

DEVELOPMENT NO.:	22005964
APPLICANT:	DEVELOPMENT HOLDINGS PTY. LTD.
ADDRESS:	58 CLIFF ST GLENELG EAST SA 5045
NATURE OF DEVELOPMENT:	Construction of a child care centre ('pre-school') with associated car parking, landscaping, advertisement displays and fencing
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • General Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy
LODGEMENT DATE:	28 Feb 2022
RELEVANT AUTHORITY:	Assessment Panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	2022.3
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Michael Gates Development Services (Planning And Building) Lead
REFERRALS NON-STATUTORY:	Engineering

CONTENTS:

ATTACHMENT 1:	Application Documents
ATTACHMENT 2:	Representation Map
ATTACHMENT 3:	Representations
ATTACHMENT 4:	Response to Representations

DETAILED DESCRIPTION OF PROPOSAL:

This application is for the construction of a child centre, signage, associated car park and landscaping. The proposed building is single storey and is to be located on the western boundary. The building had two gable ends presenting to the street and will be finished with a mix of materials including Scyon Axon cladding, sandstone face brick and a white corrugated roof. The building is of a similar scale to other dwellings along Cliff Street, along with a similar front setback. A car park is provided to the western side of the site that runs north south, with landscaping provided in front of the car park. An existing crossover will be widened to accommodate vehicle movements.

The infills on the front fence will be replaced with Perspex panels to help enclose the front play area. 2.1m high good neighbour type fences are proposed on the east and west boundary, with a 3 metre high fence along the rear northern boundary.

The child care centre will have the capacity to accommodate up to 116 children and will operate between the hours of 6.30am and 6.30pm on Monday to Friday.

The child care centre will accommodate 116 available spots across 2 nursery rooms, 2 toddler rooms and 2 kindy rooms

SUBJECT LAND & LOCALITY:**Site Description:**

Location reference: 58 CLIFF ST GLENELG EAST SA 5045

Title ref.: CT 5902/918 **Plan Parcel:** D60925 AL11 **Council:** CITY OF HOLDFAST BAY

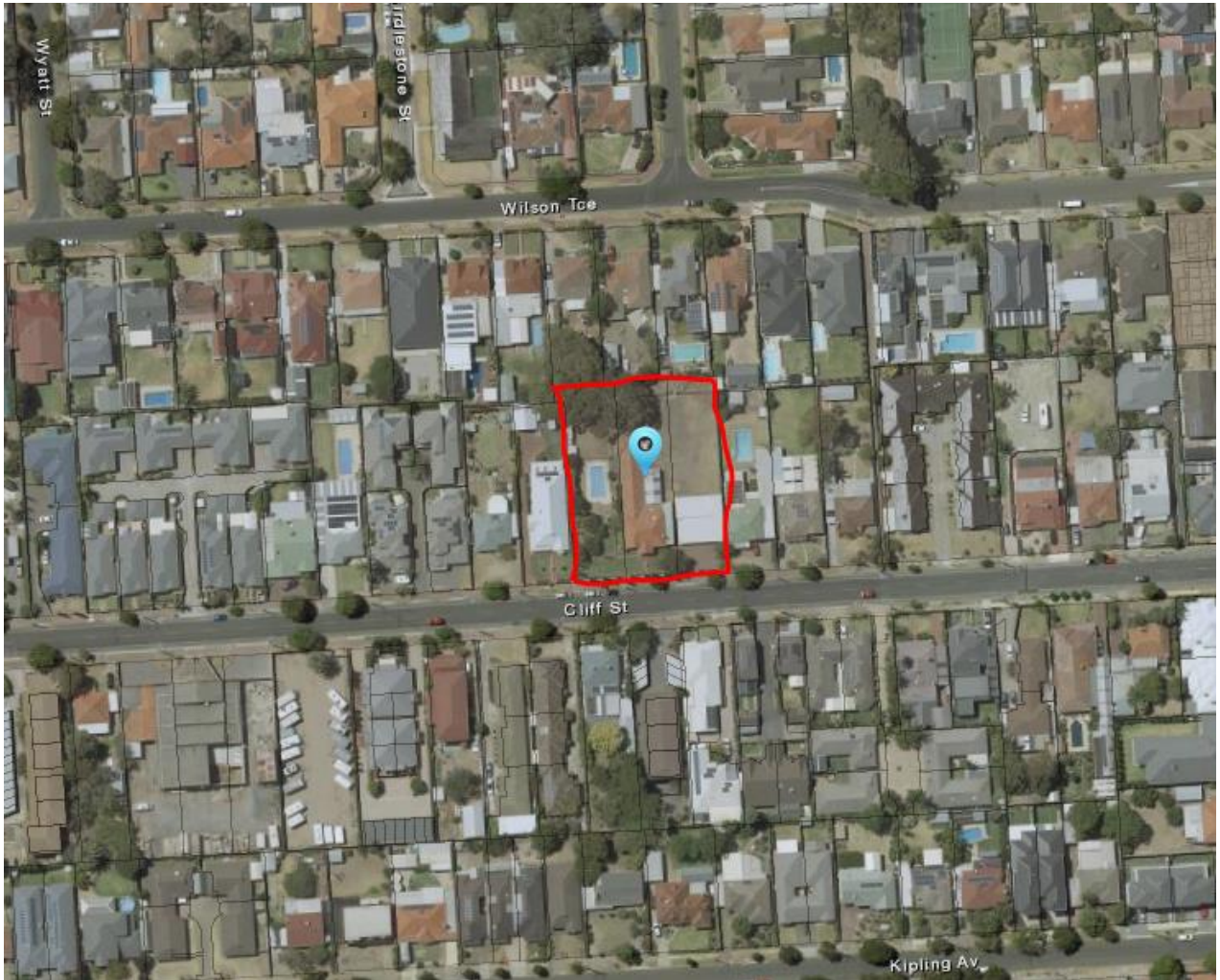
Location reference: 58 CLIFF ST GLENELG EAST SA 5045

