

DEVELOPMENT NO.:	23026759
APPLICANT:	RENEE POST
ADDRESS:	296 BRIGHTON RD NORTH BRIGHTON SA 5048
NATURE OF DEVELOPMENT:	Change of use form a shop to an indoor recreation facility
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Local Activity Centre Overlays: <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Advertising Near Signalised Intersections • Building Near Airfields • Heritage Adjacency • Hazards (Flooding - General) • Major Urban Transport Routes • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development Technical Numeric Variations (TNVs): <ul style="list-style-type: none"> • Maximum Building Height (Levels) (Maximum building height is 1 level)
LODGEMENT DATE:	25 Sept 2023
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) - Version 2023.13 - 31/08/2023
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 Documents

DETAILED DESCRIPTION OF PROPOSAL:

The application is for a change of use from a shop to an indoor recreation facility that will host a dance school. The existing business that occupied the tenancy was a retail land use that offered homewares. The facility will be run by a business named "That's Dancing" which operates in various locations in South Australia.

Details of the land use are shown below:

Hours of operation

- Monday to Friday: 9am to 9pm
- Saturday and Sunday: 8am to 7pm

Maximum Class Numbers

- A maximum of 20 students
- 3 instructors
- Up to 12 classes per day on weekdays and 5 on weekends.

Music Amplification

- Portable speaker

The existing car park at the front and rear of the property will be offered to the staff and patrons. There will be no external changes to the building or advertising proposed with this application.

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

Location reference: 296 BRIGHTON RD NORTH BRIGHTON SA 5048

Title ref.: CT 5619/180 **Plan Parcel:** D5642 AL5 **Council:** CITY OF HOLDFAST BAY

The subject site is located at 296 Brighton Road in the Local Activity Centre Zone. The site contains a 59.7m frontage to Brighton Road and a depth of 36.6m with a total site area of approximately 2185sqm. The built form on the site comprises of two separate buildings each containing individual tenancies. The northernmost building hosts an office, dog grooming studio, the subject tenancy, a takeaway food shop and a restaurant. The southernmost building contains two tenancies which are both shops. Parking is located at the front and rear of the site accessed via three crossovers from Brighton Road. A total of 46 parking spaces are provided. See streetscape photo of the tenancy below:



Above: Subject Tenancy



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. Directly north of the site is a place of worship which is deeply recessed into the allotment due to a carpark located adjacent to Brighton Road. Adjoining the site to the east is a single storey detached dwelling which is located in the General Neighbourhood Zone and to the south a series of medium density town houses located in the Housing Diversity Zone. Brighton Primary School is on the western side of Brighton Road along with the North Brighton Cemetery.



Above: Zoning map of the locality

Zone Legend:

GN = General Neighbourhood Zone

HDN = Housing Diversity Zone

LAC = Local Activity Centre

CF = Community Facilities

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

• **PER ELEMENT:**

Change of use: Code Assessed - Performance Assessed

Indoor recreation facility: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**
The site of the development is adjacent land to a site (or land) used for residential purposes in a neighbourhood-type zone.
- **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

A range of small-scale shops, offices, business, health and community facilities to provide daily services to and support walkable neighbourhoods.

PO 1.1

Retail, office, health and community facilities, services and other businesses provide a range of goods and services to the local community.

PO 1.5

Changes in the use of land encourage the efficient reuse of commercial premises to maintain and enhance vibrancy within activity centres

The intent of the policy is that commercial land uses are of a small scale and provide convenience to the local community. The dance school will operate within the confines of the existing building of what was a shop maintaining its existing scale/floor area. The location of the dance school is in an appealing location in close

proximity to primary and high schools within the city. The dance school is a type of use that will attract the local community as anticipated by the policy which is emphasised by being close to local schools in the area.

As there will be no additional floor area associated with the land use, 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 Outcome and Performance Outcomes are satisfied.

Traffic, Transport and Access

Access into the site is from existing crossovers on Brighton Road. The crossovers will not be altered as part of the application and as a result traffic movements will not be affected. The applicant has advised the Council that the parking area across the site is shared between all the tenancies with no individual allocations set aside for each business. The introduction of the dance school will result in a change to how parking demand is determined.

Below is the relevant performance outcome relating to on-site parking followed by parking demand calculations.

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.

An assessment of the sites parking demand is shown below:

Existing Shop Land Use = Demands 5.15 spaces at 5 spaces per 100m² of gross leasable floor area (103sqm) where located in an integrated complex containing two or more tenancies.

Proposed Indoor Recreation Facility = Demands 5.2 spaces at 4.5 spaces of total floor area (117sqm)

Based on the above assessment, there will be no change in parking demand. Therefore PO 5.1 is satisfied.

Interface Between Land Uses

The relevant policies relating to music and an interface between land uses is shown below:

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 applicant confirmed that the music associated with the dance school will be via a portable speaker. The closest sensitive receiver is located at 3 Warwick Court which is to the rear of the subject site. See the aerial below:



Above: Closest sensitive receiver marked red

The photos below show the rear of the building looking west and also the sensitive receiver to the east.





During the assessment of the application, it was determined that an acoustic report was not warranted. This was on the basis that the music from the dance school can be easily controlled by the operators as it is via a speaker and not any type of instrument where regulating volume would be difficult. The building that will host the dance school is made of besa blocks which is adequate to suppress noise emissions. Conditions have been placed on consent to ensure that windows and doors are closed during lessons and to ensure compliance with DPF 4.6 of the Interface Between Land Uses assessment module.

CONCLUSION

The application for the dance studio is an ideal land use for the site. The studio will be replacing an existing shop that was operating from the building resulting in little change to the overall functionality of the site. Noise emissions from the studio will not unreasonably impact adjacent sensitive receivers when considering the built form of the building and the ability for volume levels to be controlled via a speaker safeguarded by a condition on consent.

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 23026759, by RENEE POST 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 8am to 7pm Saturday and Sunday inclusive unless written approval to vary the times is given by the Council.
3. That the noise 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 20 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: 2/11/2023