

DEVELOPMENT NO.:	21008654
APPLICANT:	Phillips/Pilkington Architects
ADDRESS:	1377 LOWER NORTH EAST RD HOUGHTON SA 5131
NATURE OF DEVELOPMENT:	Two storey community facility, including function hall (200 person capacity), verandah, associated car parking, landscaping & earthworks
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Township <p>Overlays:</p> <ul style="list-style-type: none"> • Hazards (Bushfire - Medium Risk) • Hazards (Flooding - Evidence Required) • Mount Lofty Ranges Water Supply Catchment (Area 1) • Native Vegetation • Prescribed Water Resources Area • Regulated and Significant Tree • Traffic Generating Development • Urban Transport Routes • Water Resources <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Site Area
LODGEMENT DATE:	14 May 2021
RELEVANT AUTHORITY:	Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	2021.5
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	23 Representations 6 Representations to be heard
RECOMMENDING OFFICER:	Doug Samardzija <i>Acting Team Leader Statutory Planning</i>
REFERRALS STATUTORY:	EPA
REFERRALS NON-STATUTORY:	Engineering Department

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DETAILED DESCRIPTION OF PROPOSAL:

The proposal is for a two-storey community facility to be used in association with the Houghton, Inglewood & Hermitage Memorial Park. The use of the facility will be predominantly by a range of sporting groups including football and cricket but also by the general public for community gatherings. The additional use proposed for the facility is for functions at times when the building is not being utilised for sporting or community purposes.

The key features of the proposal are:

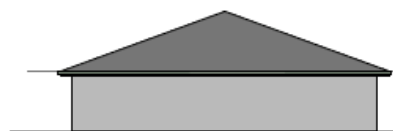
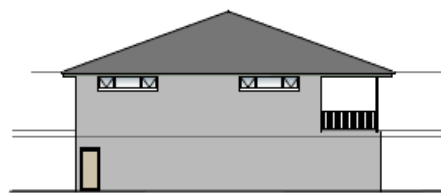
- Ground level containing home-team and away-team change rooms, wet areas, medical room, umpires room, a canteen and a large mechanical plant and services room
- First level containing the large multipurpose/function room of approximately 265m², a foyer, large kitchen area, office, store room and male and female toilets. The building also has a verandah that wraps around the northern and eastern sides of the building.
- Other physical elements of the proposal include a small lift proposed along the eastern end of the building, associated landscaping, car parking and earthworks

The plans and information forming the application documentation is provided in **Attachment 1 – Application documents**.

BACKGROUND:

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF THE PROPOSAL
16/12/2020	20/961/473	Lighting & poles (4 x 27m) in association with oval
10/10/2019 (DPC only)	16/808/473	Two storey community centre, including hall (200-person capacity), associated car park & earthworks
18/05/2011	11/278/473	Retaining wall (maximum height 2m)
07/04/2011	11/147/473	Demolition of verandah and removal of a significant tree one Eacalyptus Camaldensis
08/02/2008	08/79/473	Verandah addition to existing clubrooms (measuring 7.31m x 4.05m)
14/01/2005	04/1189/473	Remembrance wall / signage
03/04/2001	01/314/473	Verandah

This current application is a replacement application for Development Application 16/808/473 which was granted Development Plan Consent by staff under delegation in October of 2020. The original application was considered to be merit Category 3 development with only 1 representation received in support of the proposal. Since then, the proposal has been completely redesigned as illustrated by the images below showing the original proposal. Whilst this application proposes to build the community facility in the same location as the original application, Council was of the opinion that the extent of the changes were significant and as such amendments were not able to be considered as a minor variation or a variation application and therefore a new application was lodged.



SUBJECT LAND & LOCALITY:

Location reference: 1377 Lower North East Road, Houghton

Title ref: CT 5276/671 **Plan Parcel:** F147597 AL 1, 2 & 4

Council: ADELAIDE HILLS COUNCIL

Site Description:

The subject land is made up of three allotments totalling approximately 39,980m² on the north-western side of Lower North East Road. The land is predominantly used for community purposes and events as well as sporting purposes associated with the existing football and cricket clubs. There is an existing access to the site along the southern end of the property and existing built form is located at the south-eastern portion of the land, closer to the road. The existing buildings include clubrooms/change rooms, storage buildings and there is a car parking area in this location. The remainder of the site is taken up by the oval and areas of native vegetation. The area immediately surrounding the oval is also utilised for overflow car parking during sporting events.

Locality

The locality is generally characterised by regular shaped allotments predominantly used for residential purposes which range in size from 850m² to 1 hectare. Allotments to the north and south of the subject land are all residential properties, whilst immediately to the west is an allotment used predominantly as open space for picnics and as gardens. To the west the subject land adjoins the Productive Rural Landscape Zone with the allotments being much greater in size and ranging in use from residential to primary production purposes.

The subject land and that relating to neighbouring representations is provided in **Attachment 2 - Subject Land Map/ Representation Map**. The zoning is shown on the map in **Attachment 3 – Zoning Map**.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- Community facility: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

The P & D Code does not classify community facility in the Accepted, Deemed to Satisfy or Restricted Development Tables for the Zone and therefore the development is categorised as Code Assessed Development and classified as “performance assessed development” under section 105(b) and 107 of the Act, requiring the development to be assessed on its merits against the Code.

PUBLIC NOTIFICATION

- **REASON**

A community facility is not listed in Table 5 of the Township Zone as an exemption from public notification and in this instance, the development is not considered minor development by Council staff.

Public notification was undertaken from 11 June 2021 to 05 July 2021.

- **LIST OF REPRESENTATIONS**

Twenty-three (23) representations were received. Of these, nine (9) representations are opposing the proposal, three (3) were in support of the proposal with some concerns and, eleven (11) were fully in support of the proposal. All were from adjacent and nearby properties.

The following representors wish to be heard:

Name of Representor	Representor's Property Address	Nominated Speaker
William and Rosalie Caire	67 Amberdale Road, Houghton	Rosalie Caire
James and Sharon Freeman	78 Amberdale Road, Houghton	James Freeman
Isla and Colin Maclean	82 Amberdale Road, Houghton	Colin Maclean
Brett and Caroline Saltmarsh	PO BOX 35 , Houghton	Caroline Saltmarsh
Travis Stringer	74 Amberdale Road , Houghton	Kirsty Stringer
Jura-May Maclean	82 Amberdale Road, Houghton	Colin Maclean

The following representations were received but do not wish to be heard:

Name of the Representor	Representor's Property Address
Roger Aay	270 Warner Road Upper Heritage,

Jo-Ann Aay	270 Warner Rd Upper Hermitage
Sally Caston	PO Box 123, Houghton
Robert Craig	1446 Lower North East Rd, Houghton
Carol Ferencz	3 Blackhill Road, Houghton
Paul Franks	P.O. Box 19, Houghton
Robert Garrett	79 Amberdale Rd, Houghton
Simone Jones	1419 Lower North East Road, Houghton
Carolyn Laslett	PO Box 214, St Agnes 5097
Dennise Micklem	7 Lofty's Lane, Houghton
Sarah Nobes	86 Amberdale Road, Houghton
Han Robat	P.O. Box 118, Houghton
Andrew Rogers	2 Rhona Court, Surrey Downs
Kathy Russell	45 Milbanca Road, Houghton
Julie Sharp	9 Houghton Hollow Road, Houghton
Felicity Young	1344 Lower North East Road, Houghton

The applicant or their representative may be in attendance.

- **SUMMARY**

The issues contained in the representations can be briefly summarised as follows:

- Noise impacts associated with the functions and vehicles
- Bulk and scale of the building
- Security issues
- The need for the building
- Lack of community consultation
- Location of the stormwater pond

A copy of the representations are included as **Attachment 4 – Representations** and the applicant's response is provided in **Attachment 5 – Response to Representations**.

AGENCY REFERRALS

- **Environment Protection Authority (EPA)**

The EPA requested more information regarding waste management and stormwater management and after a review of all of the information advised that they have no objections. The EPA have directed conditions (Refer recommended conditions 17-20) and advisory notes (Refer recommended notes 3-6).

The EPA referral response is included as **Attachment 6 – Referral Response**.

INTERNAL REFERRALS

- Council’s Engineering Department reviewed the stormwater management plan and are satisfied with the design and discharge rate calculations.

PLANNING ASSESSMENT

Desired outcomes

Desired outcomes are policies designed to aid the interpretation of performance outcomes by setting a general policy agenda for a zone, subzone, overlay or general development policies module. Where a relevant authority is uncertain as to whether or how a performance outcome applies to a development, the desired outcome(s) may inform its consideration of the relevance and application of a performance outcome, or assist in assessing the merits of the development against the applicable performance outcomes collectively.

Performance outcomes

Performance outcomes are policies designed to facilitate assessment according to specified factors, including land use, site dimensions and land division, built form, character and hazard risk minimisation.

Designated performance features

In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a *designated performance feature* or DPF). A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in **Attachment 8 - Relevant P&D Code Policies**.

Township Zone

Desired Outcomes	
DO 1	A township supporting a range of residential, community, retail, business, commercial and light industry uses and facilities
DO 2	Development contributes to and enhances streetscape and the settlement patterns comprising the township
Hazards (Bushfire - Medium Risk) Overlay DO1	Development, including land division responds to the medium level of bushfire risk and potential for ember attack and radiant heat by siting and designing buildings in a manner that mitigates the threat and impact of bushfires on life and property taking into account the increased frequency and intensity of bushfires as a result of climate change

DO 2	To facilitate access for emergency services vehicles to aid the protection of lives and assets from bushfire danger
Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay DO 1	Safeguard Greater Adelaide’s public water supply by ensuring development has a neutral or beneficial effect on the quality of water harvested from primary reservoir or diversion weir catchment from Mount Lofty Ranges.
Native Vegetation Overlay DO 1	Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystems services, carbon storage and amenity values.
Prescribed Water Resources Area Overlay DO 1	Sustainable water use in prescribed surface water resources area maintains the health and natural flow paths of water courses.
Regulated and Significant Tree Overlay DO 1	Conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss.
Traffic Generating Development Overlay DO 1 DO 2	Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users Provision of safe and efficient access to and from urban transport routes and major urban transport routes
Urban Transport Routes Overlay DO 1 DO 2	Safe and efficient operations of Urban Transport Routes for all road users Provision for Safe and efficient access to and from Urban Transport Routes
General Development Policies (Design): DO 1 (a-c)	Development is: <ul style="list-style-type: none"> a. Contextual- by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area. b. Durable- fit for purpose, adaptable and long lasting c. Inclusive- by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors
General Development Policies (Design in Urban Areas) DO 1	Development is: <ul style="list-style-type: none"> a. Contextual- by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area. b. Durable- fit for purpose, adaptable and long lasting c. Inclusive- by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors

Interface between Land Uses DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses
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Relevant Performance Outcomes/Designated Performance Features	
Township Zone	Land Use: PO 1.1 Built Form and Character: POs 2.1, 2.2, 2.3, 2.6 and DPFs 2.2, 2.4, 2.6
Hazards (Bushfire - Medium Risk) Overlay	Siting: PO 1.1 Built Form: 2.1 Vehicle Access- Road, Driveways and Fire Tracks: PO 5.1 and DPF 5.1
Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay	Water Quality: POs 1.1, 1.2 and DPF 1.2 Wastewater: POs 2.2, 2.3, 2.4 and DPFs 2.2, 2.3, 2.4 Stormwater: POs 3.1, 3.2, 3.3, 3.9 and DPF 3.9 Landscapes and Natural Features: PO 4.1
Native Vegetation Overlay	Environmental Protection: PO 1.1, PO 1.4 and DPF 1.1
Prescribed Water Resources Area Overlay	Prescribed Water: PO 1.1
Regulated and Significant Tree Overlay	Tree Retention and Health: PO 1.1 Ground work affecting trees: PO 2.1
Traffic Generating Development Overlay	Traffic Generating Development: POs 1.1, 1.3
Urban Transport Routes Overlay	Access-Safe Entry and Exit (Traffic Flows): PO 1.1 Access- On-Site Queuing: POs 2.1, 3.1
General Development Policies (Design)	External Appearance: POs 1.1, 1.3, 1.4, 1.5 and DPF 1.4 Safety: POs 2.3, 2.4, 2.5 Landscaping: POs 3.1, 3.2 Environmental Performance: POs 4.1, 4.2, 4.3 On-site waste Treatment: PO 6.1 and DPF 6.1 Car parking Appearance: POs 7.1, PO 7.3, 7.4, 7.5, 7.6, 7.7 Earthworks and sloping land: POs 8.1, 8.2, 8.3
General Development Policies (Design in Urban Areas)	External Appearance: POs 1.1, 1.3, 1.5 Safety: POs 2.1, 2.3, 2.4, 2.5 Landscaping: PO 3.1 Environmental Performance: POs 4.1, 4.2, 4.3 On-site Water Treatment Systems: PO 6.1 and DPF 6.1 Carparking Appearance: POs 7.1, PO 7.3, 7.4, 7.5, 7.6, 7.7 Earthworks and sloping land: POs 8.1, 8.2, 8.3 Site Facilities/ Waste Storage: PO 11.1
Interface between Land Uses	General Land Use Compatibility: PO 1.2 Hours of Operation: PO 2.1 Activities Generating Noise or Vibration: POs 4.1, 4.4, 4.6 and DPF 4.6 Light Spill: POs 6.1, 6.2
Transport, Access and Parking	Movement Systems: PO 1.4 Vehicle Access: POs 3.1, 3.3, 3.5, 3.6, 3.8, 3.9 and DPFs 3.5, 3.6, 3.7 Vehicle Parking Rates: PO 5.1 and DPF 5.1 Vehicle Parking Areas: POs 6.1, 6.2, 6.5, 6.6 and DPF 6.6

DO 1 envisages a township which amongst residential uses also supports a range of community and commercial facilities. This is further enforced by PO 1.1 which envisages a range of development types that complement the surrounding township context. Whilst DPF 1.1 does not specifically list community facilities as a way to achieve this the proposal is none the less considered to satisfy the intent of the zone especially considering the site, the location of the building and existing use rights of the subject land.