Title ref.: CT 5902/919 **Plan Parcel:** D60925 AL12 **Council:** CITY OF HOLDFAST BAY

Location reference: 58 CLIFF ST GLENELG EAST SA 5045

Title ref.: CT 5902/920 **Plan Parcel:** D60925 AL13 **Council:** CITY OF HOLDFAST BAY

The subject site is rectangular in shape and comprises a site area of approximately 2,715 sqm. The site has a frontage of 45.72m to Cliff Street and is 59.05m deep. The subject site is relatively flat and contains a dwelling, two outbuildings comprising a shed and garage and a swimming pool. To the north of the site (towards the rear boundary) is a Regulated Tree (lemon scented gum) with a 2.04m circumference (measured from a height of 1m above ground level). The Regulated tree is located 10.02m from the existing dwelling. A 3m tall chainmesh fence exists on the eastern site boundary behind the carport.



Locality

The locality predominantly comprises residential development of one and two storeys in height. Residential development exists in various forms including single storey detached dwellings on adjoining land and group dwellings and residential flat buildings to the south, over Cliff Street, and within the wider locality.

The subject site is located on Cliff Street, a collector road which is bound by Diagonal Road to the west (with a signalised intersection) and Morphett Road to the east. Cliff Street is a local road under the care and control of the City of Holdfast Bay and public bus services run along Cliff Street, with the nearest bus stops being Stop 24 Cliff St located approx. 150 m west of the subject site (north and south side of Cliff Street).

The northern Cliff Street verge, where forward of the subject site, includes a number of street trees and a stobie pole. There is a regulated tree located just to the north of the subject site which has been assessed as part of this development

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 Advertisement: Code Assessed - Performance Assessed
 Pre-school: Code Assessed - Performance Assessed
 Fence: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
 Code Assessed - Performance Assessed
- **REASON**
 P&D Code

PUBLIC NOTIFICATION

- **REASON**
 A child care centre is not exempt from notification and it is considered not to be of a minor nature.
- **LIST OF REPRESENTATIONS (see Attachment 2)**

