

SPECIAL CAP MEETING – 6 MARCH 2024

ITEM 8.1

DEVELOPMENT NO.:	23020199
APPLICANT:	Development Holdings Pty Ltd
ADDRESS:	52 POMONA RD STIRLING SA 5152
NATURE OF DEVELOPMENT:	Change of use to childcare centre including alterations and additions to a Local Heritage Place, deck, retaining walls and fencing with associated car parking and landscaping
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Rural Neighbourhood <p>Subzones:</p> <ul style="list-style-type: none"> • Adelaide Hills <p>Overlays:</p> <ul style="list-style-type: none"> • Hazards (Bushfire - Medium Risk) • Local Heritage Place • 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 (Minimum site area is 2,000 sqm)
LODGEMENT DATE:	18 July 2023
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	2023.9
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Doug Samardzija Senior Statutory Planner
REFERRALS STATUTORY:	None
REFERRALS NON-STATUTORY:	Council's Engineering Council's Local Heritage Advisor Council's Environmental Health

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DETAILED DESCRIPTION OF PROPOSAL:

The proposal is for a change of use to childcare centre including alterations and additions to a Local Heritage Place, deck, retaining walls and fencing with associated car parking and landscaping.

A childcare centre falls within the ambient of a childcare facility which is defined in the Planning & Design Code as:

A place primarily for the care or instruction of children of less than primary school age, children with special needs or out-of-school-hours care (including vacation care) and not resident on the site.

This childcare proposal can be broken up into the following elements:

1. Alteration and part demolition of a Local Heritage Place:

- Demolition and removal of later additions to the Local Heritage Place including the removal of the surrounding paving and the retention of the original footprint of the coach house.
- Demolition and removal of existing verandah, carport and shed.
- Removal of major portion of internal walls of the Local Heritage Place
- Removal and replacement of existing doors and windows where required with new to match the existing.
- Internal alterations and configuration of the floor plan to include:
 - Two nursery rooms accommodation a total of 24 children and 6 staff members with total combined floor area of 94m².
 - Two separate cot rooms.
 - New toilet and “prep” area for staff only to wash up, store personal belongings and prepare activities for the children.
 - Connecting hallway to the new rear addition.
 - Connecting large outdoor grassed area of 180m² to the east of the Local Heritage Place with capacity for 24 places.

2. Two storey addition to the rear of the Local Heritage Place:

- Ground level of the addition connects directly with the local Heritage Place and is the largest portion of the childcare facility. It includes:
 - A connecting hallway with the Local Heritage Place.
 - Three large toddler rooms with combined 51 places and 11 staff members with a total floor area of 173m². Two of the rooms have shared toilet and “prep” rooms whilst one has a standalone toilet and “prep” room for staff only to wash up, store personal belongings and prepare activities for the children.
 - Additional cot room with 7 cots which backs onto the two cot rooms within the Local Heritage Place.
 - Reception area.
 - Office space.
 - Connecting stair and lift.
 - Shared wet areas including the toilet, laundry, and a large kitchen to the very rear of the building.
 - Connection to second large outdoor grassed area of 370m² to the east of the building with a 51-child capacity.

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- First level of the addition includes:
 - Connecting stairs and lift.
 - Two large kidney shaped rooms with combined 44 places and 4 staff members with a total combined floor area of 146m².
 - Shared toilet and “prep” room for staff only to wash up, store personal belongings and prepare activities for the children.
 - Shared toilet and hallway.
 - Staff room.
 - Deck.
 - Connecting large outdoor grassed area of 315m² to the rear of the building with capacity of 44 places.

3. Other details of the proposal include:

- The total combined footprint of the childcare facility is 679m² with a total floor area of 984m² including 230m² of existing floor area utilised. The total combined outdoor play area is 865m².
- The facility retains the single storey element along the front which is the existing Local Heritage Place with the additions to the rear continuing that single storey profile and evolving into two storey with 6.2m wall height. The overall height of the addition is 7.7m to the apex of the roof.
- External materials and finishes of the building are comprised of a composite of Hebel panelling, weatherboard, scyon axon cladding, vertical timber battens and Colorbond sheet metal roofing and fencing and well as timber picket fencing. The colour palette generally comprises a mixture of light and darker tone natural finishes, with landscaping and timber accents to add further articulation and soften the external surfaces of the building.
- The setbacks proposed are 4.7m to Pomona Road, which maintains the existing setback of the Local Heritage Place, 4.7m from the eastern boundary, 20.7m from the western boundary and 8.1m setback from the rear boundary.
- 30 space car park area including one DDA compliant space along with the turning area. The parking area is proposed along the western portion of the allotment with a 5.76m setback from the front allotment boundary, 2.4m setback from the western boundary and a 2.8m setback from the rear boundary at its closest point. The carpark surface will be concreted.
- Retaining walls and fencing. Retaining walls are proposed to range in height throughout the site with the freestanding walls anticipated to be a maximum of 2.2m in height. The rear wall of the addition will act as a retaining wall and have a height of 3.85m. Colorbond fencing is proposed to the eastern, western and rear boundaries. Further fencing is found parallel to the western boundary between the entry and the car park, behind the car parking and service/bins area, and along the internal perimeter of the outdoor play spaces to the front, side and rear. The majority of the fencing is proposed to be Colorbond style to satisfy the acoustic requirements stipulated in the Sonus report and is proposed in Woodland Grey finish to satisfy the heritage requirements. Additional capped timber picket fencing is purposed in certain areas of the site. Overall, the height of the fences will range between 1.8m and 2.5m.
- Due to the slope of the land earthworks include a maximum cut of 3.85m along the rear portion of the allotment to accommodate the two-storey addition. Additional earthworks to accommodate the required car parking area is also required.

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- Landscaping is proposed around the building and associated outdoor play areas as well as around the car parking area.
- A single non-illuminated advertising sign on the wall of the building is proposed with dimensions of 1.5m in height and 4.6m in width.