The proposal is for a two-storey building set 45m from the front property boundary and partially below the road level. From the road the building will appear predominantly single storey in nature whilst the two-storey aspect will mainly be internally to the site but visible from several of the neighbouring properties. This is considered as acceptable and supported by DPF 2.2 which envisages two storey buildings. The 886m² footprint of the building is larger than that of most other buildings in the locality, however this is anticipated given the nature of the development which in comparison is surrounded by predominantly residential properties. But considering its design and location the proposal is considered to accord with POs 2.1 and 2.2. The building is proposed in the same location as the existing club rooms and is set a reasonable distance away from all of the neighbouring properties. The proposal therefore easily satisfies all of the relevant POs and DPFs pertaining to setback requirements.

Overlays

Hazards (Bushfire Medium Risk) Overlay

PO 5.1 seeks that the roads are designed and constructed to facilitate the safe and effective access, operations and evacuation of emergency vehicles, personnel as well as occupants and visitors. The proposal is considered to accord with the PO 5.1 as well as DPF 5.1 considering that the proposal includes alterations to the internal access track and will provide adequate access and turning area for emergency service vehicles.

Mount Lofty Ranges Water Supply Catchment (Area 1) Overlay

The Stormwater Management Plan prepared by Tonkins Consulting provides an outline on how the stormwater from the building and associated car parking area should be managed whilst also ensuring treatment of the stormwater to improve water quality. The design of the stormwater system includes a combination of kerb and gutters or a spoon drain and an underground drainage network which would drain the stormwater to the natural water course located at the north eastern side of the site. Whilst the stormwater from the building is going to be directed into the existing underground stormwater infrastructure, all of the stormwater from the car park will be treated by a gross pollutant trap before discharging into a new sediment pond with the overflow from the pond ending up in the natural water course. The Stormwater Management Plan was reviewed and supported by Council's Engineering Department. The proposal is therefore considered to be consistent with the relevant POs 1.2, 3.1, 3.2, 3.3, 3.9 and DPFs 1.2 and 3.9.

The subject site is not connected to mains sewer or the community wastewater management system and therefore an on-site waste system had to be designed to accommodate the anticipated waste generating activities. Given the size of the waste system, SA Health were

the relevant authority for assessing and approving the designed waste system (SA Health approval is included as **Attachment 7 - SA Health Approval**). The proposal is therefore in accordance with POs 2.3, 2.4 and DPFs 2.3 and 2.4.

Native Vegetation Overlay

PO 1.1 seeks that development avoids, or where it cannot be practically avoided, minimises the clearance of native vegetation. A declaration has been provided as part of DPF 1.2 requirements stating that proposal will not involve clearance of native vegetation. Some earthworks have already occurred on site without prior approval from Council, including excavation and filling around the trees. The report that was provided by the Arborist after these works occurred has advised that they should not have any impacts on the trees in question and that the overall development will not impact on the health and integrity of the trees.

Regulated and Significant Tree Overlay

Given the proximity of some of the works to the trees and in particular relating to some of the works associated with access tracks, Council has requested that further confirmation be provided by a qualified Arborist that the proposed works are not going to require removal of any trees or impact on the health and integrity of the trees. A total of 4 regulated and 3 significant trees identified as *Eucalyptus camaldensis* are present around the area of development. The further report concludes that tree 1 has had existing cut encroachment within the tree protection zone by 9% which is considered permissible, whilst tree 2 only had a minor encroachment. The other trees identified did not have any encroachment. The report went on further to advise that the fill that has been deposited around trees 1 and 2 had encroached within the tree protection zone by 15 to 20 percent and whilst this is above the 10% generally allowed the Arborist advised it may be considered acceptable given the tree species which are known to be tolerant to site disturbance, the fact that majority of the fill has been deposited on existing roadway where soil compaction had already occurred and because the species are indigenous species and of good health. The proposal is therefore consistent with POs 1.1 and 2.1. The report further recommends that the appropriate tree protection measures be implemented around all of the trees and this has been reflected in the recommended condition 12.

Traffic Generating Development and Urban Transport Routes Overlay

The subject land has a direct frontage and access to Lower North East Road which is an identified state-maintained road with the existing access proposed to be retained and not altered in any way. Internally the access is track is being altered to allow for better movement of vehicles and there is sufficient space on site to allow for the vehicles to queue whilst waiting to leave the site. The proposal is therefore consistent with POs 1.1 and 1.3 in Traffic Generating Development Overlay.

DO 1 of the Traffic Generating Development and Urban Transport Routes Overlay seeks safe and efficient access to and from urban transport routes. This is further reinforced by PO 3.1 which seeks that existing access points are designed to accommodate the types of, and

volumes of traffic likely to be generated by the development with the emphasis of DPF 3.1 being on where the proposed development is likely to result in a large class of vehicle access to the site. As mentioned earlier in the report, this development does not seek to alter the existing access point to the site and the only alterations are proposed internally to allow for a better flow of traffic. Whilst the proposal is for a new community facility, the essential nature of the use of land for sporting and community purposes will not change. It is expected that the building will result in more people visiting the site and will allow for a greater flexibility for the hours of operation. The use of the building is going to be predominantly for sporting and community purposes. Hiring of the area for additional function uses as identified by the applicant is going to be subordinate to the main use of the building and will only occur when the building is not used for its primary purposes. As such it is anticipated that the function use would be at maximum 12 times a year. The traffic increases are therefore expected to be minimal and as such it is envisaged that the existing access to the site is considered to be appropriate. Notwithstanding this, given the existing infrastructure on site as well as all of the existing native vegetation, it is considered that any alterations to the existing access track would be problematic and potentially impact on existing vegetation.

General Development Policies (Design & Urban Design)

DO 1 seeks development that is durable, fit for purpose, adaptable and long lasting. The proposal is considered to adequately address this desired outcome considering that the building has been designed to take into account multiple uses associated with the needs of the community as well as the needs of the sporting clubs. The building does also allow for additional function uses not associated with the community or club use and these types of uses are a common occurrence amongst other community centres.

The design of the building has been carefully considered with the front elevation predominantly maintained at a single building level and adequately addressing the street frontage in a way which clearly conveys the purpose of the building, identifies the main access and complements the streetscape. The butterfly roof design also minimises the overall bulk and scale of the building in particular from public realm whilst the mixture of materials and external colours and finishes ensures that the building complements the landscape. All plant equipment is proposed to be stored inside the building in the nominated area at ground level, whilst all waste management, loading and unloading areas will also be out of view and internal to the site. The proposal is therefore considered to be consistent with POs 1.1, 1.3, 1.4 and 1.5 as well as DPF 1.4.

A detailed landscaping plan has been provided as part of the development clearly outlining the extent of the landscaping that is proposed immediately around the building, at the front and around the existing car parking area fronting the road. The proposal is therefore consistent with POs 3.1 and 3.2.

All of the car parking on site is existing and is not proposed to be significantly altered with the proposed development. The main parking space is along the front of the property and this area has been excavated and is therefore located partially below road level. There is existing vegetation along the road boundary with additional vegetation proposed to be planted as nominated on the landscaping plan which will improve the visual appearance when viewed from the public road. No additional landscaping is proposed around the oval area. As

mentioned in the report earlier, the stormwater management plan has incorporated appropriate measures to manage and treat stormwater from the car park area before discarding into the creek. The proposal is therefore consistent with POs 7.1, PO 7.3, 7.4, 7.5, 7.6, and 7.7.

The proposed development includes a combination of cut and fill. Earthworks associated with the building is primarily in the form of excavation with the maximum cut of 3m proposed whilst maximum fill is associated with alterations to the internal driveway. Whilst the extent of earthworks is above that anticipated by DPF 8.1, these earthworks are not going to be visible from public realm or any of the neighbouring properties given their location and the fact that they will also be screened by the proposed building. Furthermore, excavation of the site by 3m ensures that the overall bulk and scale of the building is minimised. As such whilst the extent of the earthworks proposed do not fully satisfy the relevant POs and DPFs the works are nonetheless acceptable given that they are not visible outside the site and contribute to minimising the height of the building.

Interface between Land Uses

The majority of the concerns from the representors were in relation to the noise impacts that could result with the proposed building, hours of operation and additional function uses that are proposed. PO 1.2 seeks that development adjacent to a site containing a sensitive receiver or in a zone which is primarily intended to accommodate sensitive receivers is designed to minimise impacts. This is done through limiting the noise impacts as well as hours of operations associated with the use. The hours of operation associated with the proposal vary depending on what the building will be used for. During weekdays the hours of operation are not proposed to exceed 10pm whilst the hours of operation on Friday and Saturday are proposed to be until 12am. PO 2.1 outlines that in assessing the hours of operation one of the things that needs to be considered is the extent to which the development is desired in the zone. Whilst DPF 2.1 specifies hours of operations for different uses it does not include a community facility. Community facility has been envisaged as a form of land use within the Township Zone however the use of the building for additional functions has not been. As mentioned earlier in the report, the predominant use of the site and the proposed building is in association with community and sporting purposes whilst the functions are proposed as secondary use at times when the building is not in use by the sporting clubs and, will not exceed 12 in a calendar year. Whilst the hours of operation are generally not consistent with those envisaged for the Township Zone, some of these activities associated with the community and sporting purposes are already occurring to the hours specified in the documentation. This is further reinforced by the fact that the recent light poles development has been approved with the condition allowing the use of lights to 10pm in the evening. It is also important to note that with the exception of the functions, all other uses that are proposed with the building are existing and have been occurring on the site for a number of years. As such given the existing use of the land and existing hours of operation, the proposed increase of hours of operation on two nights a week to 12am is not considered to be significant despite not being fully in accordance with these provisions of the Code.

POs 4.1, 4.4, 4.6 and DPF 4.6 speak to activities generating noise or vibration. Existing noises associated with sporting activities are not considered as relevant concerns of this application

as it does not consider existing use rights of the land. The main concerns would be in relation to noise impact from the activities that would occur in the building and in particular in association with the functions that are proposed which are currently not occurring on site. An acoustic report has been prepared by the applicant which looks at the noise impact on the adjacent sensitive receivers. Noise impacts related to music associated with functions has determined that the music noise at the nearest sensitive receiver will be within the day and night time criterion and has recommended that sound pressure levels from the sound system be limited to not more than 90dBA at 1m from the combined speakers and that it is checked before each function. This has also been reinforced by recommended condition 8. Noise levels from patrons has also been looked at and was deemed to be in accordance with the criteria set out by the EPA. Other noise assessment associated with the machinery/plant storage room, rubbish collection, delivery trucks, car parking have been undertaken and determined to be within the EPA guidelines. Apart from the assessment of noise levels the report has also provided recommendations relating to the construction of the building to minimise noise impacts from the building as well as internally between different rooms. The report has also put forward recommendations to limit any vibration from air conditioning units, air handling units and fans.

Transport, Access and Parking

Table 1 General off Street Car Parking Requirements seeks that community facilities provide 10 car parking spaces per 100m² of total floor area. Based on the total floor area of 967m² a total of 97 on site car parking spaces would be required. The plans submitted indicate that there is a total of 42 car parking spaces provided along the front of the property immediately next to the proposed building. Whilst this would indicate a shortfall of 55 spaces, the areas surrounding the oval are used and would continue to be used as the overflow parking area to accommodate the shortfall with the indicative layout of parking spaces around the oval illustrated on the full site plan with adequate parking numbers provided. As such whilst the nominated car parking numbers would indicate a shortfall, it is considered that the site is still able to provide adequate car parking numbers to cater for the use of the building and continued use of the site. The proposal is therefore consistent with PO and DPF 5.1. As mentioned earlier in the report, the car parking area will be landscaped to provide additional screening with the exception of area around the oval that will be utilised for car parking. All of the car parking areas are within close proximity to the building. The proposal is therefore considered to be sufficiently consistent with POs 6.1, 6.2, 6.5, 6.6 and DPF 6.6.

CONCLUSION

The proposal is for a two-storey community facility to be used predominantly in association with community and sporting activities currently occurring on site whilst also incorporating a secondary use for functions at times when the building is not being used for its primary use. The main concerns with the proposal were in relation to the bulk and scale, noise impacts associated with the use and from traffic. Whilst broader POs and DPFs do not specifically refer to community facilities in a Township Zone, it is still considered as an envisaged use by DO 1 of the Zone and this is further supported by the fact that the property is already used for community and sporting purposes. An acoustic report was prepared as a response to the representations which outlines that the building and uses associated with the building are going to be able to satisfy the necessary EPA requirements for noise levels in relation to adjacent sensitive receivers. Impacts on native

vegetation and regulated and significant trees have been managed with the arborist report confirming that proposed development is not going to require removal of the trees. Impacts on the water catchment area have also been addressed through proper treatment of stormwater. Proposal will result in an increase in traffic movements through an existing access point but this increase is not going to be significant in nature. Car parking can be achieved on-site using both the formal car park and areas around the oval.

Council staff are satisfied the proposed development is sufficiently in accord with the Planning and Design Code to warrant consent.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

- 1) 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**
- 2) Development Application Number 21008654, by Phillips/Pilkington Architects for Two storey community facility, including function hall (200 person capacity), verandah, associated car parking, landscaping & earthworks at 1377 Lower North East Road Houghton is GRANTED Planning Consent subject to the following conditions:**

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).**
- 2) All external lighting shall be directed away from residential development and, shielded if necessary to prevent light spill causing nuisance to the occupiers of those residential properties.**
- 3) All external materials and finishes shall be of subdued colours which blend with the natural features of the landscape and are of a low-light reflective nature**

NOTE: browns, greys, greens and beige are suitable and galvanised iron and zincalume are not suitable

- 4) All car parking spaces, driveways and manoeuvring areas shall be designed, constructed, and delineated in accordance with Australian Standard AS 2890.1:2004. Delineation and directional arrows shall be clearly visible and maintained in good condition at all times.**

Driveways, vehicle manoeuvring and parking areas shall be constructed of compacted gravel prior to occupation and maintained in good condition at all times to the reasonable satisfaction of the Council

- 5) All materials and goods shall at all times be loaded and unloaded within the confines of the subject land. Materials and goods shall not be stored on the land in areas delineated for use as car parking.
- 6) At any one time, the overall capacity of the community facility shall be limited to a maximum of 200 persons. This includes any associated outdoor areas for liquor licensing purposes.
- 7) The opening hours of the community facility shall be the following:
Monday to Thursday: 11:00am to 10:00pm
Friday and Saturday: 10:00am to 12:00am
Sunday: 9:00am to 3:00pm
- 8) Entertainment in the form of a range of music shall be contained within the building during the operating hours of the community facility and windows and doors of the building shall be kept closed during times when music is played.