Margaret, Chamberlain,	86 Cliff Street, Glengowrie SA 5044
Georgina, Cole,	16 Malcolm Street, Glenelg East SA 5045
Georgina, Cole,	16 Malcolm Street, Glenelg East SA 5045
Kristan, Davies,	67 Cliff Street, GLENGOWRIE SA 5044
Steven and Sara, Domican,	56 Wilson Street, GLENELG EAST SA 5045
Matthew, Earl,	58 Wilson Tce, Glenelg East SA 5045
Maria, Goodchild,	80A Cliff Street, Glengowrie SA 5044
Belinda, Goodman,	1/51 Cliff Street, Glenelg East SA 5045
Matthew, Hanton,	37 Wilson Terrace, Glenelg East SA 5045
Sutherland, Ian,	19A Cliff Street, GLENELG EAST SA 5045
Wayne and Shirley, Lynott,	54 Cliff Street, Glenelg East SA 5045
Janet, McCalden, ,	16 St Peters Street, Glenelg East SA 5045
Kylie, McFarlane,	19 Smith Road, Cowell SA 5602
Patricia, McGaffin,	65 D, Cliff Street, Cliff Street, Glenelg East SA 5045
Neil, Morrison,	35 Wilson Terrace, Glenelg East SA 5045
Lyndal, Outram,	63A Cliff St, GLENELG EAST SA 5045
Hudson, Phillip,	61B Cliff Street, Glenelg East SA 5045
Dianne, Preiss,	4/92 Cliff Street, Glengowrie SA 5044
Felicity, Scott,	48 cliff street, Glenelg East SA 5045
Daniela, THOMSON,	61C Cliff Street, GLENELG EAST SA 5045
David, TOWERS,	Unit 6 57 Cliff St, Glenelg east SA 5540
Maurice, Treacy,	76 Cliff Street, Glengowrie SA 5044
Valda and Richard, Venable,	65C Cliff Street, Glengowrie SA 5044

SUMMARY

- Traffic congestion
- Impact to regulated trees at the rear of the site
- On street parking
- Carpark insufficient
- Noise from early starts

In response the applicant provided additional landscaping in front of the building, and further clarification regarding the parking assessment and the proposed fences. A copy of the response is contained in **Attachment 3**.

INTERNAL REFERRALS

- Traffic and Parking- No issues with calculated demand generation or capacity on Cliff St. Primary concern would be nuisance generation by drop-offs occurring on Cliff St rather than using the car park. Cars parked along the northern kerb line of Cliff St (currently legal outside of 7am-9am) also block sight lines for vehicles exiting the car park, slowing turnover. Recommend that this practice is discouraged by implementing parking controls (No stopping at all times) along the frontage of the developed property.
- Stormwater - This system seems sufficient for the required stormwater storage for this area. The calculations appear to be acceptable, with 10L/s maximum flow onto the network. There is a note about a new crossover, this may be too close to the tree, Traffic or footpath teams may be able to advise.

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One.

Land Use

The proposal is for the construction and change of use of the site to a child care centre. The locality is made up entirely of residential properties, with the exception of the now disused dry-cleaning site. It is noted that the Zone has changed with the introduction of the Planning and Design Code, with the most notable support for non-residential type development. This is part of the reason for the change of name, from a Residential Zone, to a Neighbourhood Zone, which has community type uses. This is noted in the Desired Outcome for the Zone which seeks community services within easy reach of housing. Zone PO1.2 lists pre-schools as a type of non-residential use that is suitable for the Zone.

Therefore, it is considered that the use is suitable for the General Neighbourhood Zone.

Desired Outcome	
DO 1	Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.

Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use and Intensity	
PO 1.1 Predominantly residential development with complementary non-residential uses that support an active, convenient, and walkable neighbourhood.	DTS/DPF 1.1 Development comprises one or more of the following: <ul style="list-style-type: none"> (a) Ancillary accommodation (b) Community facility (c) Consulting room (d) Dwelling (e) Educational establishment (f) Office (g) Place of Worship (h) Pre-school (i) Recreation area (j) Residential flat building (k) Retirement facility (l) Shop (m) Student accommodation (n) Supported accommodation
PO 1.2 Non-residential development located and designed to improve community accessibility to services, primarily in the form of: <ul style="list-style-type: none"> (a) small scale commercial uses such as offices, shops and consulting rooms (b) community services such as educational establishments, community centres, places of worship, pre-schools, and other health and welfare services 	DTS/DPF 1.2 None are applicable.

Building Height

PO 4.1 seeks that buildings contribute to the low-rise suburban character of the area with a guide of buildings being no more than 9 metres in height, or two storeys. The subject site is relatively flat and does not require and cut or fill of significance. This proposal is for a single storey building and therefore is considered to be acceptable in this instance and satisfies Zone PO 4.1.