4. Operational matters of the childcare facility are as follows:

- Total capacity for a maximum of 118 children and a maximum of 21 staff at any one time.
- Hours of operation – Monday to Friday, 6:30am until 6:30pm.
- Waste will be stored in an enclosed space on the ground level and collected by a private contractor using Medium Rigid Vehicles to a length of 8.8m. It is anticipated that waste collection will occur twice a week or more, depending on the need. Pick up is to occur between 9am and 7pm on Saturday and 7am and 7pm Monday to Friday.

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

- Traffic and parking assessment
- Stormwater management
- Acoustic assessment

BACKGROUND:

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
02/09/2009	473/626/2009	Significant Tree Removal - 1 Picea (spruce) from road reserve adjacent to 52 Pomona Road, Stirling
13/06/2007	473/336/2007	Significant Tree Removal - One(1) Picea orientalis (Oriental Spruce)
03/03/1981	1416	Home Activity (Land Agent Office)
13/04/1976	10370	Garage

SUBJECT LAND & LOCALITY:

Location reference: 52 POMONA RD STIRLING SA 5152

Title ref.: CT 5355/911

Plan Parcel: F158404 AL58

Council: ADELAIDE HILLS COUNCIL

Site Description:

The subject land is an irregular shaped allotment of approximately 3022m² in area with a 57.9m frontage on the higher side of Pomona Road. The subject land is one of the larger allotments in the locality. The allotment has a gentle cross fall east to west with the western portion of the allotment being relatively flat.

The subject land is one of the established allotments in the locality containing a Local Heritage Place along the front eastern portion of the property. The existing building is used as a dwelling currently and was formally the coach house for the nearby Duncraig property and associated with the noted pastoralist Walter Hughes Duncan. The building can be described as a single storey building with stone walls and rendered surrounds and corrugated iron roof.

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Other site features include associated domestic structures, paving and fencing. The site also features dense vegetation surrounding and to the rear of the dwelling. None of the vegetation has been identified as being native or containing regulated trees.

Locality:

The locality can be divided into two parts. The first one being that of the immediate locality which can be described as having an established neighbourhood character with a mixture of allotment shapes and sizes predominantly used for residential purposes. The second part is the one of a wider locality being stretching further west along Pomona Road to the roundabout at the intersection with Mount Barker Road which can be described as one of mixed allotment sizes with uses ranging from residential to commercial uses.

All the properties in the locality face Pomona Road, Merion Terrace, Gould Road, and Duncraig Lane all of which are two-way streets under the care and control of Adelaide Hills Council. Immediately to the north and running parallel to Pomona Road is the South-Eastern Freeway.

The building profile in the locality is a mixture of older and newer housing stock of both single and double storey in nature. The locality is also defined by dense and mature vegetation found either along the council road reserve or on private properties.

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 - Childcare Facility: Code Assessed - Performance Assessed
 - Advertisement: Code Assessed - Performance Assessed
 - Deck: Code Assessed - Performance Assessed
 - Change of use: Code Assessed - Performance Assessed
 - Fence: Code Assessed - Performance Assessed
 - Retaining wall: Code Assessed - Performance Assessed
 - Partial demolition of a building or structure: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
 - Code Assessed - Performance Assessed
- **REASON**
 - P&D Code - The proposal is not listed as Accepted, Deemed to Satisfy or Restricted in the Planning & Design Code, so it defaults to being a Performance Assessed type of development.

PUBLIC NOTIFICATION

- **REASON**
 - A childcare facility is not listed as being exempt from public notification in Table 5 procedural matters of the Rural Neighbourhood Zone. The proposal is not considered to be a minor form of development, and therefore public notification was required.

Public Notification period – 16 October 2023 to 3 November 2023.

- **LIST OF REPRESENTATIONS**
 - Seventy (70) representations were received during the public notification period. Twenty-three (23) representors wish to be heard in support of their written representation. The representors details are below.

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Name of Representor	Address of Representor	Nominated Speaker
Jonathan Ashby	13 Duncraig Lane, Stirling	TBA
Hazel Ashby	2/86 Queen Street, Norwood	TBA
Kristen Beltrame	50 Pomona Road, Stirling	Kristen Beltrame
Nathan Brown	28 Merrion Terrace, Stirling	Nathan Brown
Phillip Brunning	27 Halifax Street, Adelaide	Phillip Brunning
Robert Bullock	8 Fowler Street, Woodside	Me Jono Ashby
Jane Chapman	PO Box 440, Stirling	Jane Chapman
Leong Charlesworth	22 Snows Road, Aldgate	TBA
Hayley Conolly	13 Duncraig Lane, Stirling	TBA
Helen & Greg Favretto	30 Main Avenue, Frewville	Helen & Greg Favretto
Marion Favretto	14 Duncraig Lane, Stirling	Helen Favretto
Michael French	PO Box 291, Crafers	Michael French
Vanessa & Jason Geerts	46 Pomona Road, Stirling	TBA
Richard Gunner	104 Old Mount Barker Road, Stirling	TBA
Iain Hay	80 Old Mount Barker Road, Stirling	Iain Hay
John Hill	118 Piccadilly Road, Crafers	John Hill
Chloe McLeod	28 Merrion Terrace, Stirling	Chloe McLeod
Stephen Morton	3 Vista Terrace, Stirling	Stephen Morton
Sameer Pandey	10 Bradshaw Avenue, Crafers	Sameer Pandey
Darren Peisley	9 Duncraig Lane, Stirling	Darren Peisley
Amanda Peisley	9 Duncraig Lane, Stirling	Amanda Peisley
Laura Prest	56 Pomona Road, Stirling	Laura Prest
Thomas Prest	56 Pomona Road, Stirling	Thomas Prest

Representors who do not wish to be heard:

