

DEVELOPMENT NO.:	22034351
APPLICANT:	Elizabeth Brady
ADDRESS:	687A-687C BRIGHTON RD SEACLIFF SA 5049
NATURE OF DEVELOPMENT:	Change of use from office to music school (shop 687a)
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) • Advertising Near Signalised Intersections • Affordable Housing • Heritage Adjacency • Hazards (Flooding - General) • Major Urban Transport Routes • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy <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:	14 Oct 2022
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	2022.19
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

CONTENTS:

APPENDIX 1:	Relevant P&D Code Policies
ATTACHMENT 1:	Application Plans
ATTACHMENT 2:	Acoustic Report

DETAILED DESCRIPTION OF PROPOSAL:

The application is for a change of land use from an office to a music school. A music school is not defined in Part 7 of the Planning and Design Code and is considered to be an undefined use.

The music school will be operated by The Eternal Arts Collective who offer individual and group music lessons. The operating hours of the school will be from 9am to 9pm weekdays and 9am to 4pm on Weekends. Two staff members will be located on the site permanently with additional instrumental teaching contractors who will attend the site depending on demand. A maximum amount of 12 students will visit the music school at any given time.

The existing car park at the rear of the property will be offered to the staff and patrons. There will be no external changes to the building.

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

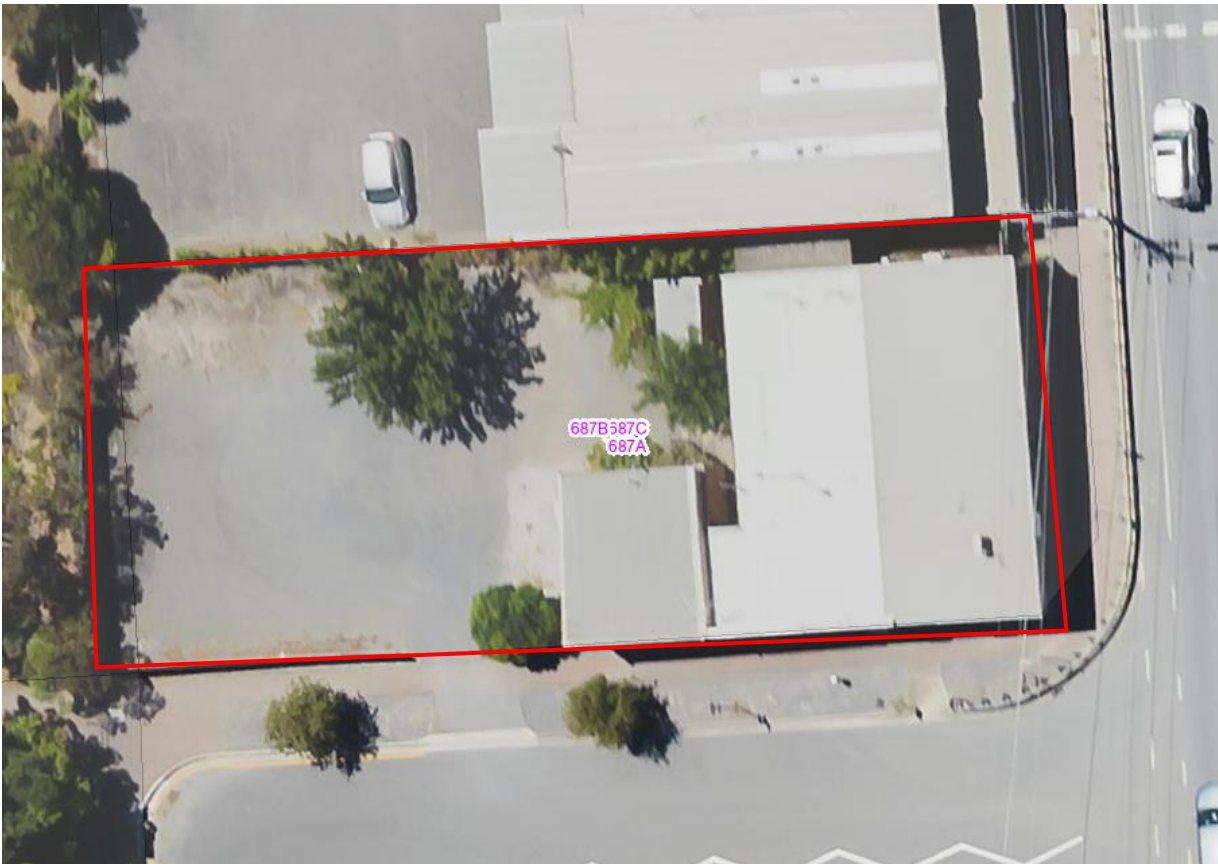
Location reference: 687A-687C BRIGHTON RD SEACLIFF SA 5049