Setbacks, Design & Appearance

The building will be setback 8.2m from the street that is the average of the two adjacent buildings, which is in accordance with PO 5.1 for the General Neighbourhood Zone. The building is set on the western boundary for a length of 11.5 metres at a height of 3 metres, which is consistent with the allowances for boundary development in this Zone. The building is set 19 metres from the eastern side boundary, and 9.4 metres from the rear boundary. The side and rear boundary setbacks comply with Zone PO 7.1, 8.1, and 9.1.

The building has been designed to complement the built form of the locality. The gable ends presenting to the street, and use of materials commonly found in a residential area minimise the commercial appearance of the building. The setbacks are consistent with the pattern of development and will not unreasonably impact on the neighbouring properties. The front setback of 8.2 metres allows for landscaping to soften the appearance of the building. The overall scale as a single storey building and use of material means the built form will complement the locality. Given these design elements, the built form component is considered to be acceptable for the locality, and minimising the commercial appearance of the building.

There is a 30 space carpark to the east of the building which provides ample parking for the site. The carpark is accessed via a driveway with landscaping provided between the street and carpark, which will help to screen the carpark. With the carpark orientated north-south, it will minimise the visual impact to the street and allows for more landscaping and built form presenting to the street, rather than a carpark. The carpark is set back from the street as to allow for landscaping in front of the carpark, either side of the driveway. This is considered to be an acceptable design and layout.

Overall, the design of the building and landscaping is considered appropriate.

Traffic Impact, Access and Parking

The majority of the representations received relating to the traffic impacts associated with the development, namely traffic congestion, insufficient parking and noises associated with the additional traffic. The proposal provides a 30 space carpark. The Planning and Design Code specifies a parking rate for child care centres of 0.25 spaces per child. With a capacity of 116 children, the centre requires 29 spaces. Therefore, the proposal satisfies the parking requirement of the Planning and Design Code. Given that the peak demand for the carpark is spread over a two hour period, the carpark is considered to be of a sufficient size as to cater for that demand.

In regards to parking, it is noted that the site opens at 6:30am and is adjacent residential properties. The plans show that only the western side of the car park is to be used prior to 7am to minimise noise. This is considered to be a practical solution, as the western side of the carpark is closest to the building, it is most likely to be used first, as users will park the shortest distance to the entrance to minimise children moving in the carpark. This is to be reinforced with a condition restricting the use before 7am.

A significant number of concerns were raised during the notification process in regards to the amount of traffic this development will generate, and the impact that it will have on traffic flow along Cliff Street. The applicant has provided a traffic study report from CIRQA that supports the proposal as it outlines that the impact to traffic flows will be minimal. Child care centres are different to schools as they do not have a designated start or finish, rather peak periods over several hours. As such the size of the car park is supported by CIRQA. In summary they state;

In respect to concerns raised regarding parking provision, the proposal exceeds the Deemed-to-Satisfy parking requirement of the Planning and Design Code. All demands associated with the centre (including staff and parent demands) will be able to be accommodate on-site. In respect to the traffic concerns raised, the additional volumes generated will be well within the capacity of Cliff Street and the proposed access point. The proposal will result in minimal impact on conditions on Cliff Street and will not alter the road's nature nor function.

This assessment is also supported by Council's Engineering Team.

The one recommendation from Council's Engineering team is to change the on street parking in front of the site to a no parking area during the hours of operation. This is to encourage users of the site to park in the car park rather than on the street. By limiting this area of parking, it will increase sightlines for vehicles exiting the site, and reduce the impact of parking to bicycle commuters. A condition is included in the recommendation to ensure the no parking signs are installed prior to the commencement of business.

Environmental Factors

Noise Emissions

The applicant has provided supporting documentation from Sonus that have assessed the application against the requirements of the Planning and Design Code. To ensure that the proposal does not unreasonably impact on the amenity of the adjacent properties, Sonus has made several recommendations. Those being:

- Boundary fences made of certain materials at various heights;
- Acoustic treatment around the plant services; and
- Restricting the eastern side of the carpark until after 7am.

All of these measures are considered to be reasonable and attainable, and have been included in the plans. A condition is recommended to reinforce these requirements.

Given the above inclusions, the proposal is considered to be in accordance with PO 2.1, 4.1 and 4.2.