Name of Representor	Address of Representor
Stevie Abbott-Richards	110 Old Mount Barker Road, Stirling
Ruth Ambler	38 Merrion Terrace, Stirling
Matthew Armstrong	36 Merrion Terrace, Stirling
Rachel Baulderstone	12 Vista Terrace, Stirling
Tiffany Bond	20 Coromandel Road, Aldgate
Gavin Burgess	67 Gould Road, Stirling
Leah Chandler	PO Box 721, Strathalbyn
Jane Conners	55 Pomona Road, Stirling
Grace Crowley	19 Lewis Avenue, Glen Osmond
Chad Elsegood	11 Vista Terrace, Stirling
Anthony & Sarah Ferencz	57 Pomona Road, Stirling
Phillip Forrest	19 Vista Terrace, Stirling
Jessica Grbin	8 Vista Terrace, Stirling
Frank Guerriero	61 Snows Road, Stirling

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Elizabeth Gunner	104 Old Mount Barker Road, Stirling
Russell Gwynne	38 Bradshaw Avenue, Crafers
Alison & Keith Hentschke	59 Gould Road, Stirling
Driller J Armstrong	402 Mount Barker Road, Bridgewater
Jason Jacob	61 Pomona Road, Stirling
Katherine Jacob	61 Pomona Road, Stirling
John Kallin	PO Box 453 – 1 Vista Terrace, Stirling
Ann Kellett	29 Merrion Terrace, Stirling
Carolyn Kew	28 Gould Road, Stirling
Mark Logan	12 Hill Street, Crafers West
Victor Manley	63 Old Mount Barker Road, Stirling
Kris Morrison	3/15 Druid Avenue, Stirling
Sheridan Morton	3 Vista Terrace, Stirling
Lesley Nadin	40 Pomona Road, Stirling
Melissa Newman	5 Gould Road, Stirling
Gail Newman	25 Vista Terrace, Stirling
Andrew Newman	25 Vista Terrace, Stirling
Geoffrey Purdie	51 Milan Terrace, Stirling
Alexandra Renneisen	PO Box 394, Stirling
Matt Richards	14 Lesley Crescent, Crafers
Vince Rigter	38 Braeside Road, Stirling
Amanda Rischbieth	10 St Margaret Drive, Aldgate
Paul Rogers	PO Box 180, Marlestone
Grace Rudd	1 Gould Lane, Stirling
Nick Smart	PO Box 120, Oakbank
Michael Spalding	76 Old Mount Barker Road, Stirling
Connor Spriggins	69 Old Mount Barker Road, Stirling
Emma Spriggins	69 Old Mount Barker Road, Stirling
Ann Temme	1 Braeside Road, Stirling
Mark Thomas	28 Sheoak Road, Crafers West
Liang Tian	97 Old Mount Barker Road, Stirling
Sam Tregoweth	47 Braeside Road, Stirling
Alicia Woolfall	11 Alta Crescent, Stirling

● SUMMARY

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

- Increase in traffic movements, traffic impacts/safety and parking.
- Noise impacts.
- Multiple childcare facilities exist in the locality.
- Impact on the Local Heritage Place.
- Impact on the residential area.
- Detract from locality.
- Inappropriate bulk and scale.
- Extent of excavation.
- Loss of vegetation.
- Increased stormwater runoff.
- Light pollution.

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The representations are included in **Attachment 4 – Representations** and the applicant’s response is provided in **Attachment 5 – Response to Representations**.

AGENCY REFERRALS

None

INTERNAL REFERRALS

- Council’s Engineering

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

1. Traffic management.
2. Stormwater management.

The following comments were provided:

- Crossover is to be constructed in accordance with Council Standard Detail Drawing SD15.
- Access width of 6m is acceptable across Council verge.
- Existing access points are to be removed with kerbing and verge to be reinstated to match existing.
- Car parking facilities are to be in accordance with Australian Standards as indicated.
- Car park kerbing is to be less than or equal to 0.15m in height as indicated to allow a 0.60m vehicle overhang.
- Pedestrian ramp to be provided as indicated adjacent the accessible car parking.
- All roof stormwater is to be directed to a minimum 20 KL detention tank with a restricted discharge of 9 L/sec via a 50.86mm orifice.
- All car park stormwater is directed to a “rain-garden” to treat the runoff. Stormwater is then directed to a 31 KL detention tank with a restricted discharge rate of 5 L/sec.
- Secondary back up pump is to be provided in case of pump failure.
- All stormwater discharge from the play area is to be directed to the street without restriction at a maximum rate of 12.66 L/sec.
- Stormwater discharge to the street is to be in accordance with Council Standard Detail Drawing SD25.

- Council’s Environmental Health

Advised the applicant of Food Act 2001 requirements.

- Council’s Local Heritage Advisor

Council Heritage Advisor has reviewed the plans along with the heritage report prepared by DASH Architects and subject to couple of requests and amendments have advised that they are satisfied with the proposal. The following comments were provided:

- Change of use – can be supported for adaptive reuse. The level of legibility remains relatively unchanged, and its significance does not appear to be compromised.
- Demolition of many internal walls is not typically encouraged but can be considered acceptable. The heritage report notes substantial changes over time and a lack of clarity regarding original walls. The noted extent of original walls appears predominantly retained in the proposal, along with the majority of existing wall openings. Any modification or repair work to existing stonework is to be undertaken by suitably experienced trades using appropriate materials.
- Extension – the proposed two-storey extension significantly increases the built area and volume on the site, however the upper level is set well back behind the existing building so should not overly dominate the LHP. The site slopes up to the rear and meets the proposed upper level, which will also help the addition to appear appropriate in scale particularly from surrounding properties. While the form, proportions and fenestration of the addition do not specifically appear to reference the LHP the design does not detract from its heritage value. On the whole, the impact of the two-storey component appears relatively well managed

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and contained within the property. The proposed car park is a very large expanse and creates a clear viewing corridor to the rear addition. We understand that hedging is proposed but suggest the applicant could consider additional trees to help screen the visual impact of the large rear addition from the street, and to maintain the leafy setting of the LHP. This request will form part of the requirement to provide a detailed landscaping plan as part of the reserve matter.

