

DEVELOPMENT NO.:	24003424
APPLICANT:	Christine Maunder
ADDRESS:	65 STURT RD BRIGHTON SA 5048 63 STURT RD BRIGHTON SA 5048
NATURE OF DEVELOPMENT:	Change of use to incorporate a shop to the existing place of worship (retrospective) and the construction of an addition and a carport.
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 • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Transport Routes • Urban Tree Canopy
LODGEMENT DATE:	14 Feb 2024
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.2 08/02/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

CONTENTS:

ATTACHMENT 1: Application Documents

DETAILED DESCRIPTION OF PROPOSAL:

The application is for the change of use to incorporate a shop to the existing place of worship and the construction of an addition to that shop and a carport that will be located to the western side of the dwelling located at 63 Sturt Road. The existing grocery store labelled “grocery with a heart” is a ministry of the church which collects surplus foods from supermarkets and partners with Foodbank to supply affordable grocery supplies. The grocer has a focus on tackling food waste and giving back to the local community and was a 2023 Holdfast Bay council winner for the category of community engagement. The grocery has been in operation on the site for over three years.

The existing building that currently hosts the grocery store is proposed and the addition will be to the north. The addition will comprise of an additional 146 sqm of floor space which comprises shelving, a service counter, cool rooms and preparation areas. The floor layout of the existing building will be altered to increase the functionality of the grocery store as a whole.

The scale of the building is suitable and despite hosting a commercial land use, is of a residential scale. The highest point of the walls measure 3.2 m from the footing height which tapers down to 2.8m to the north. They will comprise of Hebel panelling that will be texture-coated. The wall is setback 1m from the western boundary and the eastern side wall is adjacent to the church. The operating hours of the store will be from 10am to 3:30pm Tuesday to Friday and 10am to 1pm on Saturdays. It will have a maximum of 4 volunteers active at any given time.

The carport contains a modest built form comprising an area of 21.6sqm, open sides and a flat roof with a total height of 2.7m. The carport is setback 1m from the western side boundary.

BACKGROUND

The grocer has been operating for approximately 4 years without obtaining development approval from the Council. This application seeks to formalise the land use along with the extension proposed and the carport.

SUBJECT LAND & LOCALITY:

Site Description:

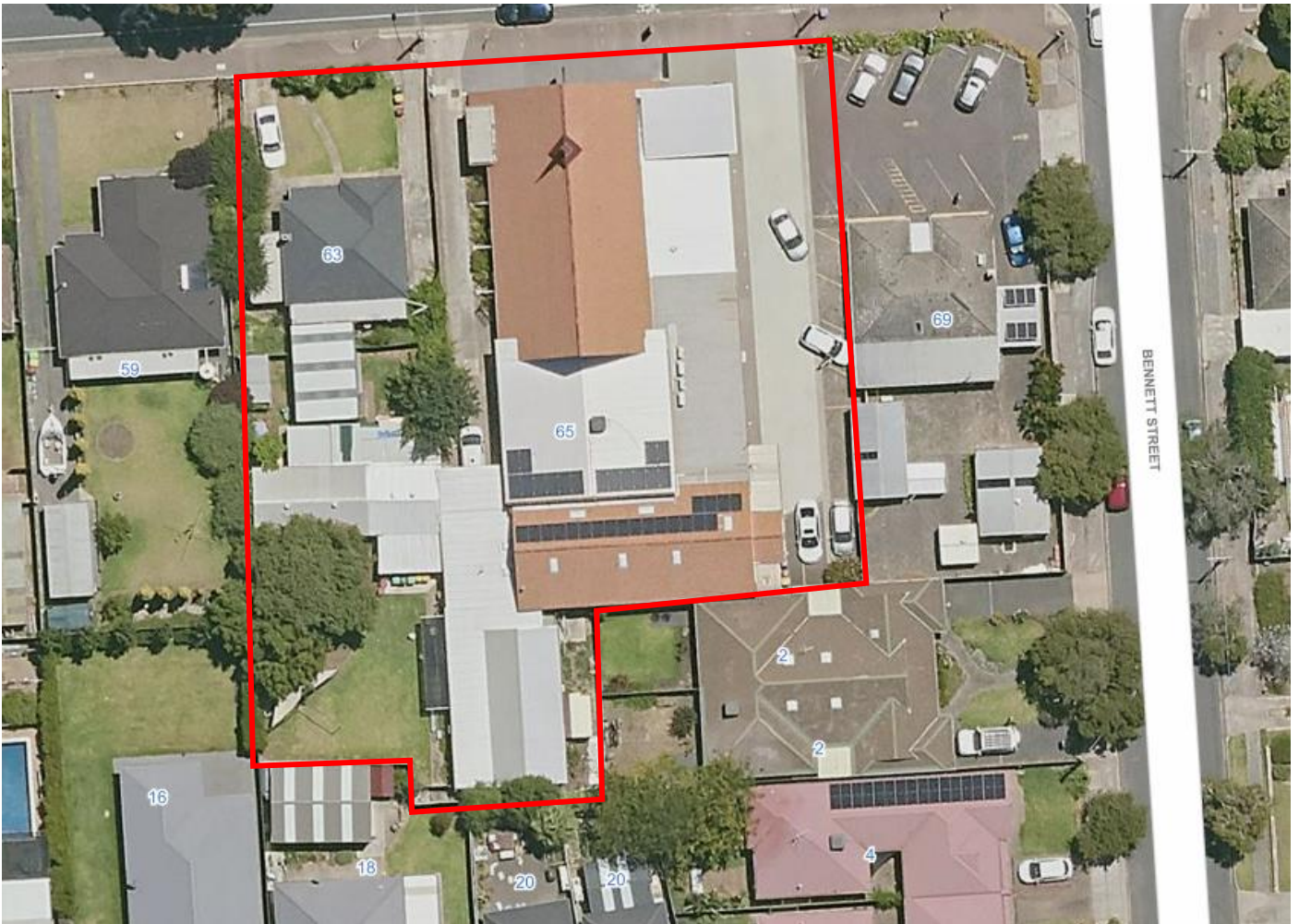
Location reference: 65 STURT RD BRIGHTON SA 5048