Sound pressure levels from a sound system shall be limited to not more than 90dBA at 1m from combined speakers. Sound pressure level from all speakers shall be measured prior to, and during the music amplification to ensure that it does not exceed the permitted levels. Records of the readings shall be maintained and available for inspection by the Council upon request.

- 9) Prior to construction of the approved development straw bales (or other soil erosion control methods as approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during periods of rainfall.
- 10) The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. For further information visit:
www.environment.sa.gov.au/Conservation/Native_Vegetation/Managing_native_vegetation

Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council Secretariat on 8303 9777. This must be sought prior to Full Development Approval being granted by Council.

- 11) Landscaping, detailed in plans prepared by Outer Space and stamped as part of this planning consent shall be planted in the planting season following completion of work and maintained in good health and condition at all times. Any such vegetation shall be replaced in the next planting season if and when it dies or becomes seriously diseased.
- 12) The works in relation to the protection of trees outlined in the Arborist's Report prepared by Project Green and submitted as part of this application as a strategy for management of the trees are to be undertaken simultaneously with the commencement of building works on the site.
- 13) Prior to occupation of the approved building, all surface water from carparking or hardstand areas shall be directed to a proprietary pollutant treatment device capable of removing oils, silts, greases, and gross pollutants prior to discharge to Council's and the EPA's reasonable satisfaction.

- 14) All stormwater from the building is to be directed into the existing underground stormwater infrastructure within one month of roof cladding being installed.
- 15) All waste shall be removed from the subject land at least once weekly. Collection of waste shall be carried out only between the hours of 7am and 5pm on any day.
- 16) The number of functions in a calendar year not associated with community or sporting events shall not exceed 12 per year. A record of all events shall be maintained and available for inspection by the Council on request.

Such functions shall have a maximum capacity of 200. Any increase in the number of functions/capacity will require separate development approval.

Conditions imposed by Environment Protection Authority under Section 122 of the Act

- 17) No irrigation of the oval with treated wastewater is to occur.
- 18) All bores located on site must be decommissioned prior to the commissioning of the wastewater system.
- 19) The wastewater system must be fitted with an audible and visual alarm to alert a person of responsibility of any and all faults.
- 20) The detailed design of the stormwater management system must incorporate the outcomes modelled in the concept design outlined in the 'Houghton Memorial Oval Stormwater Management Plan' prepared by Tonkin Consulting and dated 17 April 2018.

ADVISORY NOTES

General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
- 5) 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).**

Advisory Notes requested by Environment Protection Authority under Section 122 of the Act

- 6) The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.**
- 7) The EPA recommends that management processes and responsibilities for the operation and management of the wastewater treatment system and irrigation area are documented in an operational management plan.**
- 8) Further information and resources on managing construction activities to minimise impacts to waste quality can be found on the EPA website Building & construction | EPA. In particular, the Code of practice for the building and construction industry lists the circumstances in which a soil erosion drainage management plan should be prepared.**
- 9) More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au**

OFFICER MAKING RECOMMENDATION

Name: Doug Samardzija
Title: Acting Team Leader-Statutory Planning

DEVELOPMENT NO.:	22005412
APPLICANT:	Future Urban Pty Ltd
ADDRESS:	23 MORELLA GR BRIDGEWATER SA 5155
NATURE OF DEVELOPMENT:	Construction of a childcare centre with associated non-illuminated advertising displays (x2), retaining walls (3.3m maximum height), combined retaining wall and fencing (5.7 m maximum height), removal of native vegetation, associated car parking and landscaping.
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Rural Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Hazards (Bushfire - High Risk) • Hazards (Flooding - Evidence Required) • Mount Lofty Ranges Water Supply Catchment (Area 2) • Native Vegetation • Prescribed Water Resources Area • Regulated and Significant Tree • Traffic Generating Development <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Site Area
LODGEMENT DATE:	3 Mar 2022
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	Operative Version 2022.4 - (3 March – 16March 2022).
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Aaron Wilksch (Consultant Planner) for James Booker Team Leader Statutory Planning
REFERRALS STATUTORY:	Native Vegetation Council South Australian Country Fire Service
REFERRALS NON-STATUTORY:	Council Engineering Environmental Health

CONTENTS:

ATTACHMENT 1:	Application Documents	ATTACHMENT 5:	Representations
ATTACHMENT 2:	Subject Land Map	ATTACHMENT 6:	Response to Representations
ATTACHMENT 3:	Zoning Map	ATTACHMENT 7:	Referral Responses
ATTACHMENT 4:	Representation Map	ATTACHMENT 8:	Relevant P&D Code Policies

DETAILED DESCRIPTION OF PROPOSAL:

The proposed development involves the construction a new two-storey (split level) child-care centre with associated non-illuminated advertising displays (x2), retaining walls (3.3 metres maximum height), combined retaining wall and fencing (5.7 m maximum height), removal of native vegetation, associated car parking for 21 cars, and landscaping, which will be situated upon land containing an existing residence and outbuildings.

The proposal comprises the following:

- Lower ground level:
 - Three (3) activity spaces for 2 – 3+ age groups (total 211m²)
 - Children’s toilet cubicles and storage rooms
 - Disabled / universal access toilet cubicle
 - Kitchen / food preparation area
 - Staff room
 - Laundry
 - Lift shaft / stairwell
 - Outdoor play space (total 228m²) with shade sails and supporting structures
- Upper Floor / Upper Ground level:
 - 21 vehicle car parking area (includes two (2) universal access provisions)
 - Main entry / foyer / office & reception
 - Lift shaft / stairwell
 - Two (2) activity spaces for infant / toddler (total 59m²)
 - Four (4) sleeping areas
 - Children’s toilet cubicles and storage rooms
 - Disabled / universal access toilet cubicle
 - Outdoor play area (total 114m²)
 - Outdoor equipment store
 - Refuse containment

The overall building is to be dimensioned approximately 35.5 metres length x 16.5 metres width (overall dimensions inclusive of entry canopy, verandahs and external stairways) with a 4.0 metres lower-level wall height (4.6 metres above natural ground line) and a 7.0 metres maximum upper-level wall height (7.4 metres above natural ground line) and a maximum roof ridge height of 10.4 metres (9.1 metres maximum height above natural ground line).

The proposed building will have a setback of 4.2 metres from Lezayre Avenue at its nearest point and 3.4 metres at its nearest point to the Morella Grove road frontage, from which access is gained. The proposed building will maintain separation distance of approximately 34 metres from the nearest part of the dwelling and 22 metres from the domestic

outbuilding on the same site. The applicant has stated that should this application be successful, an application for land division that places the existing dwelling and the childcare centre on separate allotments will be lodged.

External materials and finishes of the building are comprised of a composite of horizontally expressed 'linea' fibre-cement plank and smooth finish wall cladding in painted finishes, aluminium framed glazing and glass panel balustrades, masonry retaining and feature walling and Colorbond sheetmetal fencing and roof sheeting. The colour palette generally comprising light white / off-white and charcoal / black tones, with landscaping and timber accents to add further articulation and soften the external surfaces of the building.

The site of the proposed development is moderately sloping, exhibiting approximately 2 metres variation across the site (sloping from Morella Grove down to Lezayre Ave (1:15 gradient) and approximately 10 metres from the northern extent of the proposed development (carpark) sloping down to the southern point of the land at the intersection of Morella Grove and Lezayre Ave with Shannon Rd (1:8 gradient).

Retaining walls to a maximum elevation of 3.3 metres above natural ground are proposed in order to create level surfaces within the southern portion of the land and additional fencing / screening establishes combined fence / retaining wall heights of up to 5.7 metres

The proposal is accompanied by additional specialist assessments / documentation, including:

- Traffic and parking assessment
- Stormwater management
- Native vegetation assessment

The application documents are included as **Attachment 1 – Application Documents**.

BACKGROUND:

The site has historically been established with a detached dwelling (pre-1949) and domestic outbuildings including carport and garage (in the period of 2013-2018) and has been utilised solely for residential purposes. The majority of the southern side of the property has remained un-developed and generally has supported a mixture of native trees and introduced landscaping.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 23 MORELLA GR BRIDGEWATER SA 5155

Title ref.: CT 5473/109 **Plan Parcel:** F12021 AL2 **Council:** ADELAIDE HILLS COUNCIL

The site is a large landholding of approximately 3700m² of irregular shape, bounded by Morella Grove on its eastern aspect and crescent shaped, and Lezayre Avenue forming its western boundary. Lezayre Avenue is a one-way street permitting traffic from south-to-north only.

The land is moderately sloping with east-to-west variation of approximately two metres and north-to-south variation of around 10 to 12 metres, with the northern portion of the land being substantially flat and approximately half of the land slopes downhill to the south. The southern portion of the land supports a mixture of fragmented native trees (eucalypts) with other exotic vegetation interspersed throughout.

The land contains an existing dwelling which was established pre 1949 according to Council aerial imagery, with a domestic garage and carport added between 2013 and 2018.

The land accesses sewer infrastructure near the intersection of Morella Grove and Trenouth Street and obtains access to SA Water mains.

Locality

The locality forms part of a well-established neighbourhood type precinct within the Rural Neighbourhood Zone of Bridgewater. Land in the locality is typically comprised of allotments of 800m² to 2000m² in size supporting single detached dwellings and associated domestic ancillary structures such as carports and garages on spacious, landscaped allotments.

The locality also notably comprises a number of older dwellings (including the one on the subject land) established pre-1949, and the heritage listed Bridgewater Primary School which retains the original Bridgewater School House, School Room and Residence, also established pre-1949. A number of other heritage listed sites exist nearby adjacent to the subject land including, 6 Shannon Road 'House' identified as 'Alderwood', Fielding Road 'World War II Memorial', and 10 Rosewarne Crescent 'House' identified as 'St. Githa's'.

The locality is situated immediately south of the South Eastern Freeway, however the residential land uses are substantially insulated from the freeway by the school and school grounds which lies between the freeway and off-ramp. After the construction of the South Eastern Freeway, access to the Bridgewater School necessarily utilised Morella Grove and Lezayre Avenue for vehicular access through the suburban streets. This access represents the only non-residential activity in the immediate locality other than the Bridgewater CFS adjacent to the south end of Morella Grove and Lezayre Avenue.

The locality is described as having an established neighbourhood characteristic, predominantly supporting residential land uses with reasonably low-intensity non-residential land uses of a community nature, such as the school and CFS facility, cohabitating the locality.

The subject land is identified on **Attachment 2 – Subject Land**. The zoning is shown on the map in **Attachment 3 – Zoning Map**.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

Other - Community - Combined fence and retaining wall: Code Assessed - Performance Assessed

Pre-school: Code Assessed - Performance Assessed

Advertisement: Code Assessed - Performance Assessed

Fence: Code Assessed - Performance Assessed

Retaining wall: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

P&D Code - None of the elements of development are listed as Accepted, DTS or Restricted development with the zone. As such the proposal is assessed under the prescribed Performance Assessment Provisions for the

proposed retaining walls and fencing, with the proposed development of the pre-school facility and its advertising being assessed against all relevant (non-prescribed) Assessment Provisions of the Code.

PUBLIC NOTIFICATION

- **REASON**

This type of development is not excluded from notification by Table 5 of the Rural Neighbourhood Zone.

Public notification was undertaken from 28 April 2022 to 18 May 2022.

- **LIST OF REPRESENTATIONS**

Twenty nine (29) representations were received during the public notification period. Seven (7) of the representors wish to be heard in support of their written representation.

The representors are detailed below:

Representor Name	Representor's Property Address	Wishes to be heard	Nominated Speaker (if relevant)
A Fowler & J Plummer	4 Trenouth Street Bridgewater	Yes	Anne Fowler & James Plummer
S & A Devereaux	3 Lezayre Avenue Bridgewater	No	
M Malseed	17 Rosewarne Crescent Bridgewater	No	
R Kelly	28 Ayr Street Bridgewater	No	
Bridgewater Primary School Governing Council	Morella Grove Bridgewater	Yes	Carly Young
K Gore	224 Liebelt Road Biggs Flat 5153	No	
S Kent	3/10 Bruce Close Mt Barker	No	
E Gustafson	11 Kaesler Road Hahndorf	No	
S Cook	103 Cave Avenue Bridgewater	No	
C Hewton	103 Cave Avenue Bridgewater	No	
C Obradovic	PO Box 333 Uraidla	No	
P Angas	23 Fern Hill Road Bridgewater	No	
T Yeing	1 Shannon Road Bridgewater	Yes	TBA

E Guthrie	9 Foxhill Road Bridgewater	No	
N Dahmke	76 Bluestone Drive Mt Barker	No	
K Khabbaz	PO Box 1523 Nairne	Yes	Katarina Khabbaz
A Khabbaz	PO Box 1523 Nairne	No	
S Redwood	Nairne LPO Nairne	No	
C Houlahan	6 Railway Avenue Bridgewater	No	
E Tilgals	45 Orontes Avenue Bridgewater	No	
L Riley	19 Fern Hill Road Bridgewater	No	
K Schiphorst	12 Oratava Avenue Bridgewater	No	
T Dodd	12 Oratava Avenue Bridgewater	No	
N Glover	76 Mountford Avenue Bridgewater	No	
L Hope	34 Morella Grove Bridgewater	Yes	TBA
B & K Rumsey	38 Morella Grove Bridgewater	No	
S & M Wakefield	40 Morella Grove Bridgewater	Yes	TBA
C & G Wakefield	36 Morella Grove Bridgewater	Yes	TBA
S Barter	42 Morella Grove Bridgewater	No	

● **SUMMARY**

The representations received, generally demonstrate opposition to the proposal in respect of the following summarised matters:

- Traffic impacts and safety
- Bushfire or other emergency evacuation risk
- Ecology, wildlife and native vegetation biodiversity of the area
- Materials, appearance and finish of the proposed development

The overwhelming concerns expressed in the representations are around the existing traffic circulation and safety matters appurtenant to children being picked-up and dropped-off at the Bridgewater Primary School

and the compounding impact of the proposed childcare centre development upon the existing local traffic conditions.