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature								
Hours of Operation									
<p>PO 2.1 Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:</p> <ol style="list-style-type: none"> a) the nature of the development b) measures to mitigate off-site impacts c) the extent to which the development is desired in the zone d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land. 	<p>DTS/DPF 2.1 Development operating within the following hours:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #cccccc;">Class of Development</th> <th style="background-color: #cccccc;">Hours of operation</th> </tr> </thead> <tbody> <tr> <td>Consulting room</td> <td>7am to 9pm, Monday to Friday 8am to 5pm, Saturday</td> </tr> <tr> <td>Office</td> <td>7am to 9pm, Monday to Friday 8am to 5pm, Saturday</td> </tr> <tr> <td>Shop, other than any one or combination of the following: (a) restaurant (b) cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone</td> <td>7am to 9pm, Monday to Friday 8am to 5pm, Saturday and Sunday</td> </tr> </tbody> </table>	Class of Development	Hours of operation	Consulting room	7am to 9pm, Monday to Friday 8am to 5pm, Saturday	Office	7am to 9pm, Monday to Friday 8am to 5pm, Saturday	Shop, other than any one or combination of the following: (a) restaurant (b) cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone	7am to 9pm, Monday to Friday 8am to 5pm, Saturday and Sunday
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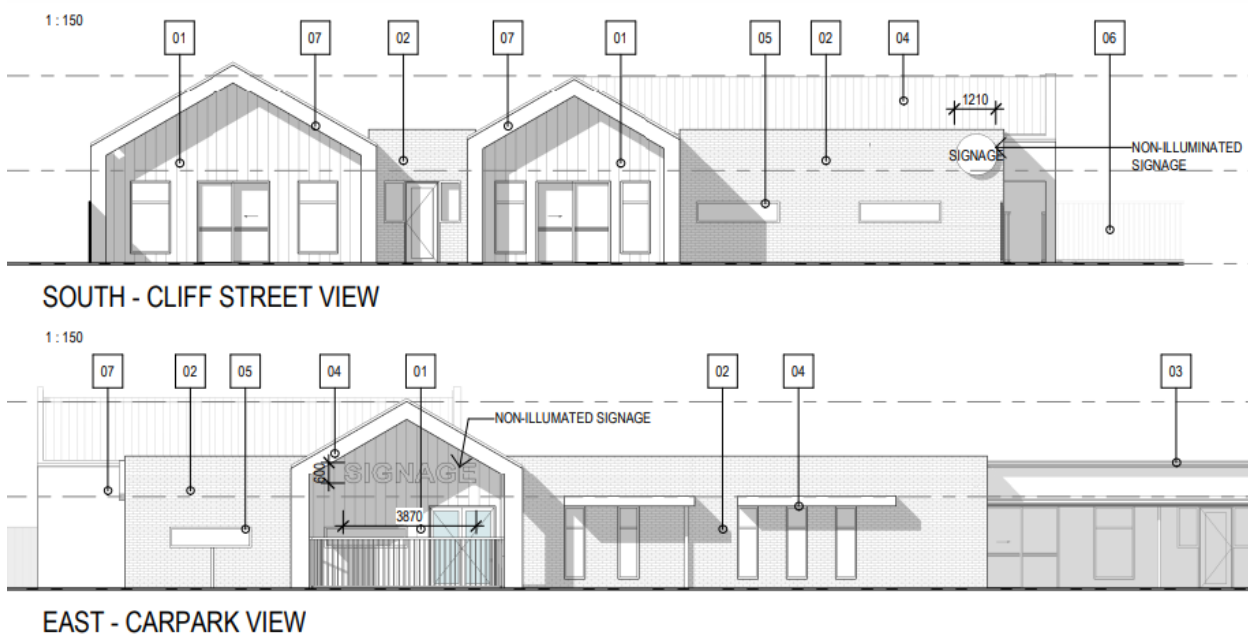
Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Activities Generating Noise or Vibration	
PO 4.1 Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).	DTS/DPF 4.1 Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria.
PO 4.2 Areas for the on-site manoeuvring of service and delivery vehicles, plant and equipment, outdoor work spaces (and the like) are designed and sited to not unreasonably impact the amenity of adjacent sensitive receivers (or lawfully approved sensitive receivers) and zones primarily intended to accommodate sensitive receivers due to noise and vibration by adopting techniques including: <ul style="list-style-type: none"> a) locating openings of buildings and associated services away from the interface with the adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers b) when sited outdoors, locating such areas as far as practicable from adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers c) housing plant and equipment within an enclosed structure or acoustic enclosure d) providing a suitable acoustic barrier between the plant and / or equipment and the adjacent sensitive receiver boundary or zone. 	DTS/DPF 4.2 None are applicable

Waste Management

The waste from the site will be stored in a large commercial bin at the rear of the carpark. This will be collected by a rubbish truck on demand. This is considered to be a suitable solution and will be condition as to occur during reasonable hours as to minimise noise impacts.

