built form articulation through varying materials or boundary setbacks, and risk of stormwater entering the site.

The applicant had been provided with an opportunity to make amendments to the plans, however the applicant has chosen to proceed with the development application in its current form.

On balance, it is considered that the application warrants refusal.

9. **PLANNING & DESIGN CODE POLICIES**

Detached Dwelling

Hills Neighbourhood Zone

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

Defence Aviation Area Overlay

PO 1.1

Hazards (Flooding) Overlay

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

Hazards (Flooding – Evidence Required)

PO 1.1

Stormwater Management Overlay

PO 1.1

Urban Tree Canopy Overlay

PO 1.1

Water Resources Overlay

PO 1.1, PO 1.2

Clearance from Overhead Powerlines

PO 1.1

Design in Urban Areas

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

Infrastructure and Renewable Energy Facilities

PO 11.2, PO 12.1, PO 12.2

Interface between Land Uses

PO 3.1, PO 3.2, PO 3.3

Transport, Access and Parking

PO 5.1

10. RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

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

Reason 1

The development is not consistent with the intent of the Hills Neighbourhood Zone for low density development to mitigate the visible extent of buildings, and for development of more than one building level in height to incorporate stepping in the design and setting back the upper level.

Reason 2

The proposed driveway is not designed and constructed to allow safe and convenient access on this sloping land.

Reason 3

The development has not been sited, designed and constructed to minimize the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to, or compromise, ongoing activities within buildings.

Reason 4

Buildings should be setback from side boundaries to provide separation between dwellings in a way that complements the established character of the locality.

Reason 5

The development lacks sufficient articulation in design where the development faces a public street and does not make a positive contribution to the streetscape.

Reason 6

In particular, the proposal is at variance with the following provisions of the Planning and Design Code:

- i. **Hills Neighbourhood Zone, PO 8.1** which states that buildings are setback from side boundaries to provide:
 - a) separation between dwellings in a way that complements the established character of the locality.
- ii. **Hills Neighbourhood Zone PO 10.2** which seeks Development of more than 1 building level in height takes account of its height and bulk relative to adjoining dwellings by:
 - a) incorporating stepping in the design in accordance with the slope of the land
 - b) where appropriate, setting back the upper level a greater distance from front and side boundaries than the lower level.

- iii. **Hazards (Flooding – Evidence Required) Overlay PO 1.1** which seeks development is sited, designed and constructed to minimise the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.
- iv. **Design in Urban Areas PO 8.2** which seeks driveways and access tracks designed and constructed to allow safe and convenient access on sloping land.
- v. **Design in Urban Areas PO 8.3** which seeks driveways and access tracks on sloping land (with a gradient exceeding 1 in 8):
 - a) do not contribute to the instability of embankments and cuttings
 - b) provide level transition areas for the safe movement of people and goods to and from the development
 - c) are designed to integrate with the natural topography of the land.
- vi. **Design in Urban Areas PO 8.4** which seeks development on sloping land (with a gradient exceeding 1 in 8) avoids the alteration of natural drainage lines and includes on site drainage systems to minimise erosion.
- vii. **Design in Urban Areas PO 20.2** which states dwelling elevations facing public streets and common driveways make a positive contribution to the streetscape and the appearance of common driveway areas.
- viii. **Design in Urban Areas PO 23.5** which states Driveways are designed to enable safe and convenient vehicle movements from the public road to onsite parking spaces.

Attachments

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