

Notice of Meeting

Notice is hereby given to Members that the next meeting of the Fleurieu Regional Assessment Panel will be held in the Alexandrina Council Community Chambers "Wal Yuntu Warrin", Goolwa, on 17 August 2021 commencing at 11:00 am



Your attendance is requested.

11.00 am Commencement of Meeting

- | | | |
|----------|---------------|--|
| Item 3.1 | 21007959 - | Construction of a mixed use development, comprising consulting rooms, an indoor recreation facility (gym) and shop (pharmacy) with associated car parking, signage and landscaping
<i>Lot 5 Hampden Way, Strathalbyn</i> |
| Item 3.2 | 21003380 - | Construction of a Retail Fuel Outlet comprising a control building, car and dog washing facilities, fuel canopy, drive-through facility and associated signage, car parking and landscaping
<i>Lot 508 Braemar Dr, Strathalbyn</i> |
| Item 3.3 | 21003033 - | Change of use to Consulting Rooms with associated carparking and landscaping
<i>22-24 Tottenham Court Rd, Port Elliot</i> |
| Item 3.4 | 21011755 - | Construction of a domestic outbuilding
<i>9 Old Bull Creek Rd, Strathalbyn</i> |
| Item 3.5 | 21008447 - | Proposed domestic outbuilding with ancillary accommodation
<i>178 Newell Av, Middleton</i> |
| Item 3.6 | 21009880 - | Internal and external alterations and additional second floor Bedroom
<i>4 The Esplanade, Port Elliot</i> |
| Item 3.7 | 260/0029/21 - | Construction of a Nursing Home and associated landscaping
<i>31 St Andrews Blvd, Normanville</i> |

Matt Atkinson
Assessment Manager

10 August 2021

PRESENT

APOLOGIES

IN ATTENDANCE

CONFLICT OF INTEREST

Fleurieu Regional Assessment Panel Members are reminded of the requirements for disclosure by Members of direct or indirect personal or pecuniary interest in a matter listed for consideration on the Agenda.

Section 83 of the Planning, Development and Infrastructure Act 2016 requires that any Member declares any interest and provide full and accurate details of the relevant interest to the Panel prior to consideration of that item on the Agenda.

Each Member of the Fleurieu Regional Assessment Panel has a duty to vote at all meetings unless excepted by legislation.

The major exception being where a Member has a conflict of interest.

All discussion and consideration of decisions about development applications before the Fleurieu Regional Assessment Panel will be made in public unless otherwise determined by the Panel in accordance with their Meeting Procedures.

ITEM 1. CONFIRMATION OF MINUTES

Minutes of the Fleurieu Regional Assessment Panel held on Tuesday 18 May 2021.

RECOMMENDATION

That the minutes of the Fleurieu Regional Assessment Panel held on Tuesday 18 May 2021 as circulated to members be received as a true and accurate record.

ITEM 2. RESOLVE TO PROCEED

Nil

ITEM 3. DEVELOPMENT APPLICATIONS

ITEM	3.1
APPLICATION ID	21007959
PROPOSED DEV	Construction of a mixed use development, comprising consulting rooms, an indoor recreation facility (gym) and shop (pharmacy) with associated car parking, signage and landscaping
SUBJECT LAND	Lot 5 Hampden Way, Strathalbyn
APPLICANT	Strathalbyn Village Pty Ltd
REPORT AUTHOR	Matt Atkinson – Assessment Manager
LODGEMENT DATE	12 May 2021

DEVELOPMENT APPLICATION DETAILS

Zone	Hills Neighbourhood Zone
Subzone	N/A
Relevant Overlays	Affordable Housing Hazards (Bushfire - Urban Interface) Hazards (Flooding - Evidence Required) Murray-Darling Basin Native Vegetation Prescribed Water Resources Area River Murray Tributaries Protection Area Traffic Generating Development Urban Transport Routes Water Resources
Relevant Technical Numerical Variations (TNVs)	Maximum Building Height - Eight (8) metres Maximum Building Height (levels) – Two-storey Concept Plan 113 - Residential Growth - Strathalbyn North
Assessment Pathway	Code Assessed - Performance Assessed
Public Notification	Representations received: 68 (61 in support) Representations to be heard: 1 (in support)
Referrals – Statutory	Nil
Referrals – Internal	Engineering Environmental Health Community Wastewater Management Scheme (CWMS)
Assessing Officer	Matt Atkinson
Date last inspected	25 June 2021
Recommendation	Grant Planning Consent subject to conditions

REPORT CONTENTS

Assessment Report

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Attachment B: Plans & Supporting Documentation Pg. 144

Attachment C: Representations Pg. 199

Attachment D: Response to Representations Pg. 280

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Attachment F: GTA Traffic and Parking Report Pg. 379

PURPOSE OF REPORT

Under the *Planning Development and Infrastructure Act 2016*, the Fleurieu Regional Assessment Panel (the Panel) is the relevant authority for Development Applications that are Performance Assessed and require public notification. The Panel has delegated the power to determine applications that do not receive any representations in opposition to a development to the Assessment Manager.

In this instance, the proposed development received representations opposing the development and, as such, the application is presented to the Panel for determination.

EXECUTIVE SUMMARY

The Applicant seeks consent for the construction of a multi-tenancy building comprising consulting rooms, an indoor recreation facility (gym) and shop (pharmacy), with associated car parking, signage and landscaping at Lot 5 Hampden Way, Strathalbyn.

The subject land is currently vacant and comprises a portion of the existing parent Title with a frontage to Braemar Drive. A land division application has been approved to create a separate Titles for the proposed development.

The subject land is located within the Hills Neighbourhood Zone, as identified within the Planning and Design Code. The proposed land uses are not identified as 'accepted', 'deemed-to-satisfy' or 'restricted' uses by the Planning and Design Code and, as such, the proposed development must be assessed on its merit as a 'performance assessed' form of development.

The Application was notified as the proposed development is a form of performance assessed development that is not excluded by the notification table contained within the Hills Neighbourhood Zone.

During the public notification period, 68 representations were received, with 61 supporting representations and seven (7) opposing representations. Only one (1) representor indicated a desire to be heard by the Panel in support of their submission.

In-principle, the establishment of an Indoor Recreation Facility (gym) and small-scale shops and consulting rooms are envisaged within the Hills Neighbourhood Zone. Given that the proposed development is generally consistent with the relevant design policies contained within the Planning and Design Code, the application essentially turns on whether the commercial aspects of the proposal (i.e. the shop and consulting rooms) are considered to be 'small-scale'.

The proposed Indoor Recreation Facility (gym) does not need to be of a small-scale in this Zone and therefore whilst it is debatable whether the overall building form and function is small-scale, the shop is

considered to be small-scale in its own right and the consulting rooms whilst having a larger floor area than the shop, is considered to be of a relatively small-scale when considering the size of other Medical Centres within the Council area.

Importantly, the proposed development is not expected to have any significant impact on the function of the nearby activity centre (the nearby Township Main Street Zone in High Street). The proposed gym operator has not been able to secure an appropriate site within the town centre to establish a purpose-built gym, despite actively looking for several years.

The Hills Neighbourhood Zone is anticipated to be primarily a residential area, albeit with non-residential development in appropriate locations. In this instance, the proposed development is located adjacent to several non-residential land uses and public open space. The area around the proposed development is currently vacant and can be designed to integrate residential development with appropriate landscaped buffers around the proposed development. The proposed development is not expected to result in any compromised residential amenity for future occupants of the local area.

The proposed development is not considered to be 'seriously at variance' with the relevant policies of the Planning and Design Code, and subsequently displays sufficient merit to warrant the granting of Planning Consent.

NATURE OF DEVELOPMENT

The proposed development includes the construction of a multi-tenancy building comprising consulting rooms, an indoor recreation facility (gym), shop (pharmacy), with associated car parking, signage and landscaping.