Interestingly, many of the concerns raised reflect the inadequacy of the existing school parking and pick-up / drop-off provisions, thus forcing traffic to be unordered, and pressurised, impacting the connecting local road network.

In reflection of the matters raised in respect of traffic movement and safety, and consideration of the locality, it would appear that, subject to consideration of heritage and native vegetation impacts, the Bridgewater Primary School site has reasonable potential for the site to cater to its parking and traffic circulation requirements within its site, i.e. accessed alternatively from Onkaparinga Road / Fielding Court, complete thoroughfare between Onkaparinga Road or Fielding Court to Morella Grove or, simply increased designated hardstand for pick-up and drop-off, to allow this to occur in a more orderly configuration, and relieve the local road network substantially of the traffic congestion and safety issues.

It is important to recognise, that the impacts caused by the school, whilst representing very real concerns of the representors, is external to the assessment of the proposed development, and should not be considered in itself as a factor in the assessment of the proposed child care facility. Additionally, the proposed development has appropriate on-site parking and manoeuvring areas, which accord with the requirements of the *Code, Transport, Access and Parking, Parking Rates Table 1 - General Off-Street Car Parking Requirements*.

The traffic concerns raised also extend to the concept of an emergency *en-masse* evacuation from the school and childcare facility together with the occupants of the neighbourhood, i.e. emergency fire evacuation.

Matters of biodiversity and native vegetation have been raised also, and the Panel will recognise that the applicant has committed to the appropriate legislative processes under the PDI Act and Native Vegetation Act to establish the level of clearance required for the development and the necessary contribution under the Native Vegetation Act for such clearance.

Other concerns reflect the noise / nuisance impact of waste collection, which is not considered to be any more impacting than normal kerbside collection services. The waste management is proposed to be by private contract, and concerns have been raised over potential for air pollution in the form of vehicle exhaust fumes.

Only one representation raised any concern of the aesthetics of the proposed building, although stated in the representation 'we haven't seen details of the full plan', nevertheless, it is acknowledged that built form is an important aspect of blending non-residential development into neighbourhood type localities where a high degree of amenity is to be preserved.

Applicant Response:

The applicant has provided a response to the matters raised within the public notification representations, including:

- Native Vegetation removal (*which has been subject to referral and response from the Native Vegetation Council, with subsequent approval for the clearance of native vegetation*),
- Air pollution,
- Traffic Management (*which has been subject of traffic impact assessment undertaken by an independent and qualified traffic engineer, including an additional traffic survey to reflect both current and future conditions, confirming that the traffic impact will be minimal*),
- Parking provisions,
- Waste Collection,

- Bushfire Evacuation, and
- Construction impacts.

The applicant response is considered to demonstrate regard to the matters raised, recognising and responding appropriately to matters raised which do not fall within the ambit of the relevant planning considerations assessed under the Code. It was noted some matters are of a speculative / unsupported nature and those which cannot be influenced by the proposal, such as the pre-existing traffic concerns of representors.

A copy of the representations are included as **Attachment 5 – Representations** and the applicant’s response is provided in **Attachment 6 – Response to Representations**.

AGENCY REFERRALS

- Native Vegetation Council

The South Australia Native Vegetation Council provided its response pursuant to Schedule 9 (3)(11), on 1 Apr 2022, identifying the proposal purports Level 3 native vegetation clearance for 19 Scattered trees of varying condition (poor – excellent), consisting of two species Eucalyptus baxteri (stringybark) and Exocarpos cupressiformis (native cherry), and, subject to Significant Environmental Benefit (SEB) contribution, provided Native vegetation clearance consent, with advisory note as follows:

Advisory Note 1

The clearance of native vegetation must be undertaken in accordance with the Approval of the Native Vegetation Council under the Native Vegetation Act 1991 as set out in Decision Notification 2022/3063/473

The Native Vegetation Council’s decision notification for clearance is subject to nine (9) conditions of consent.

- Country Fire Service (CFS)

The applicant has provided a Bushfire Management Plan accompanying the application, identifying management strategies for activities, educators, children, families and visitors in the following circumstances:

- On days of very high, severe, extreme fire ratings including Total Fire Bans
- When there is a fire in the local district
- When a bushfire is threatening or impacting the site
- During a period of recovery if a bushfire impacts the service.

The Plan includes monitoring of fire danger ratings and events during peak bush fire seasons, and if the Rating is Very High or above, educators will monitor the situation via the internet, radio or other form of local communication to stay aware of the current situation.

The centre will not accept children for care on days when there is a catastrophic danger rating applying in the district, and the centre will be closed, acknowledging that generally, such forecast will be issued up to 24 hours prior, allowing for the centre’s administration to advise all parents and care givers about the closure.

The centres’ staff will follow a “leave early” policy whenever a bushfire may impact a centre.

The response from the CFS stated “The SA Country Fire Service has no objection to the proposed development with inclusion of Conditions”. The required Conditions and Advisory Notes are included in Recommended Conditions 9-12 and advisory notes 7 and 8.

The referral responses are contained in **Attachment 7 - Referral Responses**.

INTERNAL REFERRALS

- CWMS Management

The subject site is connected to SA Water Sewer, and that no waste application is required.

- Council Engineering

Council Engineering has reviewed the documentation provided for this development specifically considering the following:

1. Traffic management
2. Stormwater management

Following further information from the applicant, AHC Engineering raised no objections to the stormwater management plans and calculations (*dated 23/05/22*) noting:

1. All stormwater is to be directed to a 27005 L3 underground detention tank.
2. Pervious area stormwater is to be directed to a GPT with a capacity accepting 20.6 L/sec prior to being directed to the detention tank.
3. Controlled discharge of 8.59 L/sec via a 65mm orifice
4. Discharge is directly into the existing side entry pit on Morella Grove.

Traffic movements:

In respect of Item 1, a traffic engineering response has been provided by Cirqa traffic engineers, identifying that:

“A traffic impact assessment was provided as part of the development application which detailed the forecast traffic generation and associated impact on the adjacent roads, and for the purposes of the additional analysis, it has been assumed that the peak periods associated with the proposed child care centre and the nearby school directly align (which is a conservative assumption). The existing and forecast future traffic volumes at the intersections have been assessed using SIDRA intersection analysis software.

The detailed survey data and subsequent intersection modelling confirm the original conclusions of the traffic report that the intersections will easily accommodate the additional volumes. The traffic impact of the proposal on the intersection (and associated roads) will be minimal as supported by the additional analysis provided.”

Additionally, the Cirqa response has considered a query from Council Engineering which recommended a ‘Right-turn in’ and ‘Right-turn out’ requirement for the car park, providing:

The section of Morella Grove adjacent the site is two-way (while the northern section of Morella Grove is one-way only, this restriction applies north of Trenouth Street). As such, the intent behind Council's request is unclear.

If the requested restrictions were implemented, drivers entering the site (from Shannon Road) would be required to enter via a 'loop' around Lezayre Avenue and Morella Grove. Such a route is circuitous and, noting that two-way movement is permitted on Morella Grove adjacent the site, a proportion of drivers may choose to ignore the signs and enter via a left-turn in. Similarly, if left-out movements are restricted, drivers may still choose to illegally exit via Trenouth Street (albeit the number of such movements would be very low).

Should Council be concerned that a proportion of parents will exit directly north to Bridgewater Primary School, there would be potential for improved line marking and signage to more appropriately define the traffic flow arrangements on Morella Grove. Given the traffic analysis indicates no issues with the accommodation of the additional movements at the intersection of Morella Grove and Shannon Road and that there are low traffic volumes on Morella Grove, it is considered reasonable, safe and appropriate to retain left-turn movements into and out of the site.

It is considered that there is merit in the Cirqa response in respect of the latter item, being that the freedom of left-turn in from Morella Grove to the proposed childcare centre appears to have potential to lessen overall congestion and ease flow of traffic to Bridgewater Primary School via Lezayre Avenue rather than funnelling all traffic for the childcare centre through a 'loop-route' onto Morella Grove.

The traffic analysis identifies that the existing road rules permit two way movement on Morella Grove in any case and therefore specific directional traffic requirements for childcare centre users in the described loop-route would need to turn right from Lezayre Ave across vehicles lawfully travelling north on Morella Grove towards the school.

Following further discussion between Council Engineering and the Traffic Consultant, Engineering had provided further advice that they have no objections to the development, and require no restrictions or conditions around the car park ingress/ egress.

PLANNING ASSESSMENT

Desired outcomes

Desired outcomes are policies designed to aid the interpretation of performance outcomes by setting a general policy agenda for a zone, subzone, overlay or general development policies module. Where a relevant authority is uncertain as to whether or how a performance outcome applies to a development, the desired outcome(s) may inform its consideration of the relevance and application of a performance outcome, or assist in assessing the merits of the development against the applicable performance outcomes collectively.

Performance outcomes

Performance outcomes are policies designed to facilitate assessment according to specified factors, including land use, site dimensions and land division, built form, character and hazard risk minimisation.

Designated performance features

In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF).

A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in **Attachment 8 – Relevant P&D Code Policies**.

Rural Neighbourhood Zone

Desired Outcomes	
DO1	Housing on large allotments in a spacious rural setting, often together with large outbuildings. Easy access and parking for cars. Considerable space for trees and other vegetation around buildings, as well as on-site wastewater treatment where necessary. <u>Limited goods, services and facilities that enhance rather than compromise rural residential amenity.</u>
Performance Outcomes & Designated Performance Feature (DPF) criteria	
PO/DPF 1.1(f)&(c), PO 1.2, PO 1.3, PO 1.4(b), PO/DPF 2.1, PO/DPF 3.1, PO/DPF 4.1, PO/DPF 10.1	

The proposed development is within the ambit of community service activities contemplated in DO 1 and within PO 1.1 as *a complementary ancillary non-residential use compatible with a spacious and peaceful lifestyle for individual households* envisaged in DPF 1.1(f) Pre-school.

Consistent with PO 1.1, PO 1.2 seeks that *commercial activities improve community access to services and are of a scale and type to maintain residential amenity*. It is contemplated that the nature of the land use is an acceptable form of development to support community services within the district. The scale of the development is physically compact and notably, contained upon a site which is challenging in terms of slope and shape.

The intensity of use, providing care for up to 80 children is of a reasonably high intensity, and on face value may not be considered to be appropriate within a residential type neighbourhood zone where residential amenity is a priority, however it is acknowledged within DO 1 and PO/DPF 1.1, PO 1.3 and PO 1.4(b) particularly, that the *Rural Neighbourhood Zone* is intended to support appropriate non-residential uses.

Other amenity influences in the locality include the existing (historic) Bridgewater Primary School which is consistent with the nature of the proposed development. The proposed development’s proximity to the South Eastern Freeway and the main thoroughfare of Carey Gully Road make the proposed development highly accessible and does so without encouraging traffic deep into the neighbourhood precinct.

The relationship with the Bridgewater Primary School within the same locality provides an element of consistency, insofar that the traffic generated is of similar nature and also likely to be compatible potentially with some families seeking to utilise both services within the same locality.

In respect of assessment of the physical attributes of the proposed development against PO/DPF's 2.1, 3.1, and 4.1, the proposed development is considered to have many 'residential built form characteristics', which conform to the established built form of the locality. These similarities include the building's overall styling, roofline and articulation, albeit at a large scale, in excess of 500m² in a locality which supports residential development generally closer to 250m² to 350m² which can be observed on the eastern side of Morella Grove.

Building height is in excess of the prescribed 7.0 metres maximum upper-level wall height (7.4 metres above natural ground line) and exceeds the 9.0 metres overall height, with the maximum roof ridge height of 10.4 metres (9.1 metres maximum height above natural ground line). Much of the proposed building is however benched into the site and disguised by the topography of the land, particularly from the northern part of Morella Grove fronting the development site. Notwithstanding this, the contour of the land accentuates retaining walls and fence heights at the southern extent of the land adjacent to the intersection of Morella Grove and Lezayre Avenue and, along the western (secondary frontage) to Lezayre Avenue.

The height departures of 0.4 of a metre (upper-level walls) and 0.1 of a metre (roof ridge) above the natural ground level are considered to be relatively minor in effect. The maximum ridge height of 10.4 metres relative to the benched level of the site (rather than the natural ground line) is not easily discernible from outside of the site due to walls, screening and fencing. However it is acknowledged that the building is at the maximum height which could be considered appropriate without noticeably exceeding the quantitative provisions of DPF 2.1.

In respect of setbacks referenced in PO/DPF 3.1 and 4.1, as foreshadowed previously, the proposal occupies a 'challenging' site, which is both narrow (at 36 metres compared to adjacent residential allotments at up to 50 metres depth) and of an irregular shape. The setbacks of 4.2 metres from Lezayre Avenue at its nearest point and 3.4 metres at its nearest point to the Morella Grove road frontage are not substantively inconsistent with setbacks observed adjacent to the subject site on Morella Grove. These range from zero setback to approximately 6 metres with several outbuildings and dwelling facades situated from zero to 2.5 metres setback.

Development west of Lezayre Avenue are setback consistently greater distances (between 5.5 and 9 metres) situated down-slope from Lezayre Avenue with landscape screening towards the road frontage in most instances.

The layout of the development affords approximately 24.5 metres separation from the southern corner of the property and 22.0 metres from the garage associated with the dwelling and residential use to the north, maintaining an element of spatial separation to boundaries and buildings within the streetscape.

In consideration of the existing surrounding locality and its existing setbacks, the proposed development is considered to exhibit setbacks which are relatively consistent, particularly with regard to the Morella Grove frontage.

Advertisements PO/DPF 10.1 seek that advertisements *identify the associated business activity, and do not detract from the residential character of the locality, and do not exceed 0.3m² and are mounted flush with a wall or fence.* The proposed 'circular emblems' affixed to screening, and the wall of the building east and west of the main entrance, face north, towards the associated dwelling on the site and given their very subtle, almost decorative form, are considered appropriate.