Title ref.: CT 5657/436 **Plan Parcel:** D2823 AL96 **Council:** CITY OF HOLDFAST BAY

The subject site is located at 687 Brighton Road Seacliff in the Housing Diversity Neighbourhood Zone. The allotment contains a 15m frontage to Brighton Road exclusive of the corner cut-off and a secondary frontage to Barwell Avenue of 41m. The built form on the site comprises three commercial tenancies that host and office (corner tenancy) a shop (middle tenancy) and the subject tenancy which was previously an office. Parking is located at the rear of the site which gains access via a crossover from Barwell Avenue. A total of 10 parking spaces are provided. The site contains a total area of approximately 791sqm. See streetscape photo of the site below:

ITEM NO: 6.3
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Above: Aerial image of the subject site

Below: Aerial image of the locality highlighted in red



The locality contains a variety of different land uses and built forms. The Zone has historically anticipates primary residential land uses, however, there are examples of commercial land use and mixed use developments within close proximity to the site. Adjoining the site to the north is a recent development that contains commercial land uses on the bottom floor and residential dwellings on the upper level. Directly west and south is the Seacliff Primary School which is located on a vast grounds and to the eastern side of Brighton Road are residential land uses varying from low to medium densities.



Above: Zoning map of the locality

Zone Legend:

GN = General Neighbourhood Zone

HDN = Housing Diversity Zone

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Change of use: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**

The land use is undefined and is not exempt from notification in Table 5, therefore the assessment pathway is Performance Assessed involving public notification

- **LIST OF REPRESENTATIONS**

Nil

AGENCY REFERRALS

Nil

INTERNAL REFERRALS

Nil

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 land use policies 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.

PO 1.2

Commercial activities improve community access to services are of a scale and type to maintain residential amenity.

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.*

PO 1.5

Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.

The policy is clear in that despite residential land uses being the primary land use envisaged, small commercial land uses are welcomed in the zone. The intent of the policy is that commercial land uses are of a small scale and provide convenience and compliment what is a locality primarily comprised of dwellings. The music school will operate within the confines of the existing building of what was an existing office. It is noted that the site is located on a busy arterial road, which the traffic noise has a large impact on the amenity of the locality. As there will be no introduction of commercial land use into the locality, rather just a change in business type, impacts are considered to be negligible subject to other planning considerations being assessed such as parking demand and noise emissions.

The above mentioned Desired Outcomes and Performance Outcomes are satisfied.

Traffic, Transport and Access

Access into the site is from an existing crossover located on Barwell Avenue. The crossover will not be altered as part of the application and as a result traffic movements will not be affected. The introduction of the music school will result in change to the parking demand of the subject site. The applicant has advised the Council that the rear parking area containing 10 spaces is shared between the three tenancies with no individual allocations set sides for each business.

An assessment of the sites parking demand is shown below:

Office 100sqm = Demands 4 spaces at the following rate 4 spaces per 100m² of gross leasable floor area.

Shop 60sqm = Demands 2 spaces at the following rate 5 spaces per 100m² of gross leasable floor area where located in an integrated complex containing two or more tenancies

Music School 70sqm = is an undefined land use therefore there is not specific paring demand.

Based on the above assessment, this existing shop and office demand a total 6 spaces, leaving a total of 4 for the music school. As there is no numerical demand for the land use, the appropriateness will need to be determined on overall merits taking PO 6.1 in consideration.