The proposed building is single-storey in form, albeit with a high architectural roof pitch and overall building height. The building has a contemporary appearance and utilises a range of building materials and colours. Materials include vertical standing seam Colorbond matt steel walls in 'Monument' colour, textured vertical timber battens finished with 'Pacific Teak', pre-cast concrete panel walls in varying colours (light grey, grey and dark grey), vertical steel shutters, powder-coated aluminium window and door frames, Colorbond roof sheeting and feature canopy parapets comprising of composite panels with an olive green finish.

The proposed indoor recreation facility (gym) has a total floor area of 505 square metres and includes a main exercise room, a group fitness room, a private training room, a crèche, an office and separate male, female and accessible toilets and changing facilities. The gym is proposed to operate 24 hours a day / 7 days a week, with secure member access after daylight hours. The gym will employ 3 to 5 staff.

The shop (pharmacy) has a gross floor area of 211 square metres and will employ up to three (3) staff.

The consulting rooms are divided into two (2) tenancies, with a medical centre (420m²) and a separate 'allied health' practitioner (211m²). Both consulting room tenancies are open-plan spaces that would be subject to internal fit-outs to determine the final internal configuration. The Applicant has advised that they anticipate sufficient area for up to twelve (12) consulting rooms across the two (2) tenancies.

However, the proposed tenant for the medical centre has advised that only five (5) consulting rooms will be occupied at any given time, due to the nature of service delivery whereby the consultants work across different locations in regional areas.

Hours of operation have not been nominated for the shop or consulting rooms.

In terms of signage, the Applicant has proposed one (1), 6m-high multi-tenancy freestanding sign adjacent to the driveway entry to the site. A range of flush-mounted wall signs are proposed on each tenancy, all of which are to be located within existing parapets (i.e. they will not protrude horizontally or vertically beyond the building walls). All signs are proposed to be internally illuminated with laser cut lettering.

The proposed development will be serviced by 82 on-site car parking spaces, with lighting and landscaping throughout. The proposed land uses will be operated independently of each other, but will share a single two-way vehicle access crossover to/from Braemar Drive. The car parking area will be sealed with bitumen and line-marked. All internal pedestrian paths will be paved.

Landscaping is proposed throughout the car parking areas, including a combination of shade trees, shrubs and groundcovers. Additional landscaping is proposed within a landscape buffer easement on adjacent land (also owned by the Applicant).

Stormwater will be directed to two (2) detention tanks beneath the car parking area, with a capacity of 32.2kL and 62.3kL respectively. Stormwater will be treated by Gross Pollutant Traps and Oil/Grease Arrestors and discharged to a drainage swale. The proposed building is designed with a finished floor level that is 500mm above the existing swale.

All deliveries to the site will be via small commercial vans (i.e. no commercial truck deliveries will be required for day to day operations). Waste collection will be from designated bin enclosure areas, by a private waste collection contractor. Waste collection will occur 2-3 times per week, outside of peak operating hours by an 8.8m Medium Rigid Vehicle (MRV) bin truck.

BACKGROUND

Previous applications

Development Application	Nature of Development	Decision
455/D022/20	Torrens Title Land Division creating two (2) additional allotments	Approved
455/392/20	Construction of a child care centre, indoor recreation centre (gym) and shop (pharmacy), with associated car parking and landscaping	Approved (an Appeal has been lodged in the ERD Court)

Panel members will recall DA 455/392/20 for the construction of a child care centre, indoor recreation centre (gym) and shop (pharmacy), with associated car parking and landscaping. The application was considered by the Panel at its meeting held on 27 January 2021 and Development Plan Consent was granted subject to some reserved matters regarding wastewater connections, a final landscaping plan and a lighting plan.

The Development Application was appealed by a third-party (the owners of the existing nearby child care centre on North Parade) as the previous application was a Category 3 development under the former Development Act. The ERD Court proceedings have been placed on hold pending the outcome of this Development Application.

The current Development Application has been submitted to substitute the child care centre with consulting rooms. If approved, it is understood that the current appeal in the ERD Court will be discontinued as the Appellant was only concerned with the child care centre.

It is also worth noting that the proposed indoor recreation facility (gym) and shop (pharmacy) have already been approved on DA 455/392/20. The building footprints for these elements remain unchanged from the previous approval.

SUBJECT LAND AND LOCALITY

The subject land is known as Lot 5 Hampden Way, Strathalbyn, and is formally described as Allotment 507 contained within Deposited Plan 72267 in the area named Strathalbyn, Hundreds of Macclesfield and Strathalbyn, as identified in Certificate of Title - Volume 5975, Folio 703.

The subject site is contained to a portion of the allotment located at the southern end of the parent Title, adjacent Braemar Drive.

The subject site has a frontage to Braemar Drive of approximately 64 metres and a depth of approximately 86 metres, with a total site area of 4,580 square metres.

The land is relatively flat, with the gentle slope that does exist falling from the rear of the site to the Braemar Drive boundary. Council's records indicate a fall of approximately 500mm over the depth of the site. The land is currently vacant and is well-maintained by the owners.

The locality is characterised by a range of land uses and built form. Whilst the subject land is located within the Hills Neighbourhood Zone, which is primarily a residential area, the nearest occupied properties include the Strath Motel, the Strathalbyn Tennis Club, a community skate park and a Child Care Centre. Beyond this immediate area, the locality is predominantly residential in nature, with single storey detached dwellings the prevalent built form.

The subject land is currently surrounded by vacant land on all sides.

The Angus River and associated walking trails are located nearby. Adelaide Road and East Terrace are the nearest State maintained roads and there are no heritage listed buildings on adjacent land.

SUBJECT LAND AND LOCALITY MAP



Figure 1 – The subject land, subject site and locality

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Agenda
17 August 2021

SUBJECT LAND AND LOCALITY PHOTOGRAPHS



Figure 3 – the subject land viewed from Braemar Drive (looking west)



Figure 4 – The subject land viewed from Braemar Drive (looking east)



Figure 5 – The existing access driveway

PUBLIC NOTIFICATION CATEGORY

The Application was notified as the proposed development is a form of performance assessed development that is not excluded by the notification table contained within the Hills Neighbourhood Zone.

During the public notification period, 68 representations were received, with 61 supporting representations and seven (7) opposing representations. Only one (1) representor indicated a desire to be heard by the Panel in support of their submission.

REPRESENTATIONS RECEIVED

Public Notification		Letters to adjoining land owners and installation of a notification sign on the land between 21 May 2021 and 12 June 2021	
Representations received (in alphabetical order)		Support / Opposed	Wish to be heard
1.	Hannah Allen	Opposed	No
2.	Nadine Bald	Support	No
3.	Trevor Bald	Support	No
4.	Nicole Batt	Support	No
5.	Allana Bley	Support	No
6.	Vizma Boag	Support	No
7.	Jennifer Bogusz	Opposed	No
8.	Joy Bourne	Support	No
9.	Ben Brazzalotto	Opposed	No
10.	Bill Bullock	Support	No
11.	Anna Butler	Support	No
12.	Frank Chapman	Support with concerns	No
13.	Tracey Chattaway	Support	No
14.	James Clegg	Support with concerns	No
15.	Helen Cram	Support	No
16.	Louise Davies	Support	No

