

| | |
|--|--|
| DEVELOPMENT NO.: | 24009673 |
| APPLICANT: | 530 Bay Road Pty Ltd |
| ADDRESS: | 530 ANZAC HWY GLENELG EAST SA 5045 532 ANZAC HWY GLENELG EAST SA 5045 534 ANZAC HWY GLENELG EAST SA 5045 |
| NATURE OF DEVELOPMENT: | Construct a child Care facility |
| 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: | 9 Apr 2024 |
| RELEVANT AUTHORITY: | Assessment panel at City of Holdfast Bay |
| PLANNING & DESIGN CODE VERSION: | P&D Code (in effect) Version 2024.6 04/04/2024 |
| CATEGORY OF DEVELOPMENT: | Code Assessed - Performance Assessed |
| NOTIFICATION: | Yes |
| RECOMMENDING OFFICER: | Alexander Stamatopoulos Development Planner |
| REFERRALS STATUTORY: | Commissioner of Highways |
| REFERRALS NON-STATUTORY: | Council - Traffic |

CONTENTS:

ATTACHMENT 1: Application Plans**ATTACHMENT 2: BESTEC Acoustic Report****ATTACHMENT 3: Frank Siow Traffic Report****ATTACHMENT 4: Sprout Stormwater Management****ATTACHMENT 5: Representations****ATTACHMENT 6: Response to Representations**

DETAILED DESCRIPTION OF PROPOSAL:

This application is for the construction of a child care centre with an associated car park and landscaping. The proposed building is single storey and is located centrally on the site with the building footprint expanding to the west. The proposed building will present to the primary frontage with a skillion roof and a façade that contains a variety of colours and materials including Axon cladding, face brick, timber battens and sheet fascia's and roofing. Multiple types of lightweight fencing are proposed with the majority being under 2.1m and therefore exempt from a planning assessment. It is noted that a 2.4m high timber paling fence is located on the southern rear boundary. The floor plan of the building comprises 6 activity rooms, amenity areas, sleep rooms, a kitchen, staff area and entry foyer. The coffee outdoor area is provided as a service to the parents of the children and will not be open to the general public. External to the building are three outdoor play areas and storage buildings.

A car park is located to the east of the building that provides 22 parking spaces and 2 bicycle rails. Landscaping is provided throughout the development which incorporates varying plantings to the perimeter and also extensive grassed areas in the outdoor play areas. The child care centre will have the capacity to accommodate up to 104 children and will operate between the hours of 6.30am and 6.30pm on Monday to Friday. Refuse collection will occur on-site.

BACKGROUND

An application was previously lodged to the Council for alterations and additions to the existing building, advertising and a change of use to a child care centre, Application ID 23009720. The application was lodged on the 11 of April 2023 and was subject to notification receiving three representations, two in support and one opposing. Planning consent was issued by the Council Assessment Panel on the 26 July 2023.

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**Location reference:** 534 ANZAC HWY GLENELG EAST SA 5045**Title ref.:** CT 5412/529 **Plan Parcel:** F12497 AL6 **Council:** CITY OF HOLDFAST BAY

The subject site is located in the High Density Neighbourhood Zone and contains a frontage of 64.8m to Brighton Road and a depth varying from 41.7m to 60.5m. The total site area is approximately 2,386sqm. The site previously hosted a two-storey detached dwelling, a swimming pool located in the front yard and various ancillary structures however he structures have been recently demolished. The site encompasses three allotments 530, 532 and 534 Anzac Highway.