- Colours and materials are overall acceptable.

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.

A detailed assessment of the application has taken place against the relevant provisions of the Planning and Design Code (P & D Code) and this is provided below under a series of headings. A Policy Enquiry extract containing the relevant provisions of the P & D Code is contained in **Attachment 6 – Relevant P & D Code Policies**.

Rural Neighbourhood Zone:

Desired Outcome	
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 Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Land Use & Intensity PO 1.1 & DPF 1.1, PO 1.2 & DPF 1.2, PO 1.3, PO 1.4	
Building Height PO 2.1	
Primary Street Setback PO 3.1 & DPF 3.1	
Side Boundary Setback PO 5.1 & DPF 5.1	
Rear Boundary Setback PO 6.1 & DPF 6.1	
Advertisements	

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PO 10.1 & DPF 10.1

PO 1.1 seeks predominantly residential development with complimentary ancillary non-residential uses compatible with a spacious and peaceful lifestyle of individual households with the corresponding DPF listing a number of uses that are envisaged. A childcare facility is one of those uses. In addition, 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 considered that a childcare facility is the type of use which is acceptable generally and required to support the younger demographic within the immediate locality and the wider community. This is further backed by PO 1.4 which specifically seeks that non-residential development is located and designed to improve community accessibility to services such as educational facilities and childcare facilities.

Although a capacity of 118 children is a larger childcare facility in the context of the locality, the zoning clearly anticipates these types of uses as evident in DO 1, PO 1.1/DPF 1.1 and PO 1.2 and PO 1.4(b) as long as interface with adjoining sensitive receivers can effectively be managed. In the recent case of *Development Holdings Pty Ltd v City of Salisbury Assessment Panel & Anor [2024] SAERDC 6* it was accepted that whilst the Performance Outcome might seek that the development maintains residential amenity, the term maintenance does not require the development to be without any effect. If, after undertaking that assessment, a conclusion is reached that the residential amenity is maintained (i.e. preserved), then the development is in accordance with this performance outcome. It is anticipated that the proposal will have some small level of impact on the amenity of the locality due to the change in the traffic movements and the nature of the use. The accompanying reports from Cirqa relating to traffic movements and Sonus report relating to noise impacts have concluded that the impacts on the amenity of the locality are of reasonable nature provided that appropriate measures are implemented to ensure safe vehicle movements and that noise levels are kept within the required noise level criterion. Additionally, the hours of operation proposed are within reasonable timeframe and consistent with the typical hours of operation associated with childcare facilities. The hours are also within the anticipated times when most households would be starting and finishing their days whilst the limit on weekend operating ensures that there is minimal impact on adjoining residents at times when they are expected to be sleeping or spending majority of time at home.

As far as the physical attributes of the proposed development are considered, the Code cannot contemplate nor expect non-residential development to replicate the built form of a dwelling given its intended use. The requirement for a larger floor area and associated car parking are generally not associated with residential uses. That being said, the design of the proposed child care facility has been well considered and utilises many residential built form characteristics which would ensure that the design compliments the existing built form in the locality as much as practically possible. The development is being integrated with the existing Local Heritage Place and includes removal of later additions to the heritage place which will improve its overall appearance.

All the new building work that is proposed will be to the rear of the Local Heritage Place with a deep setback from the front allotment boundary whilst at the same time maintaining adequate setbacks from the side and rear boundaries. The maximum wall height of the two-storey element is 6.2m whilst the overall height of the addition is 7.2m which is no different to a typical two storey dwelling design in the locality. Due to the topography of the land the addition to the rear of the Local Heritage Place will be located on excavated land to a maximum depth of 3.85m which reduces the vertical profile of the building. Overall, the design utilises a wide range of residential built form characteristics to complement the locality and to ensure that visual impacts are contained within the property.

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Adelaide Hills Subzone:

Desired Outcome	
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.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Land Use & Intensity PO 1.1 & DPF 1.1	

The Adelaide Hills Subzone doesn't provide any specific guidance on childcare facilities as it is only focused on providing more specific policies on envisaged land divisions, residential development with a limited range of additional accommodation options and, more specifically supported accommodation and tourist accommodation. With that being said, the Subzone does not have specific policies which restrict development outside of land division, residential and tourist accommodation use. Desired Outcome 1 of the Subzone envisages additional residential accommodation that retains and embraces the values of the established mature vegetation as a defining characteristic of the area. In the recent Supreme Court case *Geber Super Pty Ltd v The Barossa Assessment Panel [2023] SASC 154* the judgment concluded that Desired Outcomes assist in the interpretation of Performance Outcomes; they are not policies in their own right. Rather, they set a general policy agenda which informs the Performance Outcomes. Given that the Subzone lacks any Performance Outcomes relevant to the proposed development it is the view of planning staff that the Subzone in this instance has little work to do.

Overlays:

Hazards (Bushfire – Medium Risk) Overlay

Desired Outcome	
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 Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Siting PO 1.1	
Built Form PO 2.1	
Access PO 5.1 & DPF 5.1	

Hazards (Bushfire – Medium Risk) Overlay policies are silent on childcare facility development unlike in the case of Hazards (Bushfire – High Risk) Overlay.

The Overlay still seeks to ensure that safe and effective access and evacuation of fire fighting vehicles, emergency personnel as well as occupants and visitors is provided. The surrounding sealed, public road network is suitable to facilitate emergency service access to the land and the car park area as envisaged by DO 2 and PO 5.1.

The building itself is fully enclosed and will be constructed of appropriate materials to ensure it satisfies the required building code standards.

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Additionally, whilst the policies are not directly relevant to childcare facilities it is important to mention that whilst the property has a slight rise from Pomona Road, the works are not proposed on steep slopes and are located away from vegetated areas that pose an unacceptable bushfire risk.