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17.	Scott Davies	Support	No
18.	Heather Dean	Support	No
19.	Joanne Dix	Support	No
20.	James Doube	Opposed	No
21.	Peta Evans	Support	No
22.	Candeece Falland	Support	No
23.	Roxanne Galpin	Support	No
24.	Theresa Guest	Support	Yes
25.	Sarah Guscott	Support	No
26.	Brooke Guy	Support	No
27.	Julie Haines	Support	No
28.	Julie Hearn	Support	No
29.	Ashlyn Hood	Support	No
30.	Joanne Scott	Support	No
31.	Joanne Johns	Opposed	No
32.	Donna Kaltenbrunner	Support	No
33.	Ben Kirtland	Support	No
34.	Bev Logan	Opposed	No
35.	Molly Mawson	Support	No
36.	Rebekah Mayes	Support	No
37.	Paul McLoughlin	Support	No
38.	Lachlan Miller	Support	No
39.	Wendy Nethercott	Support	No
40.	Melanie Phillips	Opposed	No
41.	Bev Richards	Support	No
42.	Phillip Richards	Support	No
43.	Christine Riley	Support	No
44.	Brianna Rowett	Support	No
45.	Amy Sissman	Support with concerns	No
46.	Kimberly Scott	Support	No
47.	Ben Scott	Support	No
48.	Beverley Sheridan	Support with concerns	No
49.	Dani & Sam Sherriff	Support	No
50.	Elise Silson	Support	No
51.	Andrea Spencer	Support with concerns	No
52.	Wade Steele	Support	No
53.	Zoe Steer	Support with concerns	No
54.	Kristie Stone	Support	No
55.	Brian Synnott	Support	No
56.	Alex Synnott	Support	No
57.	Christie Thornton	Support	No
58.	Sam Tiller	Support	No
59.	Prue Turner	Support	No
60.	Belinda Vivian	Support	No
61.	Sandie Walton	Support	No
62.	Brook Walton	Support	No
63.	Jamie Warland	Support	No
64.	Samantha Watc	Support	No
65.	Sharon White	Support	No

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66.	Barrie Williams	Support	No
67.	Kylie Williams	Support	No
68.	Paquita Wise	Support	No

Summary of Representations received	Applicant's response to the Representations received
<p><u>Land Use</u></p> <p>There is already a sufficient number of pharmacies and surgeries in Strathalbyn.</p> <p>Concerns were raised over the commercialisation of Strathalbyn.</p> <p>The proposed development is not small-scale.</p> <p>Commercial development should be located within the town centre.</p>	<p>The proposed medical centre, pharmacy and gym will serve the local area and cater for the expanding population, particularly in the northern region of Strathalbyn. The proposed land uses at this location will make the northern region a more convenient and accessible place to live and reduce vehicle kilometres travelled and associated emissions. The site is easily accessible being situated on Braemar Drive which functions as a 'collector' road for vehicles travelling from the nearby Adelaide Road (an arterial road) to residential development in northern Strathalbyn.</p> <p>Additionally, the added resources to the locality will diminish the need for local residents to travel to Mount Barker for similar consultations or treatments. The proposed uses are consistent with Hills Neighbourhood Zone Performance Outcomes 1.1, 1.3, 1.4 and Concept Plan 113 for Residential Growth. There are no conflicting provisions in the Zone or applicable Overlays for the proposed land use to be located on the subject site.</p> <p>While the proposed pharmacy does constitute additional commerce in the locality, the majority of the site is proposed to be used for indoor recreation (being the gym) and consulting rooms for healthcare. These land uses are proposed in order to contribute to the walkability of the town and in the locality, given its location in Concept Plan 113 and its distance from the nearest Activity Zones.</p> <p>Whilst it is acknowledged the combined proposed land uses are slightly larger than anticipated in the zone, we understand there is demand from the expanding northern region of Strathalbyn for further facilities and the built form is limited to one level (albeit of two storey in form). Accordingly, we consider that the scale of the proposal is adequate and meets the policy considerations application to the subject site.</p> <p>The proposal is on a vacant, currently underutilised site which represents the first stage of a master-planned development of vacant land adjoining the Strathalbyn town centre. The proposed land uses and built form are designed in order to complement the surrounding locality, and to ensure consistency with Concept Plan 113 for Residential Growth. It is both practical and convenient for the proposed range of community facilities to be established within proximity to the growing northern residential area of Strathalbyn.</p>

	<p>There is no evidence to suggest this development will diminish the viability of the existing town centre, in fact the provision of these additional facilities will support local expenditure within the town and as mentioned, reduce the need for residents to seek services beyond Strathalbyn (expenditure leakage).</p>
<p><u>Built Form and Design</u></p> <p>The design should complement the local heritage character of Strathalbyn.</p> <p>Signage should be non-illuminated and the proposed scale does not complement the locality.</p> <p>Additional soft landscaping should be included to soften the appearance of the development.</p> <p>The overall building height exceeds the maximum building height for the Zone.</p>	<p>Local heritage character policy within the Planning and Design Code is not applicable to the subject site or its locality. Although there are numerous listed local heritage and State Heritage places in the town, the proposed development is not adjacent or impactful upon any such places.</p> <p>In addition, the locality is primarily characterised by vacant land and as such, no pattern of built form has been established. The proposed building will be centrally located within the subject site to avoid extensive, uninterrupted walls and to better manage interface impacts to adjoining land should it be subject to future development.</p> <p>The proposed signage will be complementary to the architectural form and design of the proposed building and will not detrimentally affect the locality by way of siting, size, glare, shape or colour. The advertising displays are designated to clearly identify the businesses to passing traffic and to clearly identify the access points into the site to facilitate safe traffic movements.</p> <p>Given the siting, content and dimensions of the illuminated signage, and that the sign will not flash, move nor rotate, the advertising displays will not cause discomfort, confusion, nor distraction to those driving along Braemar Drive.</p> <p>The proposed signage should not have any adverse impacts on existing sensitive areas and will not directly face any residential dwellings. Given the above, the signage associated with the proposed development satisfies the relevant provisions of the Code.</p> <p>Landscaping beds are proposed throughout the car parking area and around the perimeter of the site, including a combination of trees, low shrubs and groundcovers at varying heights to offer shade and maintain sightlines. At the north-western corner of the subject site, 200 square metres of land will be utilised as a dedicated landscaped area. A 1.8m high good neighbour fence (grey) will be located around the refuse area for screening purposes. In addition, a 3m wide soft landscaping strip has been provided at the rear of the site to screen the extent of walling at the northern elevation.</p> <p>The proposed building height is less than 9m at any point (despite</p>

	the variable heights of the building) and the building is limited to one level. This is consistent with the Building Height Maximums in the applicable Technical and Numeric Variations.
<p><u>Interface between Land Uses</u></p> <p>Deliveries and pick-ups should be limited to between 6am and midnight to ensure that nearby residents are not unreasonably impacted.</p>	<p>The proposed land uses will not generate significant commercial vehicle movements and/or necessitate deliveries or collection between midnight and 6am. The majority of delivery vans and small trucks servicing the site will do so when the respective businesses are in operation. Waste collection will be undertaken by a private contractor out of peak operation hours when carpark demand is low. Notwithstanding, collections could be accommodated between 7am and 10pm in order to minimise disruption.</p>
<p><u>Traffic impacts</u></p> <p>Concerns raised that additional traffic and access along Braemar Drive may impact on a nearby school crossing.</p> <p>Vehicle access should be from Hampden Way rather than Braemar Drive.</p> <p>Insufficient on-site car parking is proposed – 92 spaces should be provided.</p>	<p>As noted by GTA in their traffic impact report (at page 4), the proposed development “will generate traffic well within the traffic volumes identified in the Strathalbyn Township and Environs DPA (27 September 2018)”, which specifically contemplates the Adelaide Road roundabout. Further, the crossing from the open space along North Parade to the Early Learning Centre will be unimpeded by additional traffic, given there is a dedicated pedestrian crossing area.</p> <p>The section of Braemar Drive between Adelaide Road and Hampden Way is considered to be a suitable location for non-residential development given it faces public reserves and is easily accessible from a State Maintained Road. The proposed design for vehicle access and egress is intended to be consistent with the intent of Concept Plan 113 for Residential Growth. The proposed point of access and egress to the site also diminishes the traffic movement impacts at the roundabout between Hampden Way and Braemar Drive and uses the proximity of the existing crossover to the subject site from Braemar Drive (being a local road).</p> <p>The following car parking rates are applicable to the subject site from Table 1 of the Transport, Access and Parking General Development Policies:</p> <ul style="list-style-type: none"> • Consulting room: 4 spaces per consulting room excluding ancillary facilities. • Indoor recreation facility: 6.5 spaces per 100m² of total floor area for a fitness centre. • Shop (no commercial kitchen): 5 spaces per 100m² of gross leasable floor area where located in an integrated complex containing two or more tenancies (and which may comprise

