

DEVELOPMENT NO.:	23009720
APPLICANT:	White Rabbit Group Pty Ltd
ADDRESS:	530 – 532 ANZAC HWY GLENELG EAST SA 5045
NATURE OF DEVELOPMENT:	Alterations and additions to the existing building, advertising and a change of use to a child care centre
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Housing Diversity Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Future Road Widening • Hazards (Flooding - Evidence Required) • Key Railway Crossings • Major Urban Transport Routes • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy • Water Resources <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Metres) (Maximum building height is 9m) • Minimum Frontage (Minimum frontage for a detached dwelling is 9m; semi-detached dwelling is 9m; row dwelling is 7m; group dwelling is 7m; residential flat building is 7m) • Minimum Site Area (Minimum site area for a detached dwelling is 250 sqm; semi-detached dwelling is 200 sqm; row dwelling is 200 sqm; group dwelling is 200 sqm; residential flat building is 200 sqm) • Maximum Building Height (Levels) (Maximum building height is 2 levels)
LODGEMENT DATE:	11 Apr 2023
RELEVANT AUTHORITY:	Assessment Panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	2023.5
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Planner
REFERRALS STATUTORY:	Commissioner of Highways
REFERRALS NON-STATUTORY:	City Assets - Traffic & Stormwater

CONTENTS:

APPENDIX 1:	Relevant P&D Code Policies	ATTACHMENT 4:	Traffic Report
ATTACHMENT 1:	Application Documents	ATTACHMENT 5:	Representations
ATTACHMENT 2:	Stormwater Management Plan	ATTACHMENT 6:	Response to Representations
ATTACHMENT 3:	Acoustic Report	ATTACHMENT 7:	DIT Referral Response

DETAILED DESCRIPTION OF PROPOSAL:

This application is for the construction of additions to an existing building and the change of use from a dwelling to a child centre with an associated car park and landscaping. The original footprint of the dwelling will remain, however the ancillary structures will be demolished as shown in Attachment 1.3. The existing dwelling will comprise the reception area, cot room, office and amenities on the lower floor.

The upper level will contain a staff room, additional office, store area, water closet and the existing balcony. The additions are located to the rear of the existing building and return to the west. They will host 3 children rooms, amenities, a kitchen and laundry. There are 3 outdoor play space areas which are comprised of lawn and contain landscape plantings.

The existing dwelling will remain as the dominant built form that presents to the street as the additions are setback 30m into the allotment. A car park is provided in front of the child care centre with associated landscaping. Access will be via a crossover located on the western side of the primary boundary. The child care centre will have the capacity to accommodate up to 70 children and will operate between the hours of 6.30am and 6.30pm on Monday to Friday. Online refuse collection will occur on site.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 530 ANZAC HWY GLENELG EAST SA 5045

Title ref.: CT 5438/582 **Plan Parcel:** D5149 AL44 **Council:** CITY OF HOLDFAST BAY

Location reference: 532 ANZAC HWY GLENELG EAST SA 5045

Title ref.: CT 5111/406 **Plan Parcel:** F12497 AL7 **Council:** CITY OF HOLDFAST BAY