Title ref.: CT 6178/26 **Plan Parcel:** D71566 AL503 **Council:** CITY OF HOLDFAST BAY

Location reference: 63 STURT RD BRIGHTON SA 5048

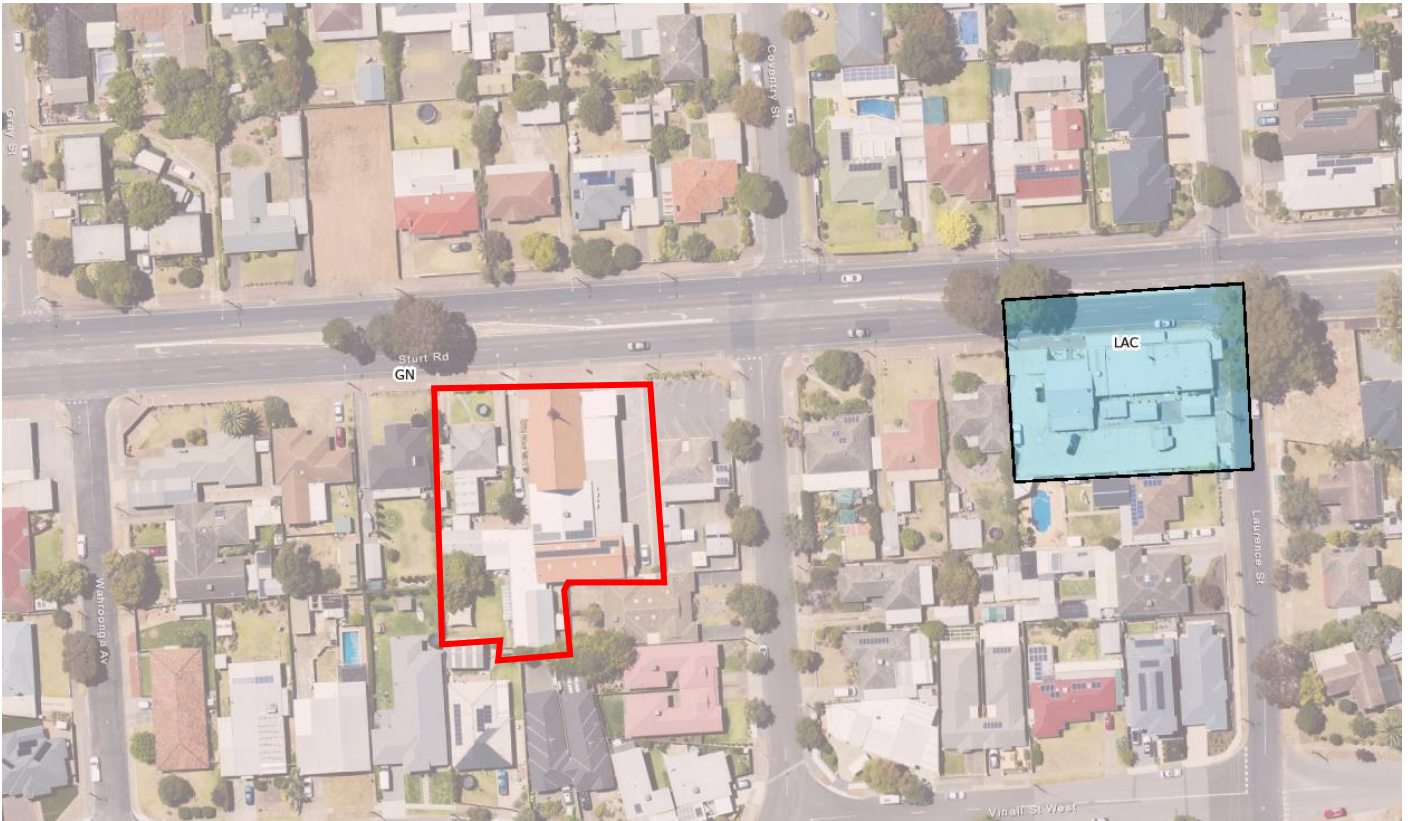
Title ref.: CT 5992/926 **Plan Parcel:** D71566 AL504 **Council:** CITY OF HOLDFAST BAY