	<p>more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared.</p> <p>Based on the above parking rates there would be a requirement for 84 parking spaces based on each individual use. The Applicant intends that the medical centre will be using up to five (5) consulting rooms at any one time, because the professionals move between regional locations throughout the week. Given each use will not peak simultaneously (for instance the gym and medical centre will peak at different times) and there will be shared parking between the uses, the actual parking demand will be less than calculated with the shortfall of 2 spaces not likely to occur.</p> <p>When considering only 5 consulting rooms will likely to be occupied at one time, the parking requirement would reduce to 64 parking spaces, which would be within the proposed supply of 82 parking spaces. Further, this suggests that during occasions when more than 5 consulting rooms are being utilised (which we acknowledge may occur now and then), the proposed car parking allocation would still be ample to accommodate the expected parking demand.</p>
<p><u>Supporting representations</u></p> <p>Sixty-one (61) representations were received in support of the proposed development.</p> <p>The majority of the supporting representations cited additional infrastructure and facilities for the town, convenience of access, fit for purpose facilities, and employment opportunities as the key reasons for their support of the proposal.</p>	<p>We note that 61 of the representations received were in support of the proposed development.</p> <p>The key issues raised including land use, built form and design, the interface between land uses and traffic impacts have been addressed.</p> <p>We welcome the opportunity to attend and present at the Fleurieu Regional Assessment Panel meeting next month.</p>

A full copy of the representations received is contained in **Attachment C**. The Applicant's response is contained in **Attachment D**.

REFERRALS – STATUTORY

Having reviewed the Planning and Design Code and Schedule 9 of the *Planning Development and Infrastructure (General) Regulations 2017*, the proposed development was not required to be referred to any statutory authorities.

REFERRALS – INTERNAL

Department/Division	Comment
Community Wastewater Management Scheme (CWMS)	<p>The Application was referred to Council's CWMS Co-ordinator to consider the feasibility of connecting the subject land to the nearby CWMS line.</p> <p>Council's CWMS Co-ordinator has advised that in-principle, the development can be connected, but has requested that a Reserved Matter be placed on any Planning Consent in order to ensure that the appropriate connection fees are paid (\$5,400 per tenancy).</p>
Environmental Health	<p>The Application was referred to Council's Environmental Health Department to ensure that waste is appropriately treated before being discharged to the CWMS system.</p> <p>Council's Environmental Health Department have advised that a Wastewater Application is required and that this should be included with the Reserve Matter recommended by the CWMS team.</p>
Engineering	<p>The Application was referred to Council's Engineering Department for consideration of the vehicle parking layout, access and the discharge/treatment of stormwater.</p> <p>Council's Infrastructure Engineer has reviewed the proposal and is supportive of all engineering aspects of the proposed development. A summary of the Infrastructure Engineer's comments is set out below:</p> <ul style="list-style-type: none"> • The GTA report is well considered and addresses traffic and car parking matters. • The proposed single access point is supported and is appropriately located to ensure traffic safety. • The proposed vehicle parking layout is satisfactory. • The number of on-site car parking spaces is adequate for the proposed development. • Each individual vehicle park should be delineated by way of line-marking. • The proposed Stormwater Management Plan (SMP) is considered to be acceptable.

ASSESSMENT

The Application was lodged on 12 May 2021 and, as such, the proposed development is required to be assessed against the relevant provisions of the Planning and Design Code (the Code) on that date.

When an application is lodged and verified within the PlanSA Portal, the Portal determines which of the Code provisions apply based on the elements of the proposal, the zoning of the land and the relevant overlays. In this instance, the following elements are relevant:

- Shop (pharmacy) – Code Assessed – Performance Assessed;
- Consulting rooms – Code Assessed – Performance Assessed;
- Indoor Recreation Facility (gym) – Code Assessed – Performance Assessed; and
- Advertisements – Code Assessed – Performance Assessed.

The provisions of the Code that were relevant to the above elements, based on the applicable zoning and overlays, at the date of lodgement (12 May 2021) are contained in their entirety at **Attachment E**.

In this instance the proposed development does not have a specific assessment pathway identified within Table 3 (Applicable Policies for Performance Assessed Development) of the Zone. As such, the proposed development defaults to a performance assessed pathway with all relevant general provisions of the Code applicable (in addition to the Zone and Overlay provisions).

Within the Planning and Design Code, Zones, Overlays and General provisions are expressed in terms of Desired Outcomes (high level statements that are akin the Desired Character Statements within former Development Plans), Performance Outcomes (similar to former Objectives and the key assessment policy under the Code) and Designated Performance Features (examples of ways that a Performance Outcome may be satisfied).

It is important to note that there may be many ways to satisfy a Performance Outcome and that failure to comply with a Designated Performance Feature does not necessarily mean that the Performance Outcome has not been met.

As such, in the below assessment staff have outlined the most relevant Performance Outcomes under each heading and whilst some Designated Performance Features have also been referenced (i.e. where it must be accepted that the proposal satisfies that criteria), these have been included as a guide only. In most circumstances (i.e. where a DPF is not met or there is no relevant DPF), compliance with a Performance Outcome will require a judgement based on planning merits.

Under the PDI Act, the hierarchy of weighting applied to specific policies contained within the Planning and Design Code has also changed. Previously (i.e. under the Development Act), the weighting applied to Development Plan policy was in the order of Precinct, Policy Area, Zone and then General provisions. Whilst all provisions were important, where policy conflict arose the more specific policy would prevail.

In the current system, Overlays carry the most weight as they often determine statutory referrals and limit development from unsuitable areas (i.e. Flooding, Bushfire, Native Vegetation, etc.). Zones and subzones are next as they specify appropriate land uses and built form within local areas. Finally, the General Development Policies provide general design guidelines that apply across the Council area.

As such, the below assessment has been ordered with Overlays considered first, then Zones (and subzones if relevant) and finally the relevant General Development Policies. If a Concept Plan is applicable, then this will displayed at the end of the assessment.

Overlays

The following Overlays are relevant to the subject land:

- Affordable Housing
- Hazards (Bushfire - Urban Interface)
- Hazards (Flooding - Evidence Required)
- Murray-Darling Basin
- Native Vegetation
- Prescribed Water Resources Area
- River Murray Tributaries Protection Area
- Traffic Generating Development
- Urban Transport Routes
- Water Resources

Given the type of development proposed, the condition of the land and/or given that a prescribed declaration has been made, the following Overlays are no longer relevant to this assessment:

- Affordable Housing – the proposal is non-residential
- Hazards (Bushfire - Urban Interface) – the buildings are within 60 metres of a public road with an accessible water supply
- Hazards (Flooding - Evidence Required) – the subject land is not within a locally recognised flood affected area
- Murray-Darling Basin – the proposed land use does not trigger a referral
- Native Vegetation – a declaration has been made that no native vegetation will be affected
- River Murray Tributaries Protection Area – the proposed land use does not trigger a referral

An assessment against the remaining Overlays is provided within the following table.