Recommended advisory note five (5) encourages the facility operator to develop a bushfire risk management plan.

Local Heritage Place Overlay

Desired Outcome	
DO 1	Development maintains the heritage and cultural values of Local Heritage Places through conservation, ongoing use and adaptive reuse.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Built Form	PO 1.1, PO 1.2, PO 1.3, PO 1.4, PO 1.5, PO 1.6, PO 1.7, PO 2.1, PO 2.2, PO 3.1, PO 3.2, PO 3.4
Demolition	PO 6.1, PO 6.2
Conservation	PO 7.1

The subject land contains a Local Heritage Place, more specifically the dwelling on the site which was formally the coach house for the nearby Duncraig property and associated with the noted pastoralist Walter Hughes Duncan. The building can be described as a single storey building with stone walls and rendered surrounds and corrugated iron roof. The building also contains additions which were added at a later date to the rear and the side of the original coach house. The proposal now seeks to demolish those later additions and to replace existing door and windows and to construct a large two storey addition to the rear. The works include internal modifications of the local heritage place with demolition of internal walls to integrate it into one single building.

Whilst the building has always been used as a residence, the relevant policies in the overlay do encourage adaptive reuse and revitalisation of Local Heritage Places. The proposal through its intended use and considered design has demonstrated that it achieves this. Council's heritage advisor reviewed the proposal and considers that the significance of the heritage place is not compromised by the proposal and the level of its legibility remains relatively unchanged.

The Overlay puts a high degree of emphasis on the built form to ensure that any works proposed to the Local Heritage Place maintains its heritage values and setting. As outlined earlier in the report, the bulk of the works proposed are two storey alterations and additions to the rear of the heritage place with a gentle single storey transition between the Local Heritage Place and the two storey addition. Whilst the works proposed will heavily increase the built form on the subject land, the location of the works ensures that its visual impacts from the public realm or neighbouring properties are minimised and will ensure that heritage values of the property remain its focal feature. Council's heritage advisor has also considered the design and whilst it is acknowledged that the form, proportions, and fenestrations do not specifically appear to reference the Local Heritage Place, as a whole the impact appears well managed, contained within the property and does not detract from the heritage value.

Consideration was also given to the large car parking area proposed to the side of the Local Heritage Place. No specific objections were given to the car park however it was suggested that additional trees be considered in the landscaping plan to help screen the visual impacts of the large rear addition from the street, and to maintain the leafy setting of the place. A Reserved Matter has been recommended requiring that a detailed landscaping plan be provided for the entire site.

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In terms of direct works impacting the Local Heritage Place, as outlined above, with the exception of the demolition of the later additions to the heritage place the bulk of the works that are proposed are internal to the building. The demolition work will improve the heritage value of the building as it will remove additions that are out of character. On the other hand, whilst removal of internal walls is generally not encouraged, in this instance the heritage consultant is of the opinion that substantial changes had been undertaken to the internal walls over time and as such there is lack of clarity regarding the original walls. The applicant has also confirmed that any replacement of doors and windows to the Local Heritage Place will be finished in style to match existing character. It is therefore considered that any works to the Local Heritage Place including conservation works are acceptable provided they are undertaken by suitably qualified trades using appropriate materials.

Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay

Desired Outcome	
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 Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Water Quality PO 1.1 & PO 1.2 & DPF 1.2	
Wastewater PO 2.1, DPF 2.1	
Stormwater PO3.1, PO3.3, PO3.9 & DPF 3.9	
Landscapes and Natural Features PO4.1	

The subject land is connected to mains sewer and as such all the wastewater infrastructure will be connected into existing SA Water sewer and will therefore ensure that the development maintains neutral or beneficial effects on the quality of water draining from the site.

A detailed stormwater management plan has been designed and reviewed by Council's Engineering. The plan proposes to have the roof runoff captured in a ground detention tank with restricted outflow. The complete system has been designed with controlled release to ensure that the post and predevelopment flows discharge to the street at an appropriate rate determined by Council Engineering.

In addition, the stormwater design for the carpark pavement incorporates an appropriate stormwater treatment system to treat the stormwater. By reducing the potential pollutants prior to discharge to ensures stormwater management complies with appropriate EPA target values. The intent is to direct all car parking stormwater to rain garden areas to be treated prior to directing the stormwater to a 31kL detention tank for discharge at a restricted rate. The management report prepared by the project engineer also states that the proposal will improve the quality of stormwater exiting the site to the current predevelopment conditions which do not provide any treatment.

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Native Vegetation Overlay

Desired Outcome	
DO 1	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 (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Environmental Protection PO 1.1 & DPF 1.1, PO 1.2, PO 1.4	

As advised earlier in the report, one of the concerns raised by representors during the public notification was vegetation removal. Whilst removal of vegetation will occur on site to facilitate the proposed development, none of the vegetation impacted has been classified as native. The Applicant has also provided a native vegetation declaration stating that the proposal will not involve clearance of native vegetation under the Native Vegetation Act 1991.

Prescribed Water Resources Area Overlay

Desired Outcome	
DO 1	Sustainable water use in prescribed water resources areas maintains the health and natural flow paths of surface water, watercourses and wells.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
N/A	

This Overlay is not relevant to the proposal as it relates to water taking activities such as horticulture and intensive animal husbandry or the alteration to a water body.