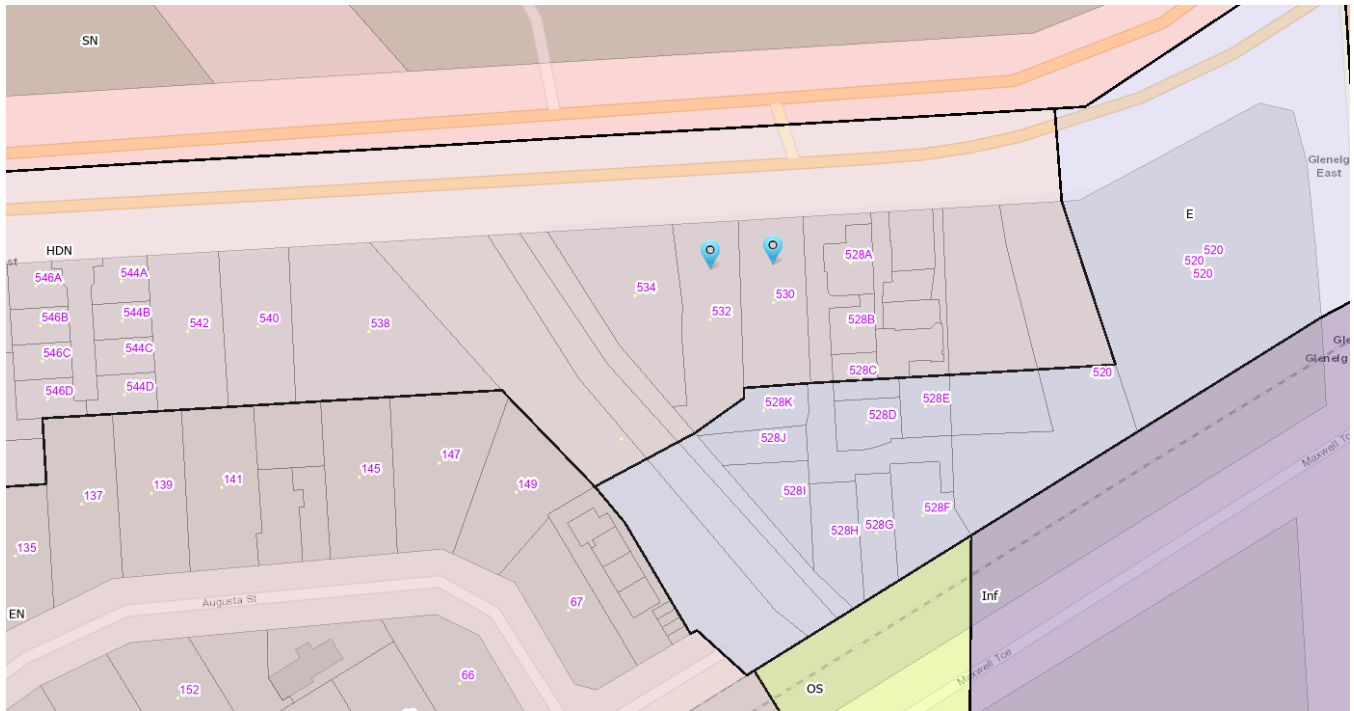
The subject site is located in the High Density Neighbourhood Zone and contains a frontage of 33.5m to Brighton Road and a depth varying from 42.3m to 52.3m. The total site area is approximately 1,534sqm. The site currently hosts a two-storey detached dwelling, a swimming pool located in the front yard and various ancillary structures. There is a mature tree located in the rear yard however is within 10m of subject dwelling and is therefore exempt from planning controls. The site encompasses two allotments being 530 and 532 Anzac Highway however functions as a whole.



Above: Existing dwelling on the subject site



Above: Aerial showing locality highlighted in red



Above: Zoning map of the locality

Zone Legend

HDN: Housing Diversity Neighbourhood Zone

SN: Suburban Neighbourhood Zone

EN: Established Neighbourhood Zone

E: Employment Zone

OS: Open Space Zone

INF: Infrastructure Zone

The locality is generally comprised of residential land uses on the southern side of Anzac Highway. Opposite the site to the north are vast open spaces that comprises football and soccer grounds. Commercial land uses are noted to the east of the site where an integrated complex contains a variety of low impact non-residential land uses on the corner of Morphett Road and Anzac Highway. The tram depot is located on the southern side of the railway tracks and the Sturt River is directly west. Residential land uses adjoin the site.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 - Pre-school: Code Assessed - Performance Assessed
 - Advertisement: Code Assessed – Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
 - Code Assessed - Performance Assessed

- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**
The development is not listed as a class of development in table 5 - procedural matters of the zone.
- **LIST OF REPRESENTATIONS**

Summary of Representors			
Address of Represntor	Position	Wish to be heard	Concerns
Remy Kamleh of 538 Anzac Highway Glenelg East	Opposes the development	No	<ul style="list-style-type: none"> Noise from the centre will create nuisance A surplus of child care centres are already established in the area An increase in traffic will result from the centre
Hayley Rule of 528K Anzac Highway Glenelg East	Supports the development	No	No comments raised
Dylan Rule of 528K Anzac Highway Glenelg East	Supports the development	No	No comments raised

Below is a map of the locality highlighting the representors land. The representor marked in red opposes the development and the star marked green are the two representors from the same property that support the proposal. The subject site is highlighted in yellow.



- SUMMARY**

The applicant responded to representation stating that the concerns raised have been covered in the supporting Acoustic and Traffic documentation submitted with the application. Refer to Attachment 6.

AGENCY REFERRALS

- Commissioner of Highways – No objections subject to conditions being imposed on consent.

INTERNAL REFERRALS

Traffic – No concerns raised.

Stormwater – No concerns raised.

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 relevant assessment provisions relating to Land Use are shown below:

DO 1

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

PO 1.1

Diverse range of medium density housing and accommodation complemented by a range of compatible non-residential uses supporting an active, convenient, and walkable neighbourhood.