Overlay Table

Prescribed Water Resources Area Overlay	
Desired Outcome DO 1 Sustainable water use in prescribed surface water resources areas maintains the health and natural flow paths of water courses.	
<i>Performance Outcome</i>	<i>Comment</i>
<i>1.1 All development, but in particular development</i>	<i>DPF 1.1 Development satisfies either of the following:</i>

<p><i>involving any of the following:</i></p> <p>(a) <i>Horticulture</i></p> <p>(b) <i>Activities requiring irrigation</i></p> <p>(c) <i>Aquaculture</i></p> <p>(d) <i>Industry</i></p> <p>(e) <i>Intensive animal husbandry</i></p> <p>(f) <i>Commercial forestry</i></p> <p><i>Has a lawful, sustainable and reliable water supply that does not place undue strain on water resources in prescribed surface water areas.</i></p>	<p>(a) <i>The applicant has a current water licence in which sufficient space capacity exists to accommodate the water needs of the proposed use; or</i></p> <p>(b) <i>The proposal does not involve the taking of water for which a licence would be required under the Landscape South Australia Act 2019.</i></p> <p>In this instance, the subject land has access to SA Water mains water supply and does not require a water licence. The proposal therefore satisfies the relevant DPF in relation to this Overlay.</p>
Traffic Generating Development Overlay	
<p>Desired Outcomes</p> <p>DO 1 Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users.</p> <p>DO 2 Provision of safe and efficient access to and from urban transport routes and major urban transport routes</p>	
<i>Performance Outcomes</i>	<i>Comment</i>
<i>1.1 Development designed to minimise its potential impact on the safety, efficiency and functional performance of the State Maintained Road network.</i>	Whilst the parent Title has a frontage to a State maintained road, the subject land is located with an exclusive frontage to a local road, Braemar Drive. As such, the provisions of this Overlay do not apply.
Urban Transport Routes Overlay	
<p>Desired Outcomes</p> <p>DO 1 Safe and efficient operation of Urban Transport Routes for all road users.</p> <p>DO 2 Provision of safe and efficient access to and from Urban Transport Routes.</p>	
<i>Performance Outcomes</i>	<i>Comment</i>
<i>1.1 Access is designed to allow safe entry and exit to and from a site to meet the needs of development and minimise traffic flow interference associated with access movements along adjacent State maintained roads.</i>	Whilst the parent Title has a frontage to a State maintained road, the subject land is located with an exclusive frontage to a local road, Braemar Drive. As such, the provisions of this Overlay do not apply.
Water Resources Overlay	
<p>Desired Outcomes</p> <p>DO 1 Protection of the quality of surface waters considering adverse water quality impacts associated with projected reductions in rainfall and warmer air temperatures as a result of climate change.</p> <p>DO 2 Maintain the conveyance function and natural flow paths of watercourses to assist in the management of flood waters and stormwater runoff.</p>	

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<i>Performance Outcomes</i>	<i>Comment</i>
<i>1.1 Watercourses and their beds, banks, wetlands and floodplains (1% AEP flood extent) are not damaged or modified and are retained in their natural state, except where modification is required for essential access or maintenance purposes.</i>	The proposed development is serviced by Council's stormwater infrastructure and will not have any adverse impact on the nearby watercourse or water quality in the local area. Given that the proposed development will not impact on a watercourse, the provisions of this Overlay are not considered relevant.

Zone provisions

The subject land is located within the Hills Neighbourhood Zone. No subzone applies to the subject land. The Desired Outcomes (DO) for the Zone are identified as:

DO 1 - Development provides a complementary transition to adjacent natural and rural landscapes. Low density housing minimises disturbance to natural landforms and existing vegetation to mitigate the visible extent of buildings, earthworks and retaining walls.

The Desired Outcome for the Hills Neighbourhood Zone relates primarily to residential development and more specifically to low density housing, which minimises impacts on native vegetation and the topography of the land. Whilst the Desired Outcome is silent on non-residential development, the relevant Performance Outcomes provide more guidance regarding anticipated land uses.

Hills Neighbourhood Zone Assessment Table

<i>Performance Outcome</i>	<i>Comment</i>
Land Use	
<i>1.1 Predominantly low density residential development with complementary non-residential uses compatible with natural landforms and a low density residential character.</i>	<p>DTS/DPF 1.1 Development comprises one or more of the following:</p> <ul style="list-style-type: none"> (a) Ancillary accommodation (b) <u>Consulting room</u> (c) Dwelling (d) Office (e) Open Space (f) <u>Shop</u> (g) <u>Recreation area</u>. (author's emphasis) <p>The proposed land uses (consulting rooms, shop (pharmacy) and indoor recreation facility (gym) are envisaged land uses within the Hills Neighbourhood Zone.</p> <p>Given that consulting rooms, shops and recreation areas are listed within the Designated Performance Feature (DPF) associated with the PO 1.1, these land uses are deemed to be "complementary non-residential uses" as anticipated within the Hills Neighbourhood Zone.</p>

	<p>The associated advertisement (signs) are considered to be ancillary to the proposed use of the land.</p>
<p><i>1.2 Commercial activities improve community access to services are of a scale and type to maintain residential amenity.</i></p>	<p>The associated DPF (1.2) does not prescribe a recommended floor area for shops or consulting rooms that do not abut an activity centre, unless they are located more than 500 metres from the activity centre.</p> <p>In this instance, the subject land is located approximately 210 metres from the nearest activity centre (the Township Main Street Zone in High Street).</p> <p>Notwithstanding, it is noted that DPF 1.2 does allow for a combined gross leasable floor area for shops, consulting rooms and offices of up to 1000m² where the site abuts an activity centre, provided that it does not constitute more than 50% of the existing gross leasable floor area within the adjacent activity centre.</p> <p>Given that the Code is silent on maximum floor areas for non-residential development within 500 metres of an activity centre (other than where abutting the centre), the above provision may contain some guidance in relation to scale.</p> <p>In this instance, the scale of the proposed shop (211m²) and consulting rooms (631m² combined) are less than the 1000m² guideline contained in DPF 2.1.</p> <p>The remaining built form is occupied by the indoor recreation facility (gym), which has a floor area of 505m². Recreation facilities within the Hills Neighbourhood Zone do not have any floor area caps.</p> <p>Whilst no longer a relevant consideration, it is worth noting that the former Development Plan did specifically anticipate non-residential development in this location (i.e. at the southern end of the land adjacent Braemar Drive).</p> <p>It is also noteworthy that a current Development Plan Consent has been granted for a similar scale development (child care centre, indoor recreation centre and shop) on the subject land.</p>

	This approval is the subject of an appeal to the ERD Court (based on commercial grounds rather than the scale of the development).
<p><i>1.3 Non-residential development located and designed to improve community accessibility to services, primarily in the form of:</i></p> <p><i>(a) small scale commercial uses such as offices, shops and consulting rooms</i></p> <p><i>(b) community services such as educational establishments, community centres, places of worship, pre-schools, and other health and welfare services</i></p> <p><i>(c) services and facilities ancillary to the function or operation of supported accommodation or retirement facilities</i></p> <p><i>(d) open space and recreation facilities.</i></p>	<p>The proposed development includes commercial uses including shops and consulting rooms, consistent with PO 1.3.</p> <p>The indoor recreation centre (gym) is a form of recreation facility, which is also envisaged within the Zone.</p> <p>Whilst there are no size limitations for recreation facilities within PO 1.3, shops and consulting rooms are envisaged to be small-scale.</p> <p>The proposed building has a combined footprint of 1,414m², which represents approximately 31% of the site area (4580m²).</p> <p>In terms of built form, the proposed building is large when compared with residential buildings. However, the locality is characterised by vacant land and/or commercial/community land uses such as a motel, skate park, child-care centre and tennis courts.</p> <p>Within this context and due to the proposed space around the building (and the landscaping buffer proposed adjacent the rear boundary of the land), the proposed built form is considered to complement the locality.</p> <p>In terms of the intensity of the development, the proposed indoor recreation centre (gym) is not large by comparison to contemporary facilities, nor are the proposed consulting rooms.</p> <p>It is acknowledged that when combined, it is marginal whether the proposed development is of a small-scale. However, given the context of the locality described above, the proposal is considered to be designed to improve community access to services, consistent with the intent of PO 1.3.</p>
Site coverage	
<p><i>3.1 Building footprints consistent with the character and pattern of a low-density suburban neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive</i></p>	<p><i>DPF 3.1</i></p> <p><i>The development does not result in site coverage exceeding:</i></p> <p><i>(a) On sites with a gradient more than 1-in-</i></p>