Regulated and Significant Tree Overlay

Desired Outcome	
DO 1	Conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Tree Retention and Health PO 1.1, PO 1.4	
Ground Work Affecting Trees PO 2.1	

An arborist report submitted identifies only two existing trees of a notable size on the subject land. One is exempt from being a regulated tree as it is a *Robinia pedudoacacia* (Black Locust) which is one of the species of trees listed in sub-regulation 4 (b) of Regulation 3F of the *Planning, Development and Infrastructure (General) Regulations 2017* (the Regulations) as a species to which regulated tree legislation does not apply. The removal of the other tree is not considered to be development in accordance with clause 18 (1) (b) of Schedule 4 of the Regulations as it is within 20m of an existing dwelling in a medium bushfire risk area and is excluded from requiring development approval to be removed. As such this Overlay is not relevant to the proposal as it relates to impacts on Regulated and Significant Trees. The subject land does not contain any Regulated or Significant trees nor are there any such trees located on neighbouring properties which could be impacted by the proposed works.

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Traffic Generating Development Overlay

Desired Outcome	
DO 1	Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users.
DO 2	Provision of safe and efficient access to and from urban transport routes and major urban transport routes
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Traffic Generating Development PO 2.1, DPF 2.1	

The Traffic Generating Development Overlay provides very little guidance in relation to the proposed development and this site as it appears to put a lot of emphasis on the performance of State Maintained Road network.

PO 1.2 seeks that access points be sited and designed to accommodate the type and volume of traffic likely to be generated by the development. The proposed development will utilise a new 6m wide two-way crossover on Pomona Road which is a Council owned sealed road. 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. The application was accompanied by a Cirqa Traffic Report which outlined anticipated traffic volumes from the proposed development are not expected to create an increase in volumes of traffic which would compromise the capacity of the local road network. Councils Engineering are also accepting the 6m crossover as stipulated on the plans. Additional response was provided by Cirqa directly to the representations received and concerns raised in relation to traffic movements, confirming adequacy with relevant standards. A more detailed discussion on traffic movements is discussed further in the report.

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.

General Development Policies:

Advertisements

Desired Outcome	
DO 1	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 (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Appearance PO 1.1 & DTS/DPF 1.1, PO 1.3 & DTS/DPF 1.3, PO1.5	
Proliferation of Advertisements PO 2.3 & DTS/DPF 2.3	
Advertising Content PO 3.1 & DTS/DPF 3.1	

The Code seeks that advertising is designed and integrated into the development to ensure that the character of the locality is not impacted. It further seeks that the level of advertising be kept to a minimum to avoid visual clutter and untidiness. The proposal is considered to satisfy the relevant POs as it is only proposing a single non-illuminated sign affixed to the wall of the building and facing the car park with the dimensions of 1.5m in height and 4.6m in width.

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Clearance from Overhead Powerlines

Desired Outcome	
DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Environmental Protection PO 1.1 & DTS/DP F1.1	

As part of their submission the applicant has declared that the development will not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996. This is consistent with Performance Outcome 1.1.

Design

Desired Outcome	
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 areas. b) dural – 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 Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
All Development PO 1.4 & DTS/DPF 1.4, PO 1.5	
Safety PO 2.1, PO2.3, PO 2.3	
Landscaping PO 3.1, PO 3.2	
Carparking Appearance PO 7.2, PO 7.3, PO 7.4, PO 7.5, PO 7.6, PO7.7	
Earthworks & Sloping Land PO 8.1 & DTS/DPF 8.1, PO 8.4, PO 8.5	
Fences and Walls PO 9.1 & PO 9.2 & DTS/DPF 9.2	
Massing PO 15.1	
Car Parking, Access and Manoeuvrability PO 19.2 & DTS/DPF 19.2, PO19.3 & DTS/DPF 19.3, PO 19.4 & DTS/DPF 19.4, PO19.5 & DTS/DPF19.5, PO 19.6 & DTS/DPF 19.6	
All Non-Residential Development – Water Sensitive Design PO 31.1, PO 31.2	

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As mentioned earlier in the report, the design of the proposed childcare facility is well considered and utilises a number of residential elements to ensure that the proposal complements the predominantly residential character of the locality. Whilst the proposal does involve removal of vegetation, none of this vegetation has been identified as being native or regulated. To compensate for the loss of vegetation, a conceptual landscaping plan has been provided outlining the intended revegetation of the site. A detailed landscaping plan is required to be provided as stipulated in the reserve matter condition. The landscaping plan will need to ensure that the proposal maintains the natural surrounds as envisaged by the Desired Outcome 1.

Whilst the extent of the earthworks is considered substantial in reference to PO 8.1 and DPF 8.1, the majority of the earthworks proposed are in the form of excavation which will ensure that the visual impacts of the two-storey addition are minimised. All these earthworks are also going to be screened by the built form or landscaped as demonstrated in the conceptual landscaping plan.

Furthermore, regarding the car park, Performance Outcome 7.2 seeks for car parking spaces to be located and designed to minimise impacts on adjacent receivers. The proposal is considered to achieve this outcome given that noise impacts are proposed to be addressed through recommended noise attenuation measure whilst any visual impacts associated with the car parking are intended to be screened and softened by vegetation along the front of the property and surrounding the parking area.

A gross-pollutant trap is included in the design of the car park, which achieves Performance Outcome 31.1.

A designated enclosed waste storage area is included at the rear of the parking area and away from public view or neighbouring properties. This achieves Performance Outcome 1.5 and responds to representor feedback.

Infrastructure and Renewable Energy Facilities

Desired Outcome	
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 Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Water Supply PO 11.1 & DPF 11.1	
Wastewater Services PO 12.1 & DPF 12.1	

The subject land is connected to reticulated mains water, and sewer services which is compliant with, and satisfies POs 11.1 and 12.1.

Interface between Land Uses

Desired Outcome	
DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate uses.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
General Land Use Compatibility PO 1.2	
Hours of Operation PO 2.1 & DPF 2.1	

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Activities Generating Noise or Vibration PO 4.1 & DPF 4.1, PO 4.2
Light Spill PO 6.1, PO 6.2

Whilst the subject zone envisages non-residential uses such as childcare facilities as discussed earlier in the report, these uses are none the less secondary in the zone which is predominantly focused on residential use. This is evident with the locality being predominantly residential in nature. These non-residential uses therefore have to be designed in a way that minimises adverse impacts on adjoining sensitive receivers as envisaged by PO 1.2 and DO 1. A number of policies contained within the Interface between Land uses are considered pertinent to the proposed childcare facility and how it achieves the intent of PO 1.2 and DO 1.