DTS/DPF 1.1

Development comprises one or more of the following:

- a) Ancillary accommodation*
- b) Child care facility...*

PO 1.3

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

- a) small-scale commercial uses such as offices, shops and consulting rooms*
- b) community services such as educational facilities, community centres, places of worship, child care facilities and other health and welfare services*
- c) services and facilities ancillary to the function or operation of supported accommodation or retirement facilities*
- d) open space and recreation facilities.*

Housing Diversity Neighbourhood Zone PO 1.1 seeks to accommodate “Diverse range of medium density housing and accommodation complemented by a range of compatible non-residential uses supporting an active, convenient, and walkable neighbourhood.” The corresponding DPF lists the development of a ‘child care facility’ as one way to achieve PO 1.1. A childcare facility is also explicitly listed as a form of non-residential development which will improve access to community services while also complementing residential amenity (Zone PO 1.2 & 1.3).

The site is well suited to host a childcare facility being located on an arterial road. It is a common occurrence within Metropolitan Adelaide for childcare centres to be established on arterial roads. This is beneficial as the centres are located on high-traffic roads where amenity is lower compared to conventional inner suburbia. Within the City of Holdfast Bay there are a number of childcare centres located along Brighton Road. Some examples include:

Stepping Stone Child Care Hove – 382-388 Brighton Road, Hove.
Emali Child Care Brighton – 397 Brighton Road, Brighton.
Goodstart Early Learning Brighton – 444 Brighton Road, Brighton.
Casa Bambini Seacliff - 601-607 Brighton Road, Seacliff.

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

Building Height

PO 3.1 seeks that buildings are low-rise or compliment the height of existing buildings in the area. DPF 3.1 anticipates buildings being no more than 9 metres in height, or two levels. The subject site is relatively flat and does not require and cut or fill of significance. The additions are single-storey and therefore are considered to be acceptable satisfying Zone PO 4.1.

Setbacks, Design and Appearance

The building will retain its existing setback as the original dwelling will form part of the childcare centre. The additions that follow behind the exiting building are setback approximately 30m from the primary boundary. The additions do not entail any boundary development. The walls are setback adequately from the side and rear boundaries. A numerical shortfall was noted for the western wall where 900mm is anticipated however a 560mm side setback is proposed. The numerical shortfall is considered to be minor for a wall that is single storey and also when considering boundary development is anticipated by the policy. The side and rear boundary setbacks are considered to satisfy Zone PO 4.1, 7.1, and 8.1.

The built form presenting to the street will mostly remain as existing given the retention of the existing building. The additions contain a substantial primary setback and will not be prominent to the streetscape. There is a 16 space carpark to the north of the building which provides ample parking for the site. The carpark is accessed via a driveway with landscaping provided along the Anzac Highway frontage and to the sides of the parking area. This is considered to be an acceptable design and layout.

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

Traffic, Access and Parking

The Planning and Design Code specifies a parking rate for childcare centres of 0.25 spaces per child. With a capacity of 70 children, the centre requires 17.5 spaces. A total of 16 parking spaces are provided on the site resulting in a numerical shortfall of 1.5 spaces which is considered to be negligible. The applicant provided a traffic and parking

assessment report produced by Frank Siow and Associates labelled as attachments 4 to 4.3 of this report. The report provides commentary on the parking assessment, parking layout, traffic impact and servicing requirements. The report contains two appendixes that show swept path movements for passenger vehicles and a refuse truck.

The application was referred to the Council's Engineering Team where no concerns were raised. An agency referral to the Commissioner of Highways was also required where no objections were noted in the response subject to conditions being imposed on consent.

Interface Between Land Uses

The relevant assessment provisions relating to noise emissions are shown below:

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:

- 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.*

DTS/DPF 2.1

Development operating within the following hours:

<i>Class of Development</i>	<i>Hours of operation</i>
<i>Consulting room</i>	<i>7am to 9pm, Monday to Friday</i> <i>8am to 5pm, Saturday</i>
<i>Office</i>	<i>7am to 9pm, Monday to Friday</i> <i>8am to 5pm, Saturday</i>
<i>Shop, other than any one or combination of the following:</i> <i>a) restaurant</i> <i>b) cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone</i>	<i>7am to 9pm, Monday to Friday</i> <i>8am to 5pm, Saturday and Sunday</i>

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:

- 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.*

The applicant has provided supporting documentation in an Environment Noise Assessment produced by BESTEC 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, BESTEC has made several recommendations. Those being:

- A 1,800mm high colourbond fence be constructed to the eastern and western boundaries of the carpark as illustrated with blue line on Figure 2.*
- A 2,100mm high colourbond fence be constructed around boundaries of the outdoor play areas as illustrated with red line on Figure 2.*
- In order to control the noise emissions from the proposed new building, we recommend the following constructions:*

Façade – framed construction consisting of 9mm fibre cement to the external side of minimum 92mm steel studs and 1 layer of 13mm plasterboard to the internal side with cavity infill of 75mm, 11kg/m³ glasswool;

Roof – conventional profiled steel roof decking (0.42mm BMT) over 100mm thick foil faced insulation blanket with minimum density of 16kg/m³ (ANTICON 100HP or equivalent) and suspended ceiling of perforated plasterboard backed with non-woven acoustic tissue and overlaid with 75mm, 32kg/m³ polyester; and

Glazing – we recommend 10.38mm laminated glass or as required structurally be used for external glazing and sliding doors.