<p><i>outlook and access to light and ventilation.</i></p>	<p>8, 40%</p> <p>(b) <i>On sites with a gradient less than 1-in-8, 50 %.</i></p> <p>The subject land has a gradient that is less than 1-in-8 and, as such, the recommended site coverage is 50 %. The proposed building footprint equates to a site coverage of 31%, which complies with the relevant DPF.</p>
<p>Building Height</p>	
<p><i>4.1 Buildings contribute to a low-rise suburban character and complement the height of nearby buildings.</i></p>	<p>DPF 4.1 includes a Technical and Numerical Variation (TNV) that prescribes a maximum building height of 8 metres (and 2 levels) within the Hills Neighbourhood Zone.</p> <p>Whilst the proposed development has a maximum height of 8.31 metres, the building incorporates a single level and most of the building (approximately 99%) is less than 8 metres high. The portion of the building that is more than 8 metres high is located centrally within the allotment and is well separated from adjacent land such that the apparent building height when viewed from adjacent land is comparable to the envisaged height.</p>
<p>Primary Street Setback</p>	
<p><i>5.1 Buildings are set back from primary street boundaries consistent with the existing streetscape.</i></p>	<p>DPF 5.1</p> <p><i>The building line of a building set back from the primary street boundary:</i></p> <p>(c) <i>not less than 8m where no building exists on an adjoining site with the same primary street frontage.</i></p> <p>The building is proposed to be set back 16.27 metres from the Braemar Drive street boundary, which achieves the minimum front setback prescribed by DPF 5.1.</p>
<p>Boundary Walls</p>	
<p><i>7.1 Boundary walls are limited in height and length to manage impacts on adjoining properties.</i></p>	<p>DPF 7.1</p> <p><i>Except where the dwelling is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur on only one side boundary and satisfy (a) or (b) below:</i></p> <p>(b) <i>side boundary walls do not:</i></p>

	<p>(i) exceed 3.2m in height from the lower of the natural or finished ground level</p> <p>(ii) exceed 8m in length</p> <p>(iii) when combined with other walls on the boundary of the subject development site, exceed a maximum of 45% of the length of the boundary</p> <p>(iv) encroach within 3m of any other existing or proposed boundary walls on the subject land.</p> <p>The proposed development includes a rear boundary wall that extends for 47.8 metres with a height that ranges from 5.0 metres to 6.5 metres.</p> <p>The above boundary wall criteria was designed for residential developments, where building walls are located directly adjacent to dwellings. In this instance, the Applicant has proposed a 3.0m-wide landscaping easement on the adjacent land (which they also own) to lessen the impacts of the proposed boundary wall.</p> <p>The boundary wall is articulated with vertical control joints and panels with varying (but complementary) colours (differing shades of grey), which when combined with the adjacent landscape buffer will soften the appearance of the building.</p> <p>It is also noted that the Planning and Design Code is silent on the extent of rear boundary walls (as opposed to side boundary walls referenced in DPF 7.1 above). This has been considered an oversight and has been raised with PlanSA.</p>
Earthworks and retaining	
11.1 Buildings sited and designed to integrate with the natural topography of the land using measures such as split level building construction and other approaches that minimise the extent of cut and fill.	The subject land is relatively flat (the land is approximately 300mm higher at the rear of the site than at the front boundary). As a result, minimal earthworks and retaining are proposed.
11.2 Vegetation is used to screen buildings and excavation or filling from view.	<p>The Applicant has proposed a 3.0m-wide landscaping easement on the adjacent land to assist with screening of the building. The proposed development includes an indicative landscaping plan, which will soften the appearance of the car parking area.</p> <p>If the Panel determines to grant Planning</p>

	Consent, a reserved matter is recommended for the provision of a detailed landscaping plan prior to Development Approval.
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Whilst finely balanced, the proposed development is considered to be acceptable when assessed against the relevant provisions contained within the Hills Neighbourhood Zone.

General Development Policies

The following table includes the most relevant provisions of the general development policy modules relating to Advertisements; Design in Urban Areas; Interface between Land Uses; Open Space and Recreation; Out of Activity Centre Development; and Transport, Access and Parking.

General Development Policies Assessment Table

Advertisements	
Desired Outcome DO 1 Advertisements and advertising hoardings are appropriate to context, efficient and effective in communicating with the public, limited in number to avoid clutter, and do not create hazard.	
<i>Performance Outcome</i>	<i>Comment</i>
<i>1.1 Advertisements are compatible and integrated with the design of the building and/or land they are located on.</i>	The proposed freestanding sign will complement the proposed building and the flush mounted signs are all located within existing parapets.
<i>1.2 Advertising hoardings do not disfigure the appearance of the land upon which they are situated or the character of the locality.</i>	The proposed freestanding sign will enable all tenancies to advertise on a single structure in a coordinated manner, ensuring that the site is not cluttered with advertisements.
<i>1.3 Advertising does not encroach on public land or the land of an adjacent allotment.</i>	The proposed freestanding sign is located 600mm within the property boundary, ensuring that the structure does not encroach on public land.
<i>1.5 Advertisements and/or advertising hoardings are of a scale and size appropriate to the character of the locality.</i>	The proposed freestanding sign has an overall height of 6.0 metres, which is considered acceptable given the non-residential nature and scale of the associated building and the size of the site. It is noted that the maximum building height in the Zone is 8 metres.
<i>2.1 Proliferation of advertisements is minimised to avoid visual clutter and untidiness.</i>	The proposed flush-mounted signs are coordinated in form and size and are located on each tenancy wall. The proposed freestanding sign is integrated such that there will not be any visual clutter or untidiness.
<i>2.2 Multiple business or activity advertisements are co-located and coordinated to avoid visual clutter</i>	The proposed freestanding sign has provision for all four (4) tenancies to have business

<i>and untidiness.</i>	identification signs integrated in a coordinated manner.
<i>3.1 Advertisements are limited to information relating to the lawful use of land they are located on to assist is the ready identification of the activity or activities on the land and avoids unrelated content that contributes to visual clutter and untidiness.</i>	The proposed signs are for business identification purposes only and will not be used to advertise any third-party products or services.
<i>4.1 Light spill from advertisement illumination does not unreasonably compromise the amenity of sensitive receivers.</i>	Should the Panel determine to grant Planning Consent to the proposed development, a condition will be recommended to ensure that light overspill does not cause any unreasonable glare or distraction.
<i>5.5 Advertisements and/or advertising hoardings provide sufficient clearance from the road carriageway to allow for safe and convenient movement by all road users.</i>	<p>DPF 5.5 <i>Where the advertisement or advertising hoarding is:</i> <i>(b) on an unkerbed road with a speed zone of 60km/h or less, the advertisement or advertising hoarding is located at least 5.5m from the edge of the seal.</i></p> <p>Braemar Drive does not have a kerb adjacent to the subject land. However, the verge area between the sealed road and the subject land is 5.2 metres wide, which when combined with the proposed 600mm front setback, results in the proposed freestanding sign being set back 5.8 metres from the sealed carriageway, consistent with DPF 5.5.</p>
Design in Urban Areas	
<p>Desired Outcome</p> <p>DO 1 Development is:</p> <ul style="list-style-type: none"> (a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributing to the character of the locality (b) durable - fit for purpose, adaptable and long lasting (c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors (d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption. 	