The subject land comprises two addresses being 63 and 63 Sturt Road Brighton. 63 Sturt Road currently hosts a detached dwelling with ancillary structures which is owned by the Church of Christ. 65 Sturt Road comprises the Brighton Church of Christ. Both parcels are located in the General Neighbourhood Zone and gain access from Brighton Road. Brighton Community Care is located on the corner of Brighton Road and Bennett Street identified as 69 Sturt Road. Although on a separate allotment the community care centre functions in association with the Church.



Above: Subject land comprising 63 and 65 Sturt Road Brighton

Below: Wider Locality (Zoning overlaid)



The land that adjoins the site to the south, east and west are all located in the General Neighbourhood Zone along with the residential land uses adjacent to the site on the northern side of Brighton Road. There is a group of shops to the east of the site on the corner of Brighton Road and Laurence Street which are in the Local Activity Centre Zone in the City of Marion. The locality is predominantly residential with the church being a long-standing land use as a place of worship that was established in the 1950's.

The works proposed on the subject site are limited to its western side as highlighted in the aerial below. The aerial is also followed by a series of photos of the current community grocery store.

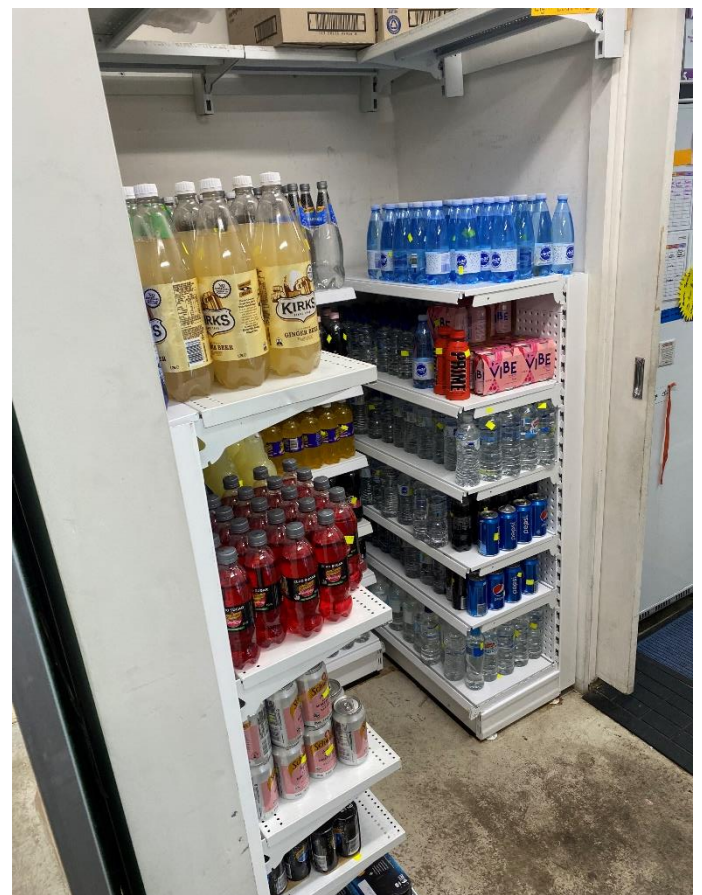




Above: Entry sign leading to the store from Brighton Road
Below: Produce for consumers