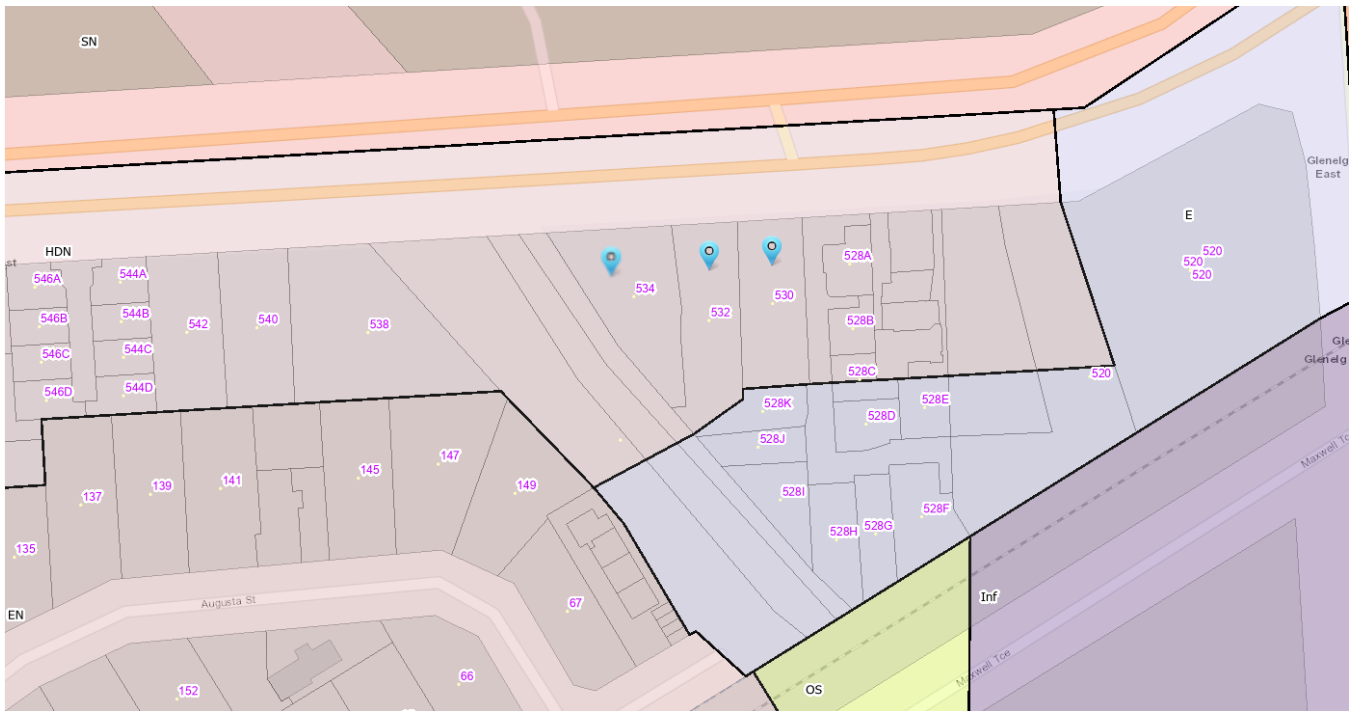




Above: Existing dwelling on the subject site



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 Morphet 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:**
 Child Care Facility: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed

- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**
The proposed development is not listed as a class of development in Column A of Table 5 - Procedural Matters (PM) - Notification of the Housing Diversity Neighbourhood Zone.

- **LIST OF REPRESENTATIONS**

| Summary of Representors | | | |
|--|---|-------------------------|---|
| Address of Representor | 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 |
| Property owner of 528K Anzac Highway, Glenelg East | Supports the development with some concerns | No | <ul style="list-style-type: none"> - The southern fencing height of 2.4m is excessive - The fence will impact visually and reduce the capture of sunlight - The location of the bin storage is not appropriate |
| Grace Milograd of 100 Augusta Street, Glenelg East | Opposes the development | No | <ul style="list-style-type: none"> - Traffic resulting from the development will be excessive - There are a surplus of child care centres on Anzac Highway |

Below is a map of the locality highlighting the representors land except Grace Milograd 100 Augusta Street which is a great distance from the site. The representor marked in red opposes the development and the star marked green is the representor that supports the proposal with some concerns. The subject site is highlighted in yellow.



- **SUMMARY**

The applicant responded to the representations stating that the concerns raised regarding traffic and noise have been covered in the supporting Acoustic and Traffic documentation submitted with the application. Further comments were made regarding the appropriateness of the land use, overshadowing and the location of the bins. Refer to Attachment 6.

AGENCY REFERRALS

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

INTERNAL REFERRALS

- Traffic – No objections

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One. The application is not seriously at variance with the provisions of the Planning and Design Code as the Desired Outcomes and Performance Outcomes of the Housing Diversity Zone anticipate child care facilities as an appropriate form of development.