<i>Performance Outcome</i>	<i>Comment</i>
<p><i>1.3 Building elevations facing the primary street (other than ancillary buildings) are designed and detailed to convey purpose, identify main access points and complement the streetscape.</i></p>	<p>The proposed building is architecturally design as a fit-for-purpose gym, medical centre, consulting room and pharmacy. The entries to each tenancy are clearly identified and accessible.</p> <p>The proposed building will be the first in the locality and, as such, there is currently no established built-form character.</p>
<p><i>1.4 Plant, exhaust and intake vents and other technical equipment are integrated into the building design to minimise visibility from the public realm and negative impacts on residential amenity by:</i></p> <ul style="list-style-type: none"> <i>(a) positioning plant and equipment discretely, in unobtrusive locations as viewed from public roads and spaces</i> <i>(b) screening rooftop plant and equipment from view</i> <i>(c) when located on the roof of non-residential development, locating the plant and equipment as far as practicable from adjacent sensitive land uses.</i> 	<p>The building has been designed with all plant and associated service equipment located on the roof.</p> <p>There are two (2) purpose built and screened roof plant decks that are centrally located such that they will not be discernible from ground level or from adjacent properties.</p> <p>The roof has also been designed to accommodate a large solar array on tilt frames for maximum efficiency.</p> <p>The building is designed with parapets that will shield the plant and equipment from view and reduce any associated noise impacts from future sensitive receivers (noting that are currently no sensitive receivers in the locality).</p>
<p><i>1.5 The negative visual impact of outdoor storage, waste management, loading and service areas is minimised by integrating them into the building design and screening them from public view (such as fencing, landscaping and built form), taking into account the form of development contemplated in the relevant zone.</i></p>	<p>The nature of the proposed land uses is such that waste will be minimal and would be predominantly packaging waste and medical waste (which is required to be managed appropriately and safely in accordance with relevant legislation).</p> <p>The proposed development includes a shared and screened bin enclosure at the rear of the car parking area adjacent the western boundary. The bin enclosure located adjacent to a 200m² dedicated landscape area.</p> <p>The proposed bin enclosure is conveniently located to a turning bay to enable waste collection vehicles to collect waste from the bins and to exit the land in a forward direction.</p>
<p><i>2.1 Development maximises opportunities for passive surveillance of the public realm by providing clear lines of sight, appropriate lighting and the use of visually permeable screening</i></p>	<p>The proposed development includes lighting and the 24-hour operation of the proposed gym will ensure that passive surveillance can be provided to the car parking area and the</p>

<i>wherever practicable.</i>	adjacent locality.
<p><i>3.1 Soft landscaping and tree planting are incorporated to:</i></p> <p><i>(a) minimise heat absorption and reflection</i></p> <p><i>(b) maximise shade and shelter</i></p> <p><i>(c) maximise stormwater infiltration</i></p> <p><i>(d) enhance the appearance of land and streetscapes.</i></p>	<p>The proposed development includes an indicative landscaping plan that provides a range of shade trees, shrubs and ground covers.</p> <p>If the Panel determines to grant Planning Consent to the proposal, a reserved matter will be included requiring a landscaping plan and planting schedule to be submitted prior to Development Approval.</p>
<i>4.2 Buildings are sited and designed to maximise passive environmental performance and minimise energy consumption and reliance on mechanical systems, such as heating and cooling.</i>	The building has been designed to accommodate a large solar array on the roof, which will reduce the reliance on consumable resources.
<i>4.3 Buildings incorporate climate responsive techniques and features such as building and window orientation, use of eaves, verandahs and shading structures, water harvesting, at ground landscaping, green walls, green roofs and photovoltaic cells.</i>	Shade canopies have been designed to provide shelter to the west facing windows of the gym and the consulting rooms. The west facing window openings associated with the medical centre have been minimised to improve the environmental performance of the building.
<i>7.2 Vehicle parking areas appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced and the like.</i>	The proposed integrated car parking area is located between the building and Braemar Drive, which will reduce any impacts on future residential development adjacent the rear boundary of the land. A 3.0m-wide landscaping buffer has been proposed on the adjacent land (under the same ownership) to soften the appearance of the building and to provide a buffer to any future residential development.
<i>7.3 Safe, legible, direct and accessible pedestrian connections are provided between parking areas and the development.</i>	The proposed development incorporates a dedicated and delineated pedestrian path between the road, the car parking area and the entries to each of the tenancies.
<i>7.4 Street-level vehicle parking areas incorporate tree planting to provide shade, reduce solar heat absorption and reflection.</i>	<p>DPF 7.4</p> <p><i>Vehicle parking areas that are open to the sky and comprise 10 or more car parking spaces include a shade tree with a mature canopy of 4m diameter spaced for each 10 car parking spaces provided and a landscaped strip on any road frontage of a minimum dimension of 1m.</i></p> <p>The proposed development includes 82 car parking spaces and twelve (12) large shade trees (plus four more on the adjacent</p>

	<p>landscaping buffer easement), which exceeds the number of shade trees required by DPF 7.4.</p> <p>In addition, a range of smaller trees, shrubs and ground covers are proposed to supplement the landscaping of the site.</p>
<p><i>7.7 Vehicle parking areas and access ways incorporate integrated stormwater management techniques such as permeable or porous surfaces, infiltration systems, drainage swales or rain gardens that integrate with soft landscaping.</i></p>	<p>The Applicant has submitted a Stormwater Management Report and an associated plan, prepared by PT Design. The plan illustrates all stormwater collection and treatments, which include two (2) detention tanks beneath the car parking area, grease arrestors and gross pollutant traps.</p> <p>The Stormwater Management Report and plans have been reviewed by Council's Engineers and have been considered acceptable.</p>
<p><i>9.1 Fences, walls and retaining walls of sufficient height maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to sunlight or the amenity of public places.</i></p>	<p>The subject land is relatively flat with less than 500mm variation in levels over the entire site (the land is slightly higher at the rear). As such, on low-level retaining walls will be required.</p> <p>1.8m-high Colorbond 'good-neighbour' fencing in Woodland Grey is proposed along the side and rear boundaries of the land. The front boundary will remain open to Braemar Drive.</p>
<p><i>11.1 Development provides a dedicated area for on-site collection and sorting of recyclable materials and refuse, green organic waste and wash bay facilities for the ongoing maintenance of bins that is adequate in size considering the number and nature of the activities they will serve and the frequency of collection.</i></p>	<p>The proposed development includes a bin storage area that is screened by a 1.8m-high Colorbond 'good-neighbour' fence in Woodland Grey, which will be large enough to accommodate all bins from the proposed tenancies.</p>
<p><i>42.2 Water discharged from a development site is of a physical, chemical and biological condition equivalent to or better than its pre-developed state.</i></p>	<p>All stormwater run-off will be treated by grease arrestors and gross pollutant traps prior to being discharged from the land.</p>
<p><i>42.3 Development includes stormwater management systems to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure that development does not increase peak flows in downstream systems.</i></p>	<p>The proposed development includes the construction of two (2) detention tanks beneath the car parking area that have been designed to detain peak stormwater flows and to manage the rate and duration of stormwater discharge from the site.</p>
Interface between Land Uses	
<p>Desired Outcome</p> <p>DO 1 Development is located and designed to mitigate adverse effects on or from neighbouring and</p>	

proximate land uses.	
<i>Performance Outcome</i>	<i>Comment</i>
<i>1.2 Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.</i>	<p>The proposed development has been designed to address Braemar Drive and essentially 'turns its back' on the future residential area.</p> <p>This enables any noise and traffic to be directed away from the residential area, which will assist in minimising the impact on future residential amenity.</p>
<p><i>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:</i></p> <ul style="list-style-type: none"> <i>(a) the nature of the development</i> <i>(b) measures to mitigate off-site impacts</i> <i>(c) the extent to which the development is desired in the zone</i> <i>(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.</i> 	<p><i>DPF 2.1</i> <i>Development operating within the following hours:</i></p> <p><i>Consulting room</i></p> <ul style="list-style-type: none"> - 7am to 9pm, Monday to Friday - 8am to 5pm, Saturday <p><i>Shop</i></p> <ul style="list-style-type: none"> - 7am to 9pm, Monday to Friday - 8am to 5pm, Saturday and Sunday <p>Whilst the indoor recreation facility (gym) is proposed to operate 24-hours, the purpose-built facility does not have any openings toward residential land and the site can be managed to ensure that doors and windows are closed during night-time hours.</p> <p>No organised group classes will occur during night-time hours (10pm to 6am) and the occupancy rate during these night-time hours is expected to be relatively low.</p> <p>In terms of the consulting rooms and shop uses, if the Panel determines to grant Planning Consent, a condition is recommended to limit the operating hours of the consulting rooms and shop in accordance with the hours prescribed by DPF 2.1 above.</p>
<i>4.1 Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).</i>	<p><i>DPF 4.1</i> <i>Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria.</i></p> <p>If the Panel determines to grant Planning</p>