The proposed advertisement at the southern extent of the site is subtle in appearance and this is somewhat mitigating of its scale, however exceeds the size parameter in DPF 10.1, with the circular emblem itself equalling 1.27m² (4 times the prescribed size) with lettering equating to approximately 1.1m². The emblem and lettering however are light-weight, subtle and are non-illuminated, with the primary purpose being daytime identification of the facility. The scale of the main signage is several times in excess of the maximum prescribed but despite this is not offensive to visual amenity.

Overlays

Hazards (Bushfire - High Risk)

Desired Outcomes	
DO1	Development, including land division is sited and designed to minimise the threat and impact of bushfires on life and property with regard to the following risks: (a) potential for uncontrolled bushfire events taking into account the increased frequency and intensity of bushfires as a result of climate change (b) high levels and exposure to ember attack (c) impact from burning debris (d) radiant heat (e) likelihood and direct exposure to flames from a fire front.
DO2	Activities that increase the number of people living and working in the area or where evacuation would be difficult is sited away from areas of unacceptable bushfire risk.
Performance Outcomes & Designated Performance Feature (DPF) criteria	
PO/DPF 1.2, 2.1, 3.1, 6.2	

In respect of POs 1.2 and 2.1, the proposed development, being of a commercial nature, is likely to be subject to a high degree of maintenance and up-keep, detail of which is contained in the supplied Bushfire Management Plan (**Attachment 1**), including the management of the outdoor recreation area and the grounds generally to reduce leaf litter and debris which would or could occasionally accumulate within the balcony deck area, or generally about the building's walls, fences and roof given the nature of surrounding vegetation.

The surrounding environment is generally not considered to present un-managed or hazardous vegetation and the sites surrounding road network provides it with a high degree of accessibility for fire appliances and physical separation from adjacent fire sources.

The design of the building is relatively simple in its form and open with much of the roof-deck spaces being reasonably accessible.

The building does not rely upon fire tracks for access of fire appliances or evacuation. The site affords a suitable large area for access and manoeuvring of fire appliances at the car park entry point and can accommodate appropriate firefighting water supplies.

Hazards (Flooding - Evidence Required)

Desired Outcomes	
DO1	Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.
Performance Outcomes & Designated Performance Feature (DPF) criteria	
PO/DPF 1.1	

The proposal is not considered to be at any risk of flooding or inundation, being substantially elevated, sloping and free-draining to the street water-table.

Mount Lofty Ranges Water Supply Catchment (Area 2)

Desired Outcomes	
DO1	Safeguard Greater Adelaide's public water supply by ensuring development has a neutral or beneficial effect on the quality of water harvested from secondary reservoirs or diversion weir catchments from the Mount Lofty Ranges.
Performance Outcomes & Designated Performance Feature (DPF) criteria	
PO/DPF 1.1, 1.2, 2.1, PO 3.1, PO 3.2,	

Wastewater management is via the existing SA Water Sewer and will not impact upon the health of the Mount Lofty Ranges Catchments, according with PO/DPF 2.1.

Stormwater is to be discharged to the local street water table. The proposal utilises an underground capture and detention system with controlled release to deliver detained water back to the street water table at the appropriate rate determined by Council Engineering. This system will detain pollutants and sediment captured or mobilised in the stormwater, so reducing the potential for pollutants to enter the municipal stormwater system according with DO 1 and PO 1.1, 3.1 & 3.2. The proposed development also has a moderate composition of permeable surfaces (approximately 450m²) which will assist in stormwater drainage.

Native Vegetation

Desired Outcomes	
DO1	Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.
Performance Outcomes & Designated Performance Feature (DPF) criteria	
PO/DPF 1.1, PO 1.2	

The proposal includes an assessment of the existing native vegetation on the site by EBS Ecology consultants. This assessment identified native vegetation comprised principally of nineteen scattered trees including thirteen (13) Brown Stringybark and six (6) Native Cherry trees, ranging from poor to excellent condition and, small clusters of native sedges, grasses and shrubs also scattered throughout the development site.

Some native revegetation has occurred along the southern fence line of the property with species such as Hakea and Acacia.

The EBS Ecology report however identifies that exotic species dominate the property with species such as English Ivy and non-native Pittosporum taking over native vegetation, and that the majority of the land is highly disturbed and contains a large amount of planted ornamental trees, shrubs and groundcovers.

The Native Vegetation assessment identifies the clearance required, as Level 3 under the Native Vegetation Act 1991 and Regulations 2017, and has identified the appropriate Significant Environmental Benefit (SEB) contribution for the required clearance within the formal application made to the Native Vegetation Council.

The Native Vegetation Council has subsequently assessed and issued consent for the proposed clearance.

Notwithstanding the clearance to be undertaken, the proposal is considered to observe appropriate requirements of the Code, insofar that the site has been assessed as substantially modified and compromised by establishing non-native and invasive species and is not in itself an intact stratum of native vegetation being isolated from other significant or intact areas of native vegetation.

Prescribed Water Resources Area

Desired Outcomes	
DO1	Sustainable water use in prescribed surface water resources areas maintains the health and natural flow paths of water courses
Performance Outcomes & Designated Performance Feature (DPF) criteria	
PO/DPF 1.1	

There are no pertinent provisions affecting the proposed development within the Prescribed Water Resources Area Overlay policies. The site has access to a reticulated mains water supply and does not include any aspects which give rise to concerns of water resources.

Regulated and Significant Tree

Desired Outcomes	
DO1	Conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss.
Performance Outcomes & Designated Performance Feature (DPF) criteria	
PO/DPF 1.1	

There are no pertinent provisions affecting the proposed development within the Regulated and Significant Tree Overlay policies. The EBS Ecology report identifies that none of the native species on the site fall within the ambit of Regulated or Significant status. The only other substantial tree on the site (Radiata / Monterey Pine) is specifically excluded from Regulated or Significant status, being an exotic / weed species.

Traffic Generating Development

Desired Outcomes	
DO1	Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users.
DO2	Provision of safe and efficient access to and from urban transport routes and major urban transport routes.
Performance Outcomes & Designated Performance Feature (DPF) criteria	
PO 1.1, PO 1.2, PO 1.3	

The Traffic Generating Development Overlay provisions are not considered to be substantively relevant to the proposal as the PO/DPF criteria as they are generally relative to substantial land division or commercial development at interface with the State Maintained road network, notwithstanding that, the following points have been considered:

Access will be via a new access point from Morella Grove to the proposed car parking area. The car parking area is sufficient for 21 vehicles, including two (2) disabled access spaces. The access point and crossover are designed for simultaneous two-way vehicle movements and allows entry to, and exit from the site in a forward direction with clear and direct view, avoiding vehicle movement conflicts with pedestrian movements, noting the formed pedestrian path exists on the opposite side of Morella Grove.

The proposal, having no reliance on street car parking should relieve parking and traffic movement pressure (permitting turn-in and turn-out traffic interactions) and contains all of the anticipated traffic for arrival and departure to be contained upon the site. Therefore the proposal is considered to satisfactorily accord with DO 1, and DO 2 and PO/DPFs 1.1, 1.2 & 1.3.

It is specifically noted that the traffic interface matters raised through public notification have been responded to in the Cirqa Traffic Report and response, confirming adequacy with relevant standards. To a reasonable degree, it is considered that the operation of the proposed childcare facility in respect of vehicular movements to and from the site accords with the Overlay provisions.

General Development Policies

The following are considered to be the most relevant of the Assessment Provisions (AP) from the General Development Policies of the Code

Advertisements

Desired Outcomes	
DO1	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 hazard.
Performance Outcomes & Designated Performance Feature (DPF) criteria	
PO/DPF1.1, 1.2, 1.5, 3.1	

The proposed development incorporates subtle signage exhibiting ‘Eden Academy Bridgewater’, with the circular emblem of the business, for the reasonable identification of the building. The signage is considered to reasonably accord with DO 1 and PO/DPF values, however noting that it does not explicitly accord with DPF 1.1 (a) – as it is within a *Neighbourhood Type Zone*.

The proposed advertising display is not considered prejudicial to PO 1.2 as they are not so pronounced or bold in style, colour or content that they could be considered to *disfigure the appearance of the land upon which they are situated or the character of the locality*. In respect to PO 1.5, although identified as exceeding the *Rural Neighbourhood Zone, Advertisements DTS 10.1* provision for size (no greater than 0.3m²) when considered against these General Advertisement provisions, the advertising display is deemed to be of a scale and size appropriate to the character of the locality, particularly citing their innocuous design and appearance.

The proposed advertisement display is considered to accord with PO/DPF 3.1, being limited to information relating to the proposed use of land, to assist in the ready identification of the activity being carried on and does not create *visual clutter or untidiness*.

The advertisements are considered to suitably avoid any risk of nuisance (non-illuminated) or distraction to road users or hazard to footpath users, with the two circular emblems on the northern face of the building not considered to be of concern either visually in respect of distraction to road users, or aesthetically in terms of appearance of the emblems on the building.

Clearance from Overhead Powerlines

Desired Outcomes	
DO1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
Performance Outcomes & Designated Performance Feature (DPF) criteria	
PO/DPF1.1	

The applicant has signed the building safety near powerlines declaration, which complies with DTS/DPF1.1. The overhead powerlines which generally align with the Morella Grove frontage of the site traverse the south-eastern corner of the land and interface closely with the south-eastern corner of the proposed building with one stobie pole situated within the property’s eastern boundary.

Single-wire overhead powerlines exist on the opposite side of Lezayre Avenue with no direct interface with the proposed development.

Design

Desired Outcomes	
DO1	<p>Development is:</p> <ol style="list-style-type: none"> 1. contextual – by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area 2. durable – fit for purpose, adaptable and long lasting 3. inclusive – by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and

	recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors 4. sustainable – by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.
Performance Outcomes & Designated Performance Feature (DPF) criteria	
PO/DPF 1.1, PO 1.3, PO 2.1, PO 2.2, PO 2.3, PO 2.4, PO 3.1(a),(c) & (d), PO 3.2, PO 4.2, PO 7.2, PO 7.3, PO 7.4, PO 7.5, PO 7.6, PO/DPF 8.1, PO 9.1, PO/DPF 9.2, PO 10.1, 10.2, 31.2	

The proposed development presents a building design which is complimentary to ‘residential built form’ however, it exhibits scale, site features such as car parking and fences and walls, which collectively are unlikely to be mistaken for residential development. In this respect the development is considered to subtly and purposefully distinguish itself as a commercial building.

PO/DPF 10.1 and 10.2 relevant to privacy and overlooking are not considered to be of relevance due to the site being bounded by road reserves and having views from upper-level administration, office and recreation / activity spaces toward dwelling facades to the street.

The proposed building and site features are considered to present tasteful style and detailing and it does not for instance exhibit bold primary colours or geometric shapes which could be considered to be at odds with the pleasant neighbourhood environment in which it will exist. The building’s appearance and finishes are considered to be non-prejudicial to the residential land uses in the zone satisfying PO 1.3.

The design and layout of the proposed building and the site generally provide an easily interpretable configuration of access, parking and entry to the building and the design affords a reasonable degree of passive surveillance from the upper storey entrance, foyer, reception and, office areas towards the carpark.

In respect of PO/ DPF 3.1, PO 9.1 and PO/DPF 9.2, the proposed development necessarily has parameters for landscaping which are ‘friendly’ to children, including at the arrival and departure areas and in this respect need not necessarily incorporate native species (PO 3.2). Landscaping along fences and walls, which are of substantial height, due to the contour of the site, would benefit from more extensive landscaping within the terraced retaining walls.

The proposed landscaping however is considered to appropriately satisfy PO 3.1, 4.2 and 4.3 in respect of its composition and particularly the linking of the activity areas directly to outdoor spaces. The design utilises large doorways and windows creating connectivity of the inside areas to the outside play and recreation spaces as well as providing a high degree of natural light and ventilation whilst necessarily being able to be closed off in the event of inclement weather or in colder / wetter months.

PO/DPF 7.2, 7.3, 7.4, 7.5 and 7.6 relative to car-parking appearance are considered reasonably well accorded, with the proposed parking design and layout affording a suitably configured and well concealed car parking area to the north side of the proposed building. This location has minimal impact upon sensitive receptors on the opposite side of Morella Grove, as the parking area faces north to the associated dwelling and its yard area.

The building design responds to the natural contours of the land however it incorporates a substantial degree of landform modification producing the difference in levels from the upper floor to the ground floor level. The

design does not specifically accord with PO/DPF 8.1, with cutting of the site and retaining between lower bench level and upper carpark level being approximately 4.0 metres. The landform modification and retaining is however somewhat concealed, and accounts for the relatively level transition from Morella Grove to the proposed carpark on this otherwise challenging site, according with PO/DPF 8.2.

It is noted that waste management is proposed by private contractor, and this will also occur wholly within the site (carpark area) with refuse storage provided and appropriate circulation space for waste pick-up and exchange / delivery of replacement receptacles. The applicant has stated that waste pickup will occur outside of operating hours and in accordance with the EPA noise guidelines.

PO 31.2 is appropriately addressed in the *Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay* in respect of proposed the capture and underground tank detention system which will capture sediment and particulate / pollutants mobilised in the stormwater, reducing the potential for pollutants to enter the municipal stormwater system.

The proposal is considered to be generally consistent with the Design policies.

Infrastructure and Renewable Energy Facilities

Desired Outcomes	
DO1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes
Performance Outcomes & Designated Performance Feature (DPF) criteria	
PO 1.1, PO/DPF 11.1, 12.1,	

The subject land is connected to reticulated mains water, and sewer services which is compliant with, and satisfies PO/DPF 11.1 and 12.2.

Interface between Land Uses

Desired Outcomes	
DO1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses
Performance Outcomes & Designated Performance Feature (DPF) criteria	
PO/DPF 1.2, PO 2.1, PO/DPF 3.1, 3.2, 3.3, 4.1, 4.2 (c) & (b), 4.6, 6.1, 6.2	

A number of the matters contained within the *Interface between Land Uses* are considered to be relevant to the operation of the proposed childcare centre.

PO/DPF 2.1 seeks for non-residential development to not unreasonably impact the amenity of sensitive receivers through its hours of operation. The likely effects of noise and vibration outfall from the proposed childcare centre are unlikely to be severe or sustained in duration, being contained largely to conventional work hours and substantively contained indoors in the earlier morning and later afternoon hours.