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 building is single-storey and therefore are considered to be acceptable satisfying Zone PO 4.1.

Setbacks, Design and Appearance

The building contains a primary setback that varies from 6m to 10.4m Where DPF 4.1 of the Zone anticipates a minimum primary setback which is achieved. The built form does not entail any boundary development. The walls are setback adequately from the side and rear boundaries relative to their respective wall heights. The primary, side and rear boundary setbacks are considered to satisfy Zone PO 4.1, 7.1, and 8.1.

The built form presenting to Brighton Road is appropriate. The building contains an articulated façade and the retention of the low existing masonry fence with the inclusion of additional fencing adding further visual interest. The car park is located to the side of the property which allows the building to be a prominent feature of the site. Adequate landscaping is proposed between the building and the primary boundary. 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 26 spaces. A total of 22 parking spaces are provided on the site resulting in a numerical shortfall of 4 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 3 to 3.3 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. It was concluded that development was supportable from a traffic and parking perspective.

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 timber paling fence be constructed to the western boundaries of the play area as illustrated with blue line on Figure 2.*
- *A 2,100mm timber paling fence be constructed around the eastern boundary as indicated with orange line on Figure 2.*
- *A 2,400mm high timber paling fence be constructed around boundaries of the outdoor play areas as illustrated with red line on Figure 2.*
- *The fences should be continuous with no gaps and have minimum surface mass of 5kg/m².*
- *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.*
 - *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 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 and the common driveway associated with the dwellings to the east. Concerns were raised by the representor located at 528k Anzac Highway concerning the location of the bin storage being close to the master bedroom of their dwelling. The applicant was invited to amend the location of the bin storage location. Several options were considered however a solution that did not impact the traffic, stormwater management or the childcare play area could not be sought.

There is approximately 6m to 10m of separation between the bins and the nearby dwellings which may be adequate to mitigate impacts to the air quality. However, there is a risk that air pollution in the form of odour from nappy disposal and food waste could impact nearby sensitive receivers contrary to PO 5.1 of the Interface Between Land Use Assessment Module.

PO 5.1

Development with the potential to emit harmful or nuisance-generating air pollution incorporates air pollution control measures to prevent harm to human health or unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) within the locality and zones primarily intended to accommodate sensitive receivers.

The bins would be better located away from the dwellings to minimise the impacts of potential odour emissions. Bin collection will occur via a private contractor 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.

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. 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 24009673, by 530 Bay Road 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 timber paling fence be constructed to the western boundaries of the play area as illustrated with blue line on Figure 2.*
 - *A 2,100mm timber paling fence be constructed around the eastern boundary as indicated with orange line on Figure 2.*
 - *A 2,400mm high timber paling fence be constructed around boundaries of the outdoor play areas as illustrated with red line on Figure 2.*
 - *The fences should be continuous with no gaps and have minimum surface mass of 5kg/m².*
 - *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.

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.
5. That the development herein approved shall operate between the hours of 6:30am to 6:30pm Monday to Friday inclusive unless written approval to vary the times is given by Council.
6. That no more than 104 children shall be located in the child care centre at any given time.

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

7. All access to/from the development shall be gained in accordance with the site plan produced by On Architecture, Job No. 202300117, Drawing No. DA01, dated 08 03 2024. The driveway shall be appropriately flared for ease of access.
8. 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.
9. All off-street car parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009. The first parking space adjacent to the Anzac Highway frontage (space 10) shall be removed and space 11 shall be marked for 'Staff Only'.
10. All vehicles shall enter and exit the site in a forward direction.
11. 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.
12. The redundant crossovers on Anzac Highway shall be closed and reinstated to Council's kerb and gutter standards at the applicant's expense prior to the operation of the childcare centre.
13. Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

ADVISORY NOTES

Planning Consent

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 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 applicant should

return the attached consent form along with the stamped approved plans and Decision Notification Form to dit.landusecoordination@sa.gov.au for consent purposes.

OFFICER MAKING RECOMMENDATION

Name: Alexander Stamatopoulos

Title: Development Planner

Date: 31/05/2024