Signage

The signage associated with the development is of a relatively minor scale. There is a small circular sign proposed on the front façade, and a sign under a canopy facing the carpark. Both signs are not illuminated and are of a scale that is considered to not unreasonably impact on the amenity of the locality. The two signs are located on different facades of the building and therefore do not present a proliferation as required by the Planning and Design Code.



Regulated Trees

The development is proposed within the tree protection zone (TPZ) of two regulated trees, one tree is located on the site, with the other on an adjacent site to the north. Both trees are to be retained as part of this development. The application has provided an assessment from Project Green, who supports the development as the intrusion into the TPZ of the two trees is within the acceptable limits of good design. To minimise the impacts of the construction to the two trees the report has made several recommendations on how the building should be constructed to minimise impact to the root systems of the trees. A condition of approval requiring the development to be constructed in accordance with these recommendations should be included in any approval. Therefore, it is considered that the applicant has demonstrated that the development will not result in tree damaging activity.

Stormwater

The applicant has provided a stormwater management plan, which has been assessed by Council's Engineering team and considered appropriate for the site.

CONCLUSION

The proposal is the first form of non-residential development to be lodged for this locality in a significant amount of time. There are two historic non-residential sites on Cliff Street, those being the former dry cleaning site and Hawks garage. This is also the first type of this development in this Zone since the change to the PDI Act.

The proposed land use and built form accords with the requirements of the Planning and Design Code. The changes to the Zone as a result of the Planning and Design Code see the area as a Neighbourhood area, use community uses such as this, rather than a straight residential zone. As such there are some impacts from this proposal, but it is considered that the applicant has sufficiently mitigated those.

On balance the proposal is considered to be an appropriate land use for the area, and the size and scale of the development are compatible with the Zone requirements.

RECOMMENDATION

That Planning Consent be granted.

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 22005964, by Development Holdings Pty. Ltd. is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

1. The development granted approval shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
2. That the proposal incorporates all the recommendations from the associated Sonus report, including:
 - Construct a solid screen around mechanical plant units, which is no less than 600mm taller than the mechanical plant units. A suitable material is a minimum of 0.42 BMT sheet steel ("Colorbond" or similar) or a material with the same or greater surface density (kg/m²); and,
 - Access to the site prior to 7:00am to be restricted to specific parking areas. That is, any staff entering the site and any child drop off during this time should not be within the bays marked as YELLOW in the figure 2, so as to maintain a suitable separation distance to residences.
 - All boundary fences are constructed in accordance with the requirement of the Sonus report
3. That at least 2 metres be provided between the new driveway and any street tree
4. That each car parking space shall conform to the applicable Australian Standard. Such car parking spaces shall be line marked with continuous white lines along the whole of each side of each car parking space prior to the use of the development herein approved and such line marking shall be maintained in good and substantial conditions at all times to the reasonable satisfaction of the Council.
5. That construction of the development be undertaken in accordance with the recommendation listed in the report from Project Green.
6. The stormwater disposal system shall cater for a 5 year rainfall event with discharge to the street not to exceed 10 litres per second. Any excess above this flow is to be detained on site.
7. That the finished level of the crossover at the property boundary shall be a minimum of 75mm above the top of kerb in accordance with AS2890.1, and the maximum gradient of the driveway shall not be greater than 5% across the footpath, with the invert profile conforming to AS2876.
 Furthermore, the footpaths on either side shall be graded to the driveway preventing tripping hazards at this junction, without any steep grades along the footpath.
 The provision for vehicle crossovers and inverts, and reinstatements of existing crossovers not required by the development, be constructed at the owner's expense.
8. That no standing signs be installed in front of the development prior to the commencement of business on the site. The signs shall be installed at the cost of the applicant and limit parking during the approved hours of business.
9. That the rubbish collection service must be collected on site, and within the hours of 7am to 5pm Monday to Friday.

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:** Michael Gates**Title:** Development Services (Planning and Building) Lead**Date:** 10 May 2022