Hours of Operation and Noise

PO/DPF 2.1 seeks for non-residential development to not unreasonably impact the amenity of sensitive receivers through its hours of operation. Whilst it is acknowledged that increased noise levels from the site are anticipated as a result of the proposed use, vehicle movements and the 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, 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 Environment Protection (Noise) Policy (EPP) referred to in PO/DPF 4.1.

Given that the zoning envisages some non-residential development, with childcare facilities listed as one of those uses, the hours of operation, whilst marginally outside the standard business hours, and given the nature of use are not considered to be unreasonable or expected to 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.

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. As a result, 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 Sonus Report concluded that the sound levels during the daytime hours from children playing are no greater than 50 dBA) at existing sensitive receivers in the locality. To satisfy the assessment criterion, though the Acoustic Engineer has recommended treatment measures which would need to be implemented. These involve solid boundary fencing of specified steel thickness and appropriately sealed. Fence details recommended in the Acoustic report have been included in the planning drawings.

The same noise level assessment was undertaken in relation to the car parking and mechanical plant system. Recommendations were also put forward and included in the planning drawings which would ensure that noise levels generated from the car parking area with anticipated vehicle movements and the mechanical plant system are kept within the required noise level criterion.

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Implementation of these acoustic recommendations are required by recommended Condition 11.

External Lighting

Performance Outcome 6.1 seeks for external lighting to be positioned and designed so as to not cause unreasonable light spill impact to adjacent sensitive receivers.

The proposal includes lighting in the car park and attached to the building. To limit the potential impacts of light spill on adjoining sensitive receivers a condition has been recommended limiting the use of external lights to the hours of operation (refer recommended condition 12).

Site Contamination

Desired Outcome	
DO 1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO 1.1 & DP F1.1	

There are no site contamination concerns. The subject land is used for residential purposes and whilst the proposal is for a change of land use to a childcare facility, the proposal does not constitute a change to a more sensitive use.

Transport, Access and Parking

Desired Outcome	
DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Movement Systems PO 1.1, PO 1.4	
Sightlines PO 2.2	
Vehicle Access PO 3.1 & DTS/DP F3.1, PO 3.3, PO 3.4, PO 3.5 & DTS/DPF3.5, PO 3.6, PO3.8	
Access for People with Disabilities PO 4.1	
Vehicle Parking Rates PO5.1 & DTS/DPF5.1	
Vehicle Parking Areas PO 6.2, PO 6.4, PO 6.5	

In respect of PO 1.1, 4.1 and 5.1, the proposal appropriately caters for the intended nature and volume of traffic in accord with the Table 1 requirements. The proposed development is going to be accessed via a new 6.6m wide two-way crossover on the Pomona Road frontage. The vehicle volumes that are anticipated which are in order of 145 morning and 11 afternoon peak hour trips or 103 morning and 57 afternoon trips during the network peak are 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.

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The plan shows that a total of 30 on-site car parking spaces are going to be provided. PO 5.1 seeks that appropriate amount of off-street parking is provided at a rate specified in *Table 1 – General Off-Street Car Parking Requirements* which seeks a parking ratio of 0.25 car parking spaces per child (1 car park per 4 children). Based on the capacity of 118 children the required parking numbers are 29.5 spaces which the proposal satisfies.

As discussed previously, the car park has been effectively designed and will be appropriately landscaped to ensure that visual impacts are minimised. Appropriate noise attenuation measures have been recommended and will be implemented along the boundary to ensure that noise impacts to adjoining sensitive receivers are minimised.

Considering the above assessment, the report prepared by Cirqa and a reviewed by Council's Engineering Department, the proposed access, car parking numbers and car parking design in accordance with the appropriate Australian Standard is considered to be sufficient for the intended use.

CONSIDERATION OF SERIOUSLY AT VARIANCE

The proposal is not considered to be seriously at variance with the provisions of the P & D Code. The Rural Neighbourhood Zone policies stipulate a childcare facility as an envisaged form of land use provided it can be integrated without impacting on the locality and adjoining residential land uses. During the public notification period a number of these concerns were raised by the adjoining property owners. Some of the issues that were raised included increase in traffic movements, concern with road safety and noise impacts, impact on the Local Heritage Place, amenity impacts and bulk and scale. These issues amongst others have been assessed in detail against the relevant policies found within the Rural Neighbourhood Zone as well as the appropriate Overlays. The assessment concluded that the proposal is of an appropriate size and scale to ensure that the concerns outlined in the representations were addressed. The supporting documentation provided with the application being the architectural plans demonstrated that the proposal satisfied the relevant policies in the Zone relating to the built form and character whilst also satisfying the relevant policies in the Local Heritage Place Overlay. Other supporting documentation which included a traffic report, noise assessment report and stormwater management plan demonstrated that the proposal satisfied the relevant policies stipulated in the appropriate Overlays as well as the general development policies section of the Code.

CONCLUSION

The proposal is for a partial demolition of a local heritage listed place, being a coach house, and includes two storey alterations and additions and a change of use to a childcare facility in the Rural Neighbourhood Zone.

Whilst the Zone is one of predominantly residential use, it does allow for some non-residential land uses, such as childcare facilities, as a form of community service development in the Zone. From a land use as well as a built form perspective the proposal is considered to achieve all the performance outcomes of the Zone.

The design of the two-storey building and associated supporting structures is well balanced utilising a number of residential built form characteristics which ensures that the design compliments the existing built form in the locality, despite its commercial nature.

Issues raised in the representations pertaining to impacts on the Local heritage Place have been thoroughly reviewed by council's heritage advisor and have been deemed as acceptable with some minor recommended changes and request for a more detailed landscaping layout.