PO 5.1

Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:

- a) *availability of on-street car parking*
- b) *shared use of other parking areas*
- c) *in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared*
- d) *the adaptive reuse of a State or Local Heritage Place.*

As there is not set schedule for the music lessons that will occur on the site it is challenging to specifically determine when parking demand will be at its peak. The office being the corner tenancy operates Monday to Friday 9am to 5pm and the shop Monday to Friday 9am to 3:30pm. Parking demand on weekends it not considered to be of concern as the two tenancies that share the car park will not be in operation.

After 3:30pm on weekdays the shop will cease trading which will theoretically free up two parking spaces in the car park bringing the availability to a total of 6. After 5pm on weekdays both the shop and the office cease trading allowing the entire car park to be available for the music school which operates to 9pm.

PO 5.1 (a) allows availability of on-street car parking to be considered when determining vehicle parking rates. The northern side of Bothwell Avenue can accommodate two spaces and the southern side an additional three spaces. This will allow an additional 5 spaces to be utilised in addition to the 4 allocated in the parking area.

The music school is not anticipated to be a land use that demands high traffic and parking intensity as music lessons are generally spaced out by at least 45 minutes. The allocated parking on the site and the additional on-street spaces on Bothwell Avenue are suitable to cater for the demand of the land use. PO 5.1 is therefore satisfied.

Interface Between Land Uses

An acoustic report was provided by the applicant (Attachment 2) which assessed the impacts of the land use against PO 4.6 of the Planning and Design Code.

PO 4.6

Development incorporating music achieves suitable acoustic amenity when measured at the boundary of an adjacent sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers.

DTS/DPF 4.6

Development incorporating music includes noise attenuation measures that will achieve the following noise levels:

<i>Assessment location</i>	<i>Music noise level</i>
<i>Externally at the nearest existing or envisaged noise sensitive location</i>	<i>Less than 8dB above the level of background noise ($L_{90,15min}$) in any octave band of the sound spectrum ($LOCT_{10,15} < LOCT_{90,15} + 8dB$)</i>

The closest sensitive receivers to the subject site are the dwellings located at 685 Brighton Road adjoining the site to the north. The site and the sensitive receivers are separated by a 1.7m high dividing fence and a two-storey masonry wall associated with the dwellings. See images overleaf below:



The noise assessment concluded the following:

- *The test musical events inside the studio, don't register as noise from the reading point.*
- *No sound treatment has yet been done to the studio.*
- *Even without any sound treatment, there was no noise heard from the studio.*
- *While testing with the loudest cabinet amps, turned up, there was no noise heard from the studio.*

The background noise associated with traffic along Brighton Road masked any noise emitted from the premises. The large masonry wall also provides an ideal sound barrier to mitigate noise emissions during the later operating hours of the music school. A condition has been placed on consent to ensure the development is in compliance with DPF 4.6 of the Interface between Land Uses module. This coupled with the provided acoustic report is considered to be satisfactory to determine that noise emissions will not detrimentally impact the locality.

Heritage Adjacency

The site is located in a Heritage Adjacency Overlay as it is to the east of the following Local Heritage Place

Barwell Avenue SEACLIFF	Educational Establishment - Seaclyff Primary School; The original external form, materials and detailing of the 1960 school building. The later additions and single storey infant school building are not included.	a c d	26243
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The extent of the local heritage place is highlighted in green in the below aerial



As no external works to occur in the application impacts to the heritage place are negligible.

CONCLUSION

The application for the music studio is considered to an ideal land use for the site. The studio will be replacing an existing office that was operating from the building resulting in little change to the overall functionality of the site. The applicant provided an acoustic report provides an analysis ensuring the noise emissions from the studio will not impact the nearby sensitive receivers.

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 22034351, by Elizabeth Brady 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 development herein approved shall operate between the hours of 9am to 9pm Monday to Friday and 9am to 4pm Saturday and Sunday, inclusive unless written approval to vary the times is given by the Council.
Condition
3. That the music associated with the indoor recreation facility shall demonstrate compliance with Designated Performance Feature (DPF) 4.6 of the Interface between Land Uses module of the Planning and Design Code.
4. That no more than 12 students shall be located on the site at any given time.
5. That all windows and doors of the building shall remain closed during music classes.

OFFICER MAKING RECOMMENDATION

Name: Alexander Stamatopoulos

Title: Development Planner

Date: 06/10/2023