	Consent to the proposal, then a standard advisory note is recommended to ensure that noise levels are limited to be within the Environment Protection (Noise) Policy criteria.
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.	<p><i>DPF 4.6</i> <i>Development incorporating music includes noise attenuation measures that will achieve the following noise levels:</i> <i>Less than 8dB above the level of background noise in any octave band of the sound spectrum, when measured externally at the nearest existing or envisaged noise sensitive location</i></p> <p>Given the design of the building with no openings at the rear interface with the future residential area, it is expected that the proposed development will achieve the above noise requirements.</p> <p>If the Panel determines to grant Planning Consent, it is recommended that conditions be imposed restricting amplified music to daytime EPA hours and to ensure that doors and windows remain closed during night-time hours. The above noise criteria will be referenced to ensure that the condition is measurable and enforceable.</p>
6.2 External lighting is not hazardous to motorists and cyclists.	External lighting is proposed on the subject land, however no details have been provided. If the Panel determines to grant Planning Consent, a reserved matter will be included to ensure that the external lighting is appropriate and will not cause unreasonable glare.
Open Space and Recreation	
<p>Desired Outcome</p> <p>DO 1 Pleasant, functional and accessible open space and recreation facilities are provided at State, regional, district, neighbourhood and local levels for active and passive recreation, biodiversity, community health, urban cooling, tree canopy cover, visual amenity, gathering spaces, wildlife and waterway corridors, and a range of other functions and at a range of sizes that reflect the purpose of that open space.</p>	
<i>Performance Outcome</i>	<i>Comment</i>
1.1 Recreation facilities are compatible with surrounding land uses and activities.	The proposed Indoor Recreation Centre is located adjacent or nearby to other recreation facilities including a skate park, a tennis club and public open space in the form of linear reserves.

Out of Activity Centre Development	
<p>Desired Outcome</p> <p>DO 1 The role of Activity Centres in contributing to the form and pattern of development and enabling equitable and convenient access to a range of shopping, administrative, cultural, entertainment and other facilities in a single trip is maintained and reinforced.</p>	
<i>Performance Outcome</i>	<i>Comment</i>
<p><i>1.1 Non-residential development outside Activity Centres of a scale and type that does not diminish the role of Activity Centres:</i></p> <p><i>(a) as primary locations for shopping, administrative, cultural, entertainment and community services</i></p> <p><i>(b) as a focus for regular social and business gatherings</i></p> <p><i>(c) in contributing to or maintaining a pattern of development that supports equitable community access to services and facilities.</i></p>	<p>The proposed development includes 621m² of consulting rooms (in two tenancies) and 211m² of shop floor space.</p> <p>This only represents a small fraction of the existing commercial floor space currently utilised within the nearest activity centres (the town centre areas around High Street and Dawson Street).</p> <p>The proposed extent of commercial floor space proposed is not expected to have any unreasonable impacts on the function of the adjacent activity centres as the primary administrative, health, shopping and service areas.</p> <p>The siting of the Indoor Recreation Facility (gym) adjacent to an existing skate park, tennis club and linear park reserve will complement these other community facilities.</p>
<p><i>1.2 Out-of-activity centre non-residential development complements Activity Centres through the provision of services and facilities:</i></p> <p><i>(a) that support the needs of local residents and workers, particularly in underserviced locations</i></p> <p><i>(b) at the edge of Activities Centres where they cannot readily be accommodated within an existing Activity Centre to expand the range of services on offer and support the role of the Activity Centre.</i></p>	<p>The proposed out-of-activity centre development will complement the existing town centre by providing a convenient facility within walking distance of a part of Strathalbyn that is experiencing significant growth.</p> <p>Within the former Development Plan, the location of this development was intended to be available for non-residential development (this was referenced in the Desired Character Statement for the former Policy Area).</p> <p>However, the intent of this policy did not translate to the Planning and Design Code. The proposed development will create a facility that will service local residents within an area where any impacts on residential amenity can be appropriately managed.</p>

Transport, Access and Parking	
<p>Desired Outcome</p> <p>DO 1 A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.</p>	
<i>Performance Outcome</i>	<i>Comment</i>
<i>1.2 Development is designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive receivers.</i>	<p>The subject land is well located to minimise commercial traffic movements within residential streets. The land is located on Braemar Drive near the roundabout intersection with Adelaide Road, North Parade and East Terrace.</p> <p>It is likely that most commercial traffic (delivery vehicles, waste collection vehicles, etc.) would access and egress the land via the adjacent main road network and not via the nearby residential streets.</p>
<i>1.3 Industrial, commercial and service vehicle movements, loading areas and designated parking spaces are separated from passenger vehicle car parking areas to ensure efficient and safe movement and minimise potential conflict.</i>	<p>The Applicant has advised that most deliveries will be made by vans and small trucks (less than 6.4 metres in length), which can utilise vacant car parking spaces.</p> <p>Waste collection will be undertaken by a private contractor out of peak operating hours via a medium rigid truck (max. 8.8m), which will be able to park adjacent to the bin storage area and depart in a forward direction.</p>
<i>3.3 Access points are sited and designed to accommodate the type and volume of traffic likely to be generated by the development or land use.</i>	<p>The development is proposed to be serviced by a single two-way access driveway with a total width of 6.6 metres. The proposed driveway crossover is wide enough to cater for all likely users of the land with concurrent access and egress.</p>
<i>3.4 Access points are sited and designed to minimise any adverse impacts on neighbouring properties.</i>	<p>The location of the proposed driveway access provides for clear lines of sight in both directions to enable safe and convenient access and egress.</p>
<i>3.6 Driveways and access points are separated and minimised in number to optimise the provision of on-street visitor parking (where on-street parking is appropriate).</i>	<p>DPF 3.6</p> <p><i>Driveways and access points:</i></p> <p><i>(b) for sites with a frontage to a public road greater than 20m:</i></p> <p><i>(i) a single access point no greater than 6m in width is provided; or</i></p> <p><i>(ii) not more than two access points with a width of 3.5m each are provided.</i></p> <p>The proposed development includes a single</p>

	access point in accordance with DPF 3.6. The proposed driveway access width (6.6 metres) is marginally wider than the 6.0m width anticipated by DPF 3.6. However, the additional width will ensure optimal concurrent access for all types of vehicles. In addition, the overall site frontage width (more than 60 metres) is such that a slightly wider entry will not have any unreasonable impact on the potential for on-street car parking.
4.1 Development is designed to provide safe, dignified and convenient access for people with a disability.	The proposed car parking layout includes the provision of four (4) accessible car parking spaces which are conveniently located adjacent to the entries to each tenancy (with two adjacent to each tenancy entry).
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.	<p>DPF 5.1 Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant:</p> <p>(a) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements</p> <p><u>Table 1 – General Off-Street Car Parking Requirements</u></p> <p><u>Shop (no commercial kitchen)</u> – 5 spaces per 100m² of gross leasable floor area where located in an integrated complex containing two or more tenancies where car parking is shared <u>Consulting Room</u> – 4 spaces per consulting room excluding ancillary facilities <u>Indoor Recreation Facility</u> – 6.5 spaces per 100m² for a Fitness Centre</p> <p>The proposed development includes the provision of 82 on-site car parking spaces. At the rates specified above, the unrestricted use of each proposed land use would result in a theoretical demand for the provision of 92 on-site car parking spaces.</p> <p>The Applicant has engaged a Traffic Engineer, Paul Morris, of GTA Consulting to review the proposed car parking provision, arrangement, access and associated traffic volumes.</p>

	<p>The Applicant has advised that despite there being sufficient space for up to twelve (12) practitioners within the medical centre and consulting room, the nature of regional health care is such that practitioners attend multiple sites during each week.</p> <p>Within this context, we have been advised that there is not expected to be more than five (5) practitioners working from the site at any given time.</p> <p>Based on the specified occupancy of the medical centre and consulting room, GTA Consultants have advised that the amended car parking demand using the rates prescribed in Table 1 results in a requirement for 64 on-site car parking spaces.</p> <p>This equates to a surplus of 18 car parking spaces.</p> <p>Therefore, rather than limiting the medical centre and consulting room tenancies