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Interface concerns relating to traffic volumes, vehicle movements and noise issues have also been considered. Expert reports have been provided in relation to both matters which confirmed that there will be no traffic congestion or hazards from the anticipated additional vehicle movements and potential noise issues have been addressed through recommended attenuation measures stipulated in the noise assessment report.

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 23020199 by Development Holdings Pty Ltd for change of use to childcare centre including alterations and additions to a Local Heritage Place, deck, retaining walls and fencing with associated car parking and landscaping at 52 Pomona Road, Stirling is GRANTED Planning Consent subject to the following conditions and reserved matters:

RESERVED MATTERS

Pursuant to section 102 (3) of the Planning, Development and Infrastructure Act of 2016, the following matters shall be reserved for further assessment prior to the granting of Development Approval. The Assessment Manager is delegated to undertake this further assessment:

- 1) A detailed landscaping plan shall be prepared by a suitably qualified person and submitted with further details regarding plant species, locations, plant numbers and plant spacing, irrigation and mulching detail. Additional trees and vegetation shall be included to help screen the visual impact of the large rear addition from the street, and to maintain the leafy setting of the Local Heritage Place.
- 2) A detailed soil, erosion and drainage management plan (SEDMP) shall be provided for construction of the childcare facility. The SEDMP shall comprise a site plan and design sketches that detail erosion control methods and installation of sediment collection devices that will prevent soil moving off site during construction and soil transfer onto roadways by vehicles and machinery.

Pursuant to Section 127(1) of the *Planning, Development and Infrastructure Act 2016*, the power to impose further conditions of consent in respect of the reserved matter above is delegated to the Assessment Manager.

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 maximum capacity of the childcare facility shall be 118 children at any one time.
- 3) The hours of operation of the childcare facility, including deliveries (but excluding waste collection) shall be 6:30am to 6:30pm, Monday to Friday.

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- 4) All solid waste shall be stored in closed containers with close fitting lids in the enclosed bin area shown on the approved site plan (drawing 3605 DA04, Rev. 3 last dated 18/01/2024) prepared by Brown Falconer. External contractors accessing the site for waste collection shall be provided with access to the enclosed bin area to ensure waste is not stored in the car park area for collection.
- 5) The collection of waste shall not occur before 9:00am or, after 7:00pm Saturday or, before 7:00am or, after 7:00pm Monday to Friday. Waste shall not be collected on Sunday or public holidays.
- 6) Plant equipment of the childcare facility shall only be located within the service yard area shown on the approved first floor plan (drawing 3605 DA06, Rev.1 last dated 26/03/2023) prepared by Brown Falconer.
- 7) External lighting shall be installed in accordance with the approved lighting plans by TMK engineers; and once installed, shielded if necessary, in such a manner so to not cause unreasonable nuisance to adjoining and adjacent residential properties.
- 8) External lighting shall not be switched on before 6:30am Monday to Friday; and all external lighting shall be switched off no later than 6:30pm Monday to Friday.
- 9) The cross-over & kerb and footpath alterations, shall be constructed in accordance with Council Standard Detail Drawing SD15 with the maximum width of 6m across Council verge and in accordance with the approved site plan (drawing 3605 DA04, Rev. 3 last dated 18/01/2024) prepared by Brown Falconer and the approved stormwater management plan (drawing 230049-C-SK02, Rev. E dated 31/10/2023) prepared by CPR Engineers prior to the occupation of the childcare facility.
- 10) All car parking spaces, driveways and manoeuvring areas shall be designed, constructed, and line-marked in accordance with Australian Standard AS 2890.1:2004. Line marking 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 concrete prior to occupation and maintained in good condition at all times to the reasonable satisfaction of the Council.
- 11) Any existing crossing places not providing vehicle access shall be considered redundant and shall be closed off prior to occupation of the childcare facility.
- 12) The proposed noise attenuation measures in the Sonus Report – “Stirling Childcare Centre Environmental Noise Assessment S7765C7 January 2024” for the outdoor play areas, car park area and mechanical plant of the childcare facility shall be implemented prior to operation of the facility to the reasonable satisfaction of Council. All acoustic fencing shall be maintained in good condition at all times to the reasonable satisfaction of Council.
- 13) Materials and goods shall not be stored on the land in areas delineated for use as vehicle parking.
- 14) The external finishes to the childcare facility shall be as follows:
 - Two storey building:
 - Walls: Mixture of white weatherboard cladding, Axon woodland grey cladding, rendered Dulux Tranquil Hebel panels & timber panelling.
 - Roof: Colorbond sheeting in a white colour tone.
 - Fencing: Mixture of open style white timber picket fencing and Colorbond ‘Woodland Grey’ fencing.

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- 15) All roof run-off from the building and run-off from the outdoor play areas and car park shall be managed in accordance with the approved stormwater management plan (drawing 230049-C-SK02, Rev. E dated 31/10/2023) prepared by CPR Engineers. All roof run-off generated by the development shall be directed to the stormwater management system within one (1) month of the roof cladding being installed.
- 16) Prior to construction of the approved development, straw bales or other soil erosion control methods as accepted in the soil, erosion and drainage management plan shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during construction.

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 Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.
- 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) It is recommended that the operator of the childcare facility prepare and display a Bushfire Survival Plan (BSP) designed specifically for the purpose of 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 should be utilised as a basis for information and the drafting of the BSP, along with industry body guidelines and recommendations.

- 6) The operator of the childcare facility should consider reducing operating hours and including other 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.
- 7) It is the responsibility of the childcare facility operator to ensure compliance with the relevant food safety legislation before operating. Food business notification must be provided to commencing any food (or consumable product) handling activities. This may be provided on-line at www.fbn.sa.gov.au or by obtaining a notification form from Council Environmental Health.

OFFICER MAKING RECOMMENDATION

Name: Doug Samardzija
Title: Senior Statutory Planner