Above: Grocery rules
Below: Dry store of drinks





Above: Inside main building showing goods for sale

Below: Undercover storage shelter between the dwelling and the grocer (to be demolished)





Above: View north showing the location of the fence between the grocery and the existing dwelling

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

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

PUBLIC NOTIFICATION

- **REASON**
The application does not satisfy General Neighbourhood Zone DTS/DPF 1.4(a)
- **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. 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 General Neighbourhood Zone anticipate small-scale shops and a carport as an appropriate form of development.

Land Use

PO 1.1

Predominantly residential development with complementary non-residential uses that support an active, convenient, and walkable neighbourhood.

PO 1.2

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 1.3

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

PO 1.4

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

PO 1.5

Expansion of existing community services such as educational facilities, community facilities and child care facilities in a manner which complements the scale of development envisaged by the desired outcome for the neighbourhood.

The above assessment provisions are taken from the General Neighbourhood Zone and relate to the anticipated land uses by the Zone. The subject land finds itself on an arterial road and is associated with a place of worship which has been active since the 1950's. The church has expanded its community offerings on the site by providing services such as the "grocery with a heart" which provides a scarce and unique offering to the local community that is not a regular occurrence in the city.

The current grocer has been running for over three years albeit without consent from the Council. While the application seeks to rectify the land use, the locality has been accustomed to its operation therefore it is not a land use that is foreign to the site and the immediate locality. The assessment provisions above speak of small-scale non-residential development such as shops with an emphasis on serving the community. The proposed grocery is not considered to be of a scale likened to a commercial supermarket but rather has an intent on serving the community as opposed to commercial incentives. When considering the scale of the supermarket and its offering to the community the application satisfies the intent of being a small-scale shop satisfying PO's 1.1 to 1.5 listed above.

Building Height and side setbacks

PO 4.1

Buildings contribute to a low-rise suburban character.

The height of the grocery extension is single-level and varies from 2.8m to 3.2m when measured from the top of the footing. Low-rise is fined as development up to and including 2 building levels which is achieved.

PO 8.1

Building walls are set back from side boundaries to provide:

- a) separation between buildings in a way that contributes to a suburban character and*
- b) access to natural light and ventilation for neighbours.*

The walls of the structure are setback 1m from the western side boundary and 4.1m internally on the eastern side to the church wall. The 1m setback to external western boundary is suitable relevant to the wall heights of the dwelling. The setback is welcomed as it will be of lesser impact to the western neighbouring dwelling in comparison to boundary development which is anticipated by the policy. When considering this and the fact that two-level development is anticipated the scale and of the grocery addition and its associated setbacks are appropriate satisfying PO 4.1 and 8.1.

Traffic, Access and Parking

PO 3.1

Safe and convenient access minimises impact or interruption on the operation of public roads.

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.*

Pedestrian access to the grocer will be as existing, between the church and the dwelling. The deliveries into the site will occur along the western side of the dwelling. Dropoff will occur under the proposed carport and goods will be taken into the store via a roller door. The grocer uses a iLoad Van which is driven and used by volunteers. Currently, the van is used to pick up and deliver products once or twice a day which is at 1/3 of its storage capacity. It is expected in the long term, with the inclusion of the grocer extension, the amount of product being handled will double. As there is ample capacity in the delivery vehicle the amount of deliveries occurring to the site is not projected to increase. On average there is one delivery a week from external parties that provide goods for the grocer. These external deliveries park in the Church car park and use a hand trolley to deliver the products.