There is a likelihood that the intended children's activities will involve music and energetic activity such as singing, dancing and active play within the outdoor recreation areas at times, however it is unlikely to be at a level that would cause any severe or unreasonable noise nuisance and would be unlikely to approach the thresholds of the Noise EPP referred to in PO/DPF 4.1

In any event, hours of operation are not considered to be unreasonable or create impact on nearby residences beyond normal business hours. The proposed services are to operate for twelve hours per day from 6:30am to 6:30pm, Monday to Friday.

The proposal does not include installation of any substantial plant or equipment and given the surrounding road network providing a high degree of physical separation the use of air-conditioning units or kitchen rangehoods are considered unlikely to present any interface issues.

An Environmental Noise Assessment Report has been prepared for the proposed development by Sonus Acoustic Engineers, identifying that noise from children playing is specifically excluded from assessment under this EPA Noise Policy. The development has however proposed acoustic measures by way of fencing and balustrading to help attenuate noise outfall from the outdoor recreation areas.

Sonus have had regard to the recommendations of the Guidelines for Community Noise published by the *World Health Organisation (WHO)* in relation to annoyance during the day. The WHO guidelines provide:

To protect the majority of people from being seriously annoyed during the daytime, the sound pressure level on balconies, terraces and outdoor living areas should not exceed 55 dB LAeq for a steady continuous noise.

And,

To protect the majority of people from being moderately annoyed during the daytime, the outdoor sound pressure level should not exceed 50 dB LAeq."

Based on the above, the proposal has been designed with noise reduction measures such that the average (LAeq) sound levels during daytime hours are no greater than 50 dB(A) at the surrounding noise sensitive locations.

The applicant is willing to abide by a condition of consent to ensure the appropriate noise attention measure prescribed by the acoustic report are properly implemented. This has been included as Recommended Condition 5.

PO 6.1 & 6.2 seeks to control external lighting to ensure it does not cause unreasonable light spill or interface issues including to road user safety. The Applicant's planning statement identifies that there are no proposed external lighting fixtures, i.e. flood lighting of outdoor areas, and accordingly lighting will be limited to conventional external lighting under eaves and canopies, which are unlikely to present any off-site nuisance.

It would not be unreasonable to expect low-level, low illumination lighting such as bollard lighting within the car parking area for safety and ease of access (*Transport, Access and Parking PO 6.5*), such lighting would not be necessary before 6:00am or after 7:00pm (assuming earlier and later staff movement outside of normal operating hours) and could otherwise be timed to remain off outside of those hours.

The proposal has carefully considered nuisance and interface conflict potentials, and is considered to be consistent with the *Interface between Land Uses* policies.

Transport, Access and Parking

Desired Outcomes	
DO1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
Performance Outcomes & Designated Performance Feature (DPF) criteria	
PO/DPF 1.1, 2.1, 3.1, 3.3, 4.1, PO/DPF 5.1(a), PO 6.2,	

In respect of PO1.1, 4.1 and 5.1, the proposal appropriately caters for its intended nature and volume of traffic in accord with the Table 1 requirements. The proposed development is accessible from the Morella Grove frontage and is not expected to create an increase of volumes of traffic which would compromise the capacity of the local road network (*Cirqa Traffic Report and additional response documents*) and, are set out in accordance with relevant transport and access standards, which suitably satisfies PO/DPFs 2.1, 3.1 and 3.3.

PO/DPF5.1 relates to the on-site vehicle parking rates required in *Table 1 – General Off-Street Car Parking Requirements* and provides a parking ratio of 0.25 car parking spaces per child (1 car park per 4 children), which is accorded by the proposed 21 car parks intended. Turning bay provisions are provided within the car park for ease of use and assures forward-direction exit from the car park is available, even if the car park is fully occupied.

The applicant has also expressed within the application detail that child care centres do not generate the same peak periods of focussed traffic activity as occurs at schools, with all students arriving or departing within a short duration. Child care centres having a more even distribution of movements i.e. drop-off and pick-ups, over a two-hour morning and afternoon/evening period, which falls generally about, or prior to school drop-off time in the morning and substantially later in the afternoon / evening.

Child care centres also experience traffic movements throughout the day, where shorter than full day care is utilised. These periods also avoid generating compounding traffic with school traffic.

In light of the above elements assessed against the relevant provisions, as well as the *Cirqa Traffic Report* and additional information response, the proposal’s access and parking arrangements are considered to suitably satisfy the assessment provisions and is proposed to function adequately for the operation of the facility without specific restrictions on turn-in or turn-out to the site.

As discussed previously, the car park is considered to be satisfactorily concealed and contained, to the northern side of the child care facility, attenuating adverse visual and operational impacts from sensitive receivers on nearby adjacent land and it has been designed according to the appropriate Australian Standards for safe operation and connectivity to the local road network (PO 6.2).

The proposal is considered to be consistent with the Transport, Access and Parking principles.

CONCLUSION

The proposal to develop the subject land with a new pre-school child care centre facility, comprising a two-storey (split level) building, dedicated parking area and associated retaining walls, fences and associated earthworks and landscaping, within the Rural Neighbourhood Zone, represents a form of commercial development which is envisaged within the Zone.

The proposal exhibits some small departures from the Code provisions in terms of height and setback, which are not considered to be excessive or fatal to the assessment of the application. It presents a built form which is not inconsistent within the locality, instead, it is considered to exhibit built form characteristics which are compatible with the residential built form in the locality.

Contextual matters raised in the public notification representations such as traffic impacts have been carefully considered in both technical aspects, and against the relevant Code Performance values. Subsequent traffic engineering advice has presented the suitability of the design and layout of the parking area and has addressed the appropriateness of access to the site from Morella Grove. This advice has provided sufficient analysis of traffic impacts, upon the local road network.

Stormwater and wastewater management arrangements are all considered to be adequate and appropriately attenuate any realistic prospect of environmental or water resource impacts within the Mount Lofty Ranges Catchment Area.

The existing traffic conditions are clearly expressed as a current concern as represented by nearby adjoining and adjacent landowners as well as more distant residents whom utilise Bridgewater Primary School and who have responded to the public notification. Whilst the compounding traffic situation between main (State administered) thoroughfares and the Morella Grove / Lezayre Avenue may require a strategic approach to resolve or improve existing circumstances, the proposed development has notably taken all reasonable steps to ensure that its own requirements for safe and convenient vehicular access, manoeuvring and parking have been included within the proposal.

Representors concerns have been given considerable regard in this assessment and although they are not, and can not necessarily be resolved by this application, the proposal is considered to appropriately address its own requirements.

After careful consideration of the relevant assessment matters, technical and specialist reports and regard for the representations received, the proposal is considered to be appropriately in accord with the Planning and Design Code and warrant Planning Consent being granted by the Panel.

RECOMMENDATION

It is recommended that the Council Assessment Panel/SCAP resolve that:

- 1) 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**
- 2) Development Application Number 22005412, by Future Urban Pty Ltd for construction of a childcare centre with associated non-illuminated advertising displays (x2), retaining walls (3.3m maximum height), combined retaining wall and fencing (5.7 m maximum height), removal of native vegetation, associated car parking and landscaping at 23 Morella Grove Bridgewater is granted Planning Consent subject to the following conditions:**

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.**

- 2) External lighting shall be restricted to that necessary for safe access & egress and security purposes only and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties, consistent with the Applicants advice that:
- The proposed lighting will be consistent with AS4289: - Obtrusive Effects of Outdoor Lighting
 - All lighting will be connected to a timer and will be switched off in the evening by no later than 20:00hrs.
 - The lighting layout will be designed to ensure that no external light fittings impact neighbouring properties through use of honeycomb diffusers to direct light and reduce glare while retaining adequate lighting levels
- 3) All car parking spaces, driveways and manoeuvring areas shall be constructed and line-marked in accordance with AS 2890.1:2004. Line marking and directional arrows shall be clearly visible and maintained in good condition at all times. Excluded parking areas such as the disabled access car parking and turn around bay shall be marked with diagonal yellow bars in accordance with Part 11 of *AS 1742 Manual of uniform traffic control devices*.
- 4) The opening hours of the facility shall be 6:30am to 18:30 Monday to Friday, and remain closed on Saturdays, Sundays and Public Holidays.
- 5) The proposed noise attenuation measures on both the ground floor and first floor detailed within the Sonus Noise Assessment Report "Bridgewater Childcare Centre Environmental Noise Assessment S7125C3 December 2021" shall be implemented prior to operation of the use.
- 6) Landscaping detailed on the approved landscaping plan shall be planted in the next available planting season following the completion of building work. Landscaping shall thereafter be maintained in good health and condition at all times. Any landscaping that dies or becomes seriously diseased shall be replaced in the next available planting season.
- 7) Stormwater Roof Runoff & Car-Park Runoff
- a) All roof runoff and runoff from the car-park shall be managed on-site in accordance with the approved stormwater / civil plan to the reasonable satisfaction of Council.
 - b) All roof runoff generated by the development hereby approved shall be directed to the stormwater management system within one month of the roof cladding being installed.
- 8) All solid waste of any kind shall be stored in closed containers having a close-fitting lid with containers stored in a concealed location and in a manner which does mitigate the occurrence of offensive odours emanating from the site or attraction of animals or insects to the stored waste. Waste shall not be stored on the land in areas delineated for use as car parking. The collection of waste shall be undertaken in accordance with the EPA Noise Policy to ensure minimum disturbance to occupiers of adjoining land.

Conditions imposed by the South Australian Country Fire Service under Section 122 of the Act

BUSHFIRE PROTECTION MEASURE AND SITING

- 9) 'The Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Objective 2.1, 4.2, 4.3) details the mandatory requirements for buildings and structures to be located away from areas that pose an unacceptable bushfire risk in order to provide sufficient defensible space for occupants and fire fighters; ensure

radiant heat levels at the buildings are minimised in line with the assessed bushfire attack level & construction level; whilst maintaining reduced fuel loads and ensuring it can be maintained in perpetuity by the occupants.

To address PO 2.1, SA CFS deems that all bushfire protection measures must be implemented in order for the SA CFS to support the proposed development. This includes:

- The building will be constructed to the assessed Bushfire Attack Level (BAL) in accordance with AS3959, BAL 19 requirements.
- Ancillary structures and other combustibles are adequately separated from the building in accordance with AS3959; s 3.2.3 Adjacent structures on the subject allotment.
- A non-combustible pathway be installed directly adjacent the building and no less than 1.5 metres wide around the perimeter of the building, including access gate(s) to allow continuous travel around the building; and
- Provision of a static dedicated bushfire water supply of 10,000L with associated pipes, fittings, pump, and fire hose reel in accordance with MBS008; accessible to the fire authority via an unobstructed fire authority outlet (please refer to WATER SUPPLY & ACCESS (to dedicated water supply)).

SITING

'The Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 3.2) details the mandatory requirements for extensions to buildings, outbuildings and other ancillary structures are sited and constructed using materials to minimise the threat of fire spread to residential and tourist accommodation (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) in the event of bushfire.

- Outbuildings and other ancillary structures shall comply with AS3959 section 3.2.3 for adjacent structures.

ACCESS TO HABITABLE BUILDING

10) 'The Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Objective 6.2) details the mandatory requirements for 'Private' roads and driveways to facilitate safe and effective use, operation and evacuation for firefighting and emergency personnel and evacuation of residents, occupants and visitors where required. These requirements apply when the furthest point of the building is more than 60m from the nearest public road.

SA CFS notes the proposed development is sited less than 60 metres from the public road and has no objection to utilising the existing perimeter roads and proposed driveway to access the facility.

WATER SUPPLY & ACCESS (to dedicated water supply)

11) Ministerial Building Standard MBS008 "Designated bushfire prone areas - additional requirements" 2020, as published under the Planning, Development and Infrastructure Act 2016, provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with MBS008.

‘The Planning and Design Code’ Hazards (Bushfire – High Risk) Overlay (Performance Objective 4.3) details the mandatory requirements for the site to provide a dedicated hardstand area in a location that allows fire fighting vehicles to safely access the dedicated water supply.

SA CFS has no objection to the proposed location for the dedicated water supply as detailed on drawings named Proposed Ground Floor Plan and Proposed First Floor Plan, dated at last revision 31/05/2022, providing the fire authority outlets (Taps for Fire Water) are positioned to comply with the following conditions and will not be obstructed by objects such as parked cars/landscaping/ fencing etc.:

- **The water supply outlet shall be easily accessible and clearly identifiable from the access way and is no greater than 60m path of travel to the furthest point of the building, to enable fire services to reach all parts of the building with no more than two lengths of hose from the hardstand area.**
- **The dedicated water supply and its location should be identified with suitable signage (i.e. blue sign with white lettering “FIRE WATER”).**
- **Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.**
- **Provision shall be made adjacent the water supply for a nominally level hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet**
- **SA CFS appliance’s inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.**
- **A gravity fed water supply outlet may be remotely located from the above ground tank to provide adequate access.**
- **All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.**
- **All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.**

Please note that where the water supply is an above-ground water tank, the tank (including any support structure) must be constructed of non-combustible material, such as concrete or metal.

MAINTAIN AN ASSET PROTECTION ZONE (APZ) - VEGETATION MANAGEMENT

12) ‘The Planning and Design Code’ Hazards (Bushfire – High Risk) Overlay (Performance Objective 4.2) details the mandatory requirements to establish and maintain an asset protection zone. As such, landscaping shall include bushfire protection features that will prevent or inhibit the spread of bushfires and minimise the risk to life and/or damage to buildings and property and maintain a fuel reduced zone for safe movement of occupants and fire fighters.

- **Vegetation management shall be established and maintained within 20 metres of the habitable building (or to the property boundaries – whichever comes first) as follows:**
 - i. **The number of trees and understorey plants existing and to be established within the VMZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the**

‘clumping’ of shrubs where desirable, for diversity, and privacy and yet achieve the ‘overall maximum coverage of 30%’.

- ii. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
- iii. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
- iv. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
- v. Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height from the trees’ lowest branches.
- vi. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
- vii. No understorey vegetation shall be established within 2 metres of the habitable building (understorey is defined as plants and bushes up to 2 metres in height).
- viii. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves
- ix. The VMZ shall be maintained to be free of accumulated dead vegetation.