All of these measures are considered to be reasonable and attainable. 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.

Waste Management

The waste from the site will be stored in a screened bin storage area adjacent to the car park. This will be collected by a rubbish truck as required on the subject site. This is considered to be a suitable solution and will be conditioned to occur during reasonable hours to minimise noise impacts.

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 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, anticipating community uses such as a childcare centre, rather than a straight residential zone. As such the land use is appropriate for the subject land being located on an arterial road in a locality where commercial land uses are not foreign.

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

RECOMMENDATION

Planning consent

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 23009720, by White Rabbit Group 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. 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.
3. That the proposal incorporates all the recommendations from the associated BESTEC report, including:
 - A 1,800mm high colourbond fence be constructed to the eastern and western boundaries of the carpark as illustrated with blue line on Figure 2.
 - A 2,100mm high colourbond fence be constructed around boundaries of the outdoor play areas as illustrated with red line on Figure 2.

- In order to control the noise emissions from the proposed new building, we recommend the following constructions:

Façade – framed construction consisting of 9mm fibre cement to the external side of minimum 92mm steel studs and 1 layer of 13mm plasterboard to the internal side with cavity infill of 75mm, 11kg/m³ glasswool;

Roof – conventional profiled steel roof decking (0.42mm BMT) over 100mm thick foil faced insulation blanket with minimum density of 16kg/m³ (ANTICON 100HP or equivalent) and suspended ceiling of perforated plasterboard backed with non-woven acoustic tissue and overlaid with 75mm, 32kg/m³ polyester; and

Glazing – we recommend 10.38mm laminated glass or as required structurally be used for external glazing and sliding doors.

4. That the rubbish collection service must be collected on site, and within the hours of 7am to 5pm Monday to Friday.

Conditions imposed by Commissioner of Highways under Section 122 of the Act

5. Access to Anzac Highway shall be constructed as shown on Site Plan WD01, Issue A dated 22/02/2023 and be consistent with Frank Siow & Associates, Traffic and Parking Assessment, dated 3 April 2023. The access shall be 6 metres wide at the property boundary and be suitably flared to the road. The remaining portion of the existing access to house no 534 Anzac Highway shall be 3 metres wide and provide physical separation from the childcare centre access. The residential access shall also maximise separation from the stobie pole located to the west. The footpath area shall be modified to Council's satisfaction with all costs borne by the applicant.
6. The largest vehicle permitted on site shall be a 10m long truck (refuse vehicle). Vehicles larger than a B99 passenger vehicle shall only access the site during off peak periods for the development.
7. All vehicles shall enter and exit the site in a forward direction.
8. Any fencing/landscaping adjacent to the access to the subject site shall be designed or located to ensure that the pedestrian sightlines in Major Urban Transport Routes Overlay DTS/DPF 5.1, a) and b) are achieved.
9. The access and parking areas shall be line marked and signed to reinforce the desired flow through the site and to ensure that the staff parking operates as per the Frank Siow & Associates, Traffic and Parking Assessment.
10. Stormwater run-off shall be collected on-site and discharged without impacting the integrity and safety of Anzac Highway. Any alterations to the road drainage infrastructure required to facilitate this development shall be at the applicant's cost.

Reserved Matters:

Pursuant to Section 102 (3) of the *Planning, Development and Infrastructure Act 2016*, the following matters shall be reserved for further assessment, to the satisfaction of the relevant authority, prior to the granting of Development Approval:

- That a civil site works plan be submitted to the Council showing the increased landscape areas in the car park consistent with the architectural plans.

ADVISORY NOTES**Advisory Notes imposed by Commissioner of Highways under Section 122 of the Act**

The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the Anzac Highway frontage of this site (Lot 44 in DP 5149 and Lot 7 in FP 12497) for future upgrading of the Anzac Highway / Morphett Road intersection. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act 1972 is required to all building works on or within 6.0 metres of the possible requirement. The subject development is clear of the above requirement and consent is not required in this instance.

OFFICER MAKING RECOMMENDATION

Name: Alexander Stamatopoulos

Title: Development Planner

Date: 05/07/2023