The patrons of the grocery have access to 14 parking spaces located on the site. Table 1 – General Off-Street Car Parking Requirements anticipates parking demand to be determined by the floor area of the grocer. The grocery is defined as a shop and therefore demands 5.5 spaces per 100sqm of floor area. The total floor area of the grocer inclusive of the additions is 221sqm therefore demanding 12 parking spaces. The majority of traffic attracted to the site occurs during church services which occur on Sunday's at 10am when the grocer is not operating allow for great on-site parking availability. During most of the grocers operating hours the activities on the site are minimal. Brighton Community Care operates at the same time as the grocer however on a small scale being 3 days a week on Monday, Wednesday and Friday's within the limited hours of 10am to 1pm. Further, despite demanding 12 parking spaces, it is expected that a maximum of 6 shoppers will frequent the store at any given time reducing the parking demand.

When considering the on-site parking availability and operations of the site the amount of on-site parking spaces is considered to be appropriate satisfying PO 3.1 and 5.1 of the Transport, Access and Parking assessment module.

Interface between Land Uses

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.*

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.*

Impacts of interface are considered to be negligible as the grocer is not a high-impacting land use. Foot traffic from patrons will occur between the church and the dwelling away from external properties. The deliveries that occur during the week are minimal and are not of a commercial scale where conventional supermarkets are subject to multiple deliveries a day by large vehicles. The size of the van used to deliver products is domestic and does not emit noise/fumes that will impact nearby sensitive receivers. The days and hours of operation are the during the day which operate between the hours of 10am to 3:30pm Tuesday to Friday and 10am to 1pm on Saturday's. PO 2.1 and 4.2 are satisfied.

Existing Dwelling

Impacts to the existing are negligible. The northern wall of the grocer will replace the fence that currently divides the property resulting in a minor change to the total private open space area. Notwithstanding, the amount of private open space at the rear of the dwelling is 60sqm which does not encroach into the eastern driveway. This satisfies PO 21.1, 21.2 and table – 1 Private Open Space of the Design in Urban Areas Module.

PO 21.1

Dwellings are provided with suitable sized areas of usable private open space to meet the needs of occupants.

PO 21.2

Private open space is positioned to provide convenient access from internal living areas.

Table 1 – Private Open Space

Dwelling Type	Dwelling / Site Configuration	Minimum Rate
Dwelling (at ground level, other than a residential flat building that includes above ground dwellings)		<p>Total private open space area:</p> <p>(a) Site area < 301m²: 24m² located behind the building line.</p> <p>(b) Site area ≥ 301m²: 60m² located behind the building line.</p> <p>Minimum directly accessible from a living room: 16m² / with a minimum dimension 3m.</p>



Above: Markup of private open space of the existing dwelling shown red

The dwelling benefits from having two access points where its occupants can use the eastern driveway to store vehicles that will not conflict with the deliveries which occur on the western side of the property. The circumstances of the dwelling and its relation to the church are unique. Both parcels of land are owned by the Church and have complimented each other over the years. Currently, the dwelling is used as an affordable housing offering. The applicant has indicated that its future potential use may involve emergency housing for those in need or additional space required for the Brighton Community Care service. While its future use is not relevant to this application it provides context to how the dwelling and the church operate in unison with each other despite being on separate parcels of land.

Waste

Waste produced by the grocer includes spoiled foods, cardboard and soft plastics. The grocer has a contract with Solo Waste Management for two bins: 1 x 1100L recyclable cardboard, 1 x 600L combined recyclable for plastics. The cardboard bin is collected weekly while the plastics bin is about every 2 months. Spoiled foods are deposited into the weekly Council green bin. It is expected that there will be an increase in cardboard and plastic waste. The additional cardboard collected will fit into the existing Solo service where the bin is collected weekly. The plastics bin is likely to

be collected once a month rather than every two months. It is not anticipated that there will be an increase in spoiled foods as the grocer manages what non shelf stable food that is purchased. The methods of waste management satisfy the Council's Waste Management Policy.

CONCLUSION

The application proposes the extension to an existing shop with the intent of extending their offerings to the local community. The shop is a land use that is low impacting coupled with a built form that is modest and anticipated by the Zone. The extension of the land use is supported by the General Neighbourhood Zone being of a small scale and with the intention of serving the local community. Impacts to the immediate locality are considered to be negligible and the application warrants planning consent for a unique offering that is currently endorsed by the local community.

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 24003424, by Christine Maunder 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 10am to 3:30pm Tuesday to Friday and 10am to 1pm on Saturday's inclusive unless written approval to vary the times is given by Council.
3. That deliveries to the site shall not occur outside of the hours of 8am to 7pm Monday to Saturday.

OFFICER MAKING RECOMMENDATION

Name: Alexander Stamatopoulos

Title: Development Planner

Date: 08/05/2024