ADVISORY NOTES

General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
- 5) 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).

Advisory Notes imposed by Native Vegetation Council

- 6) The clearance of native vegetation must be undertaken in accordance with the approval of the Native Vegetation Council under the Native Vegetation Act 1991 as set out in Decision Notification 2022/3063/473

Advisory Notes imposed by the South Australian Country Fire Service Under Section 122 of the Act

BUILDING CONSIDERATIONS

- 7) Ministerial Building Standard MBS008 “Designated bushfire prone areas - additional requirements” 2020, as published under the Planning, Development and Infrastructure Act 2016 applies to this site.

Please refer to the National Construction Code (NCC), relevant standards and state provisions for construction requirements and performance provisions.

A site Bushfire Attack Level (BAL) assessment was conducted in accordance with the NCC and Australian Standard™3959 (AS3959) “Construction of Buildings in Bushfire Prone Areas”.

Category of Bushfire Attack Level:

Childcare Centre: BAL 19

Equipment Store located less than 6 metres from Childcare Centre: Separation for adjacent structures in accordance with AS3959 (section 3.2.3) will need to be applied to satisfy PO 3.2

SA CFS, as the referral agency, reserves the right to request additional information and provide further comment in regards to the ‘Building Rules Consent’ phase of the development approval process in relation to the fire and life safety provisions within the proposed building, under the *Planning Development and Infrastructure Act and Regulations*, in particular but not limited to Regulation 45 and 103.

This report is considered relevant at the date of assessment with respect to the elevations detailed on the Proposed Ground Floor Plan and Proposed First Floor Plan, dated 31/05/2022 and shall not be considered as SA CFS endorsement of any subsequent development.

BUSHFIRE SURVIVAL PLAN

- 8) SA CFS further recommends the following condition:

The applicant prepare and display a BUSHFIRE SURVIVAL PLAN (BSP) designed specifically for the purpose of any staff, children or visitors that may be present during a bushfire event, especially during the Fire Danger Season.

The SA CFS ‘Bushfire Safety Guide for Business’ document (refer to SA CFS website) should be utilised as a basis for information and the drafting of the BSP along with industry body guidelines and recommendations.

The applicant should consider reducing operating hours and restrictions on days of heightened bushfire danger and/or bushfire events and consider including any alterations to services offered due to actual or predicted conditions during the Fire Danger Season.

OFFICER MAKING RECOMMENDATION

Name: Aaron Wilksch (Consultant Planner)
Name: James Booker
Title: Team Leader Statutory Planning

DEVELOPMENT NO.:	21027366
APPLICANTS:	Benjamin Pitman and Jasmine Placentino
ADDRESS:	44 Avenue Road, Stirling
NATURE OF DEVELOPMENT:	Three storey detached dwelling and tree damaging activity (removal of one regulated tree)
ZONING INFORMATION:	<p>Zone:</p> <ul style="list-style-type: none"> Rural Neighbourhood <p>Subzone:</p> <ul style="list-style-type: none"> Adelaide Hills <p>Overlays:</p> <ul style="list-style-type: none"> Hazards (Bushfire - Medium Risk) Hazards (Flooding - Evidence Required) Mount Lofty Ranges Water Supply Catchment Area 2) Native Vegetation Prescribed Water Resources Area Regulated and Significant Tree <p>Local Variation (TNV)</p> <ul style="list-style-type: none"> Minimum Site Area (Minimum site area is 2,000 sqm)
LODGEMENT DATE:	15 September 2021
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	2021.13 (9 September 2021 – 22 September 2021)
CATEGORY OF DEVELOPMENT:	Code Assessed – Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Sebastien Paraskevopoulos
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	<ul style="list-style-type: none"> Council Engineering Council Arboriculture

CONTENTS:

ATTACHMENT 1:	Application Documents	ATTACHMENT 4:	Representations
ATTACHMENT 2:	Subject Land Map/Representation Map	ATTACHMENT 5:	Response to Representations
ATTACHMENT 3:	Zoning Map	ATTACHMENT 6:	Relevant P & D Code Policies

DETAILED DESCRIPTION OF PROPOSAL:

The application proposes the construction of a three storey detached dwelling and removal of one regulated tree - *Liquidambar styraciflua*. Also included in the proposal are retaining walls (not exceeding 1m), associated earthworks, and landscaping. The proposal features three building levels, which house three bedrooms (including a master bedroom with walk in robe and en-suite), study room, 1.5 bathrooms, open plan living and dining area, kitchen, cellar, storage and services space, and double carport under the main roof.

The proposal has a combined indoor floor area of approximately 367m², which includes the entirety of the ground floor (excluding the carport). Correspondingly, its building footprint is 157.85m² (10.25m width x 15.40m length). The maximum building height of the proposal is 10.6m above the finished floor level (FFL) to the roof parapets.

The proposal is located centrally within the property, at the lowest section of the site. To achieve a level site area, excavation up to 2m is anticipated to the north of the building envelope, with fill below 1m anticipated to the southern side. Additional cut and fill below a 1m is proposed to terrace the rear backyard area.

Also located central to the site is the regulated Liquidambar tree. An introduced species, this semi-mature tree has a circumference of 2.22m and an estimated height of 18m. To accommodate the location of the proposed dwelling, the complete removal of this tree is proposed in this application.

The dwelling itself has a similar orientation as the majority of dwellings on allotments to the west of Avenue Road, with its frontage facing south-east. It has a 14m setback from the front (south east) boundary, 16.85m setback from the rear (north-west) boundary, and 2m setbacks from both side boundaries (excluding the garden courtyard wall proposed on the south-west side).

The proposal features a combination of masonry and render finishes. The front and side walls (including the parapets) will be constructed with Krause 'Grey Ghost' bricks in both a standard and turned out pattern, along with a light sand coloured render near window openings. The rear of the proposal has eight side-by-side window bays, arranged vertically from the floor level up toward the roof. The roof itself will be concreted, although this will not be seen from behind the parapets.

BACKGROUND:

44 Avenue Road, Stirling has been subject to six Development Applications for dwellings since a boundary re-alignment between it and 42 Avenue Road in 2003. Most recently, full Development Approval was granted for a three storey dwelling and associated works in late-2018, although ownership of the land has since changed hands and that approval has lapsed.

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
29/01/2003	473/D082/02	Land Division - boundary realignment
05/04/2005 (Development Plan Consent)	473/1305/04	Two storey detached dwelling –LAPSED
28/05/2007 (Development Plan Consent)	473/192/07	Application for two storey detached dwelling with balcony, 1.8m high retaining wall, associated earthworks & removal of (1) significant tree (deodar cedar-cedrus deodara) -LAPSED
04/06/2013 (Development Plan Consent)	473/500/12	Application for two storey detached dwelling with attached double garage, retaining walls (maximum height 1m), deck (maximum height 1m) and associated earthworks –LAPSED
N/A	473/281/16	Application for three storey detached dwelling, deck/front terrace (maximum

		height 3.5m), retaining walls & associated earthworks -WITHDRAWN
12/12/2018	473/548/17	Application for three storey detached dwelling, retaining walls (maximum height 1.8m) & associated earthworks –LAPSED

SUBJECT LAND & LOCALITY:

Location reference: 44 Avenue Road, Stirling SA 5152

Title ref.: CT:5928/499 **Plan Parcel:** Lot 2 Sec: P48 DP:65571

Site Description

The subject land is rectangular-shaped, with a primary street frontage to Avenue Road. It has a total site area of 653m², and a frontage width of 14.18m, which extends to the rear to a depth of 46.18m. The allotment frontage and allotment size are the smallest of all allotments on the west side of Avenue Road. The site is currently vacant.

The slope of the land is U-shaped, descending down from the front boundary to the centre of the site by approximately 3m, before ascending to the rear boundary by approximately 6m, which is the highest point of the site. Laterally, the land from the north-east side boundary to the south-west boundary descends by approximately 1m.

Also present are several non-native deciduous and evergreen trees scattered throughout the property. Two of these trees are of a regulated size, one being a Himalayan cedar (*Cedrus deodara*), and the other being the *Liquidambar styraciflua* proposed for removal.

The land is connected to SA Water and Sewer Mains.

Locality

The property and its locale are situated along Avenue Road, within the Rural Neighbourhood Zone of the Planning and Design Code (this was formerly the Country Living Zone of the superseded Adelaide Hills Council Development Plan).

Allotments on the west side of Avenue Road are typically smaller in size (primarily ranging from 700-1000 m² in size), while allotments to the east are larger (primarily between 1000-2000 m²). Dwellings on both sides of the road are typically well obscured from public view, due to large mature trees and vegetation on both the road reserve and close to private front boundaries, with front boundary setback to dwellings being typically over 15m.

Directly neighbouring the north-east side of the subject land is an existing two storey detached dwelling, at 42 Avenue Road. To the south-east side, at 46 Avenue Road, is a vacant allotment currently occupied by a disused tennis court.

While the greater locale in this area of Stirling has a high number a State and Local Heritage listed places, in this section of Avenue Road there is only one Avenue Road address that is the subject of a Local Heritage listing between Ayers Hill Road and Laurel Road.

The subject land is identified on **Attachment 2 – Subject Land/Representation Map**. The zoning is shown on the map in **Attachment 3 – Zoning Map**.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

Detached dwelling: Code Assessed – Performance Assessed

Tree-damaging activity: Code Assessed – Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed – Performance Assessed

- **REASON**

The Planning and Design Code provides no ‘Accepted’ or ‘Deemed to Satisfy’ pathway for either of the above elements –nor are they categorised as ‘Restricted’ under Table 4 of the zone. Therefore, as per sections 105 (b) and 107 of the *Planning Development & Infrastructure Act 2016*, the development is categorised as Code Assessed – Performance Assessed.

PUBLIC NOTIFICATION

- **REASON**

The development was publically notified on the basis of its overall building height. This is specified under Table 5 item 3 of the Zone, where ‘detached dwelling’ is listed as excluded from public notice, except where if it does not satisfy DTS/DPF 2.1 of the Zone (building height is no greater than 2 building levels and 9m).

Public notification was undertaken between 14 April 2022 and 9 May 2022

- **LIST OF REPRESENTATIONS**

Two (2) representations were received during the public notification period. One (1) was in support of the development with some concerns, while the remaining one (1) was not in support.

The representors are detailed below:

Representor Name	Representor’s Property Address	Wishes to be heard	Nominated Speaker (if relevant)
Adam Ordelman	46 Avenue Road, Stirling	Yes	Adam Ordelman
Susan Gorke	42 Avenue Road, Stirling	No	N/A

- **SUMMARY**

It should be noted that representor Adam Ordelman currently has a development application (number 21030783) under assessment for neighbouring land at 46 Avenue Road, which is currently on hold. This development is for ‘Two storey detached dwelling, combined fence & retaining walls (maximum height 3.6m) & retaining wall (maximum height 2.2m)’.

The following is a summary of the issues raised in the representations:

- Building height
- Side boundary setback of courtyard wall
- Design is not sympathetic to the semi-rural area
- Visual mass of side wall

- Overshadowing potential

In addition to their written response, the applicant has provided shadow diagram analyses (Winter solstice and September Equinox), 3D drawings, and a more detailed landscaping plan.

A copy of the representations are included as **Attachment 4 – Representations** and the applicant's response is provided in **Attachment 5 – Response to Representations**.

AGENCY REFERRALS

No agency referrals were required.

INTERNAL REFERRALS

- Council Engineering

The application was also referred to Council Engineering, who provided comment on the proposal regarding the requirements for a stormwater management plan and calculations to be provided. These details were later provided, and upon their review, no objections were had.

- Council Open Space

An earlier version of the proposal also included a masonry fence along the front boundary. Council Open Space considered this would have impacted the structural root zone of at least two large mature street trees. As such, the current version of the proposal has been amended to remove the front masonry fence.

PLANNING ASSESSMENT

Desired outcomes

Desired outcomes are policies designed to aid the interpretation of performance outcomes by setting a general policy agenda for a zone, subzone, overlay or general development policies module. Where a relevant authority is uncertain as to whether or how a performance outcome applies to a development, the desired outcome(s) may inform its consideration of the relevance and application of a performance outcome, or assist in assessing the merits of the development against the applicable performance outcomes collectively.

Performance outcomes

Performance outcomes are policies designed to facilitate assessment according to specified factors, including land use, site dimensions and land division, built form, character and hazard risk minimisation.

Designated performance features

In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF). A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in **Attachment 6 – Relevant P&D Code Policies**.

Rural Neighbourhood Zone

Desired Outcomes	
DO 1	Housing on large allotments in a spacious rural setting, often together with large outbuildings. Easy access and parking for cars. Considerable space for trees and other vegetation around buildings, as well as on-site wastewater treatment where necessary. Limited goods, services and facilities that enhance rather than compromise rural residential amenity.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 2.1 & DPF 2.1; PO 3.1 & DPF 3.1; PO 4.1 & DPF 4.1; PO 5.1 & DPF 5.1; PO 6.1 & DPF 6.1; PO 8.1 & DPF 8.1;	

It is recognised the allotment size of the subject land is inherently at variance with the first section of DO 1. However, with vehicle access and on-site manoeuvring demonstrated, sewer connection, and a limited building footprint allowing for vegetation around the site area, the proposal is considered to align with the DO.

The most apparent DPF-variance of the proposal relates to building height. DPF 2.1 advises that building heights be ‘no greater than 2 building levels and 9m and wall height no greater than 7m except in the case of a gable end’. The proposal, with 3 storeys and a building height/wall height of 10.6m, does not meet this. However, the DPF provision is only one way to satisfy the Performance Outcome (PO) and the overarching intent of PO 2.1 is for buildings to ‘contribute to a low-rise residential character and complement the height of nearby buildings’. With the proposal occupying the lowest area of the site, and set down below the road level by approximately 3m, its perceived height from public view is reduced by a full building level. Moreover, its building height would be below that of the side neighbour dwelling at 42 Avenue Road, due to the land form and site position of that dwelling. On this basis, PO 2.1 is considered satisfied.

Similarly, while the primary street setback of the proposed dwelling is less than that of the dwelling at 42 Avenue Road (not meeting part (b) of DPF 3.1), its 14m front boundary setback is still substantial, and similar to that of several dwellings further north to the west side of Avenue Road. The proposed setback is not considered to be inconsistent with the existing streetscape and therefore meets PO 3.1.

The building walls are setback from both side boundaries by 2m (satisfying DPF 5.1), although there is an outdoor courtyard wall which extends off the proposed residence and is sited along the side boundary shared with 46 Avenue Road. This wall has a total length of 4.2m along the boundary, and has been reduced from a maximum height of 3.5m to 3.2m following public notification. Given site level differences this will be approximately 3m above the existing tennis court level of 46 Avenue Road. On the basis of the narrow length of boundary wall and small land area of the site itself, this limited building along the boundary is considered acceptable and to not conflict with associated PO 5.1.

PO and DPF 6.1 with relation to rear boundary setback is met.

Adelaide Hills Subzone

Desired Outcomes	
DO 1	Additional residential and tourist accommodation that retains and embraces the values of the established mature vegetation as a defining characteristic of the area.

DO 2	Land division is sympathetic to the allotment pattern and characteristics within the locality.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
N/A	

While it is not considered that any POs of the Adelaide Hills Subzone are applicable to the proposal, it does align with DO 1. All but one of the existing trees on site are intended to be retained, along with the large mature street trees.

OVERLAYS

The proposal is not at variance with or impacted by the following Overlays: Hazards (Flooding – Evidence Required); Native Vegetation; Prescribed Water Resources Area.

The following are considered to be relevant Overlay matters, to varying degrees in assessment of the proposed development.

Hazards (Bushfire - Medium Risk)

Desired Outcomes	
DO 1	Development, including land division responds to the medium level of bushfire risk and potential for ember attack and radiant heat by siting and designing buildings in a manner that mitigates the threat and impact of bushfires on life and property taking into account the increased frequency and intensity of bushfires as a result of climate change.
DO 2	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1; PO 2.1; PO 3.1; PO 3.2 & DPF 3.2; PO 3.3; PO 5.2 & DPF 5.2; PO 5.3	

The proposed dwelling is located well within 60m of the roadside, allowing CFS vehicle access from the street and negating the requirement to accommodate on-site CFS vehicle manoeuvring. There is clear pedestrian access to the rear part of the proposed dwelling, along with ample space for the 2000L on-site fire-fighting water provision. The proposal is located on the flattest portion of the allotment, and its design would not be prone to trapping flammable debris. The proposal is not deemed at variance with any relevant provisions of the Code for bushfire hazard.

Mount Lofty Ranges Water Supply Catchment (Area 2)

Desired Outcomes	
DO 1	Safeguard Greater Adelaide's public water supply by ensuring development has a neutral or beneficial effect on the quality of water harvested from secondary reservoirs or diversion weir catchments from the Mount Lofty Ranges.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1; PO 2.1 & DPF 2.1; PO 2.4 & DPF 2.4; PO 2.5 & DPF 2.5; PO 3.1; PO 3.2; PO 3.3; PO 3.9 & DPF 3.9; PO 4.1	

Council Engineering has identified that the property has the ability to manage stormwater runoff created by the proposed dwelling and there are no concerns regarding wastewater management or harmful impacts on water quality in association with the residential use. Although the proposed earthworks exceed 750mm in height (at variance with DPF 3.9), these will be retained and managed appropriately so that storm water quality is not detrimentally impacted.

Regulated and Significant Trees

Desired Outcomes	
DO 1	Conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1; PO 1.2; PO 1.4, PO 2.1	

A tree assessment report was prepared on behalf of the applicant by Lawrence Skipworth-Michell (Dip Arb. Grad. Cert. Arb.) from LSM Tree Advice in relation to the regulated tree - *liquidambar styraciflua* proposed for removal. In their assessment, the tree is considered to be of ‘good vigour and good condition’, although its significance within the landscape is rated as ‘low’. Against the Sustainable Retention Index Value (SRIV) matrix, it was assigned a retention value of ‘medium’. The report supported the removal of the tree.

While the tree is in good health with a reasonable life expectancy (15-40 years), it is not considered to make an important contribution to local character and amenity. It is set back in the allotment away from the road reserve and front boundary, and obscured by the large mature street trees that line the west side of Avenue Road. The tree is especially hard to discern from the roadside during warmer months, when deciduous vegetation is in leaf. The tree is exotic and is not a habitat for native fauna. The tree does not therefore meet any of the criteria of PO 1.1 and its removal is not considered to be at variance with PO 1.1.

Due to the central location of the tree on the allotment, avoiding its outright removal, or at least significant impact on its root system, would be difficult. Pushing the proposal further back would result in the removal of two other mature trees (one regulated –although within 20m of an existing dwelling), while also requiring more significant earthworks to accommodate for the steeper location. As such, its removal accommodates the reasonable development of the land in accordance with the zone provisions and is not considered at variance with PO 1.4. As part of the proposed landscaping plan the applicants propose to plant two replacement trees on the land.

GENERAL DEVELOPMENT POLICIES

Clearance from Overhead Powerlines

Desired Outcomes	
DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1 & DPF 1.1	

A declaration was made by the applicant upon submission of the application that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996.

Design

Desired Outcomes	
DO 1	Development is: <ul style="list-style-type: none"> (a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributing to the character of the immediate area (b) durable - fit for purpose, adaptable and long lasting (c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors (d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 6.1 & DPF 6.1; PO 8.1 & DPF 8.1; PO 8.2 & DPF 8.2; PO 8.3; PO 8.4; PO 8.5; PO 10.1 & DPF 10.1; PO 10.2 & DPF 10.2; PO 11.1 & DPF 11.1; PO 11.2 & DPF 11.2; PO 12.1; PO 14.1 & PO 14.1; PO 15.1; PO 17.1 & DPF 17.1; PO 19.1 & DPF 19.1; PO 19.1 & DPF 19.1; PO 19.2 & DPF 19.2; PO 19.3 & DPF 19.3; PO 19.4 & DPF 19.4; PO 19.5 & DPF 19.5; PO 19.6 & DPF 19.6; PO 20.1; PO 21.1 & DPF 21.1; PO 22.2; PO 23.3; PO 22.4 & DPF 22.4; PO 24.4 & DPF 24.4	

Although the extent of excavation exceeds DPF 8.1 (a) (1m in vertical height), these works are retained against the proposed dwelling. In considering as well that the proposal occupies the most level area of the subject land with a relatively small footprint, the intent of PO 8.1 is considered met.

DPF 8.2 advises that driveway accesses should not exceed 25% gradient. A 6.3m long portion of the proposed internal driveway will have a gradient of 30%, while the driveway crossover and remainder of the internal driveway gradient will not exceed 15%. This includes the visitor parking and manoeuvring area, which has a gradient of 3.8%. Considering the topography and existing embankment, and that the driveway will be paved with an all-weather trafficable material, PO 8.2 is considered met.

Potential of overlooking from the proposed dwelling is low. There are no windows located on the southwest side of the dwelling, while the upper level balcony/garden area on the northeast side could only look over the front yard of 42 Avenue Road (who themselves will likely be in a position to overlook the development). The upper level rear windows of the proposal face toward its backyard, and due to a significant difference in levels, is at no risk of overlooking the rear properties at 4 Laurel Road or 12 Laurel Road. PO 10.1 and 10.2 are considered met.

While a front entry door is not visible from the street, the proposed dwelling still addresses the street, with entry via the open carport under the main roof. The entry point will be legible for visitors, meeting PO 11.2.

With regard to PO 15.1, the visual mass of the proposal when viewed from the street is reduced by the difference in levels, with the lower level of the proposal being approximately 3m below that of the road. Large mature street trees and vegetation between the building and the street also help to obscure its built form.

While such features are not present in relation to the side walls of the proposal, the limited length of the of these walls (15.40m), combined with the combination of different bricks finishes, and the detailed landscaping plan (which includes evergreen wall creepers), all contribute to meaningfully reducing the visual mass of the proposal from the adjoining allotments. Overall, the PO is considered met.

The proposal is oriented to face the primary street, and located centrally within the site with a front boundary setback that is consistent with the existing streetscape. The proposal is not considered to be at variance with 'amenity' PO 22.2

Finally, there is adequate private open space to the rear of the proposed dwelling, along with soft landscaping, car parking and access, and waste storage, ensuring the remaining relevant assessment criteria of the Design general development provisions are met.

Infrastructure and Renewable Energy Facilities

Desired Outcomes	
DO 1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 11.1 & DPF 11.1; PO 12.1 & DPF 12.1; PO 12.2 & DPF 12.2	

Council mapping indicates that there is an existing SA Water meter on site, along with SA water sewer infrastructure along Avenue Road. No on-site waste control system will be located on the subject land.

Interface between Land Uses

Desired Outcomes	
DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 3.1 & DPF 3.1; PO 3.2 & DPF 3.2; PO 3.3	

While POs 3.1, 3.2, and 3.3 evidently refer to avoiding overshadowing of *existing* residential land uses, the applicant has elected to provide shadow diagrams in their response to representations. The diagrams include their neighbour's proposed dwelling for 46 Avenue Road, which is currently under assessment.

The diagrams demonstrate that the northeast-facing living room, games room, and third bedroom of the neighbouring proposal will all receive at least 3 hours of direct sunlight between 9:00am – 3:00am on 21 June, as per DPF 3.1. The main bedroom on the ground level will receive 2 hours of direct sunlight between that timeframe, although it (and the whole dwelling) will go un-shadowed after 1pm. Considering the orientation of the allotments and the neighbouring proposed dwelling is actually northeast rather than strictly north, on balance, PO 3.1 is considered satisfied.

The proposal does not overshadow the backyard of the neighbouring proposed dwelling at any point between 9:00am and 3:00pm, while its courtyard is mostly un-shadowed after 12:00pm. This satisfies DPF 3.2 and associated PO 3.2.

The diagrams also demonstrate that at no point after 10am on 21 June does the proposal overshadow the roof of the proposed neighbouring dwelling where their rooftop solar panels are planned to be placed. This satisfies PO 3.3

Site Contamination

Desired Outcomes	
DO 1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1 & DPF 1.1	

The subject land is vacant and shows no evidence of any potential site contaminating activities in historic aerial mapping. It is located in a neighbourhood-type zone, and is considered to have been created for a residential use.

Transport, Access and Parking

Desired Outcomes	
DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 5.1 & DPF 5.1; PO 10.1	

The proposal includes off-street undercover parking for at least two vehicles, along with space for at least two more vehicles outside cover.

CONCLUSION

The proposal is for a three storey detached dwelling at 44 Avenue Road, Stirling. In connection with this, tree-damaging activity, in the form of the removal of one regulated liquidambar tree is also included in the application. The subject land is located in the Rural Neighbourhood Zone, among existing residential land uses.

The proposal is considered to largely align with the relevant provisions of the Rural Neighbourhood Zone in relation to dwelling development. While the proposal does not meet the qualifiable building height limits advised by the relevant DPF of the zone, the favourable topography of the site and neighbouring residential heights mean that it would not conflict with the existing low-rise character of the locality.

The visual mass of the side walls of the proposal when viewed by adjoining allotments is limited by the length of the proposal, which features a combination of grey brick and light sand render finishes to the façade. The landscaping included in the application will also contribute to reducing the visual mass of the walls from this perspective. The shadow diagrams provided demonstrate that the proposal will not adversely overshadow any existing *or* proposed development on adjoining land.

The removal of the regulated liquidambar tree is supported by an arboriculture report, and while it is of good health and life expectancy, it occupies a central location within the site. The tree is not considered to make an important contribution to the character and amenity of the area, and its removal for the reasonable development of the land is considered acceptable, subject to replacement planting of two trees as part of the landscaping for the development.

The proposal complies with the provisions of the remaining relevant overlays and general development policies of the Planning & Design Code.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

- 1) 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**
- 2) Development Application Number 21027366 by Benjamin Pitman and Jasmine Placentino, for three storey detached dwelling and tree damaging activity (removal of one regulated tree) at 44 Avenue Road, Stirling is granted Planning Consent subject to the following conditions:**

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below:**
- 2) The external finishes to the building herein approved shall be as follows:
WALLS: Krause 'Grey Ghost' bricks and light sand render or similar
ROOF: Concrete or similar**
- 3) The vehicle access point and cross over shall be constructed in accordance with Adelaide Hills Council standard engineering detail SD13 - residential vehicular crossing paved for sealed road with kerb and SD16 – allowable crossover locations, within 3 months of occupation/use of the development.**
- 4) Prior to construction of the approved development straw bales (or other soil erosion control methods as approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during periods of rainfall.**
- 5) All roof runoff generated by the development hereby approved shall be directed to a rainwater tank with overflow to the street or a Council drainage easement (via a pump if necessary) in accordance with engineering detail SD25 within one month of the roof cladding being installed. All roof and hard paved water runoff shall be managed to prevent trespass onto adjoining properties and into the effluent disposal area where an on-site waste control system exists.**
- 6) A supply of water independent of reticulated mains supply shall be available at all times for firefighting purposes and shall**
 - Have a minimum supply of 2,000 (two thousand) litres of water**
 - Be located such that it provides the required water;**

- Be constructed of non-combustible material where an above ground tank
 - Be fitted with domestic fittings (standard household taps that enable an occupier to access a supply of water with domestic hoses or buckets for extinguishing minor fires);
 - Have an outlet located at least 400mm above ground level with no obstructions for a distance of 200mm either side of the outlet; and
 - Have an automatic float switch to maintain full capacity where Mains Water is available.
- 7) All external lighting shall be directed away from residential development and shielded if necessary to prevent light spill causing nuisance to the occupiers of those residential properties.
- 8) Landscaping, including 2 (two) replacement trees detailed in the 'Landscape Plan' shall be planted in the planting season following occupation and maintained in good health and condition at all times. Any such vegetation shall be replaced in the next planting season if and when it dies or becomes seriously diseased.

The replacement trees cannot be planted within 10 m of an existing dwelling or an existing in-ground swimming pool.

ADVISORY NOTES

General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
- 5) 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).

OFFICER MAKING RECOMMENDATION

Name: Sebastien Paraskevopoulos
Title: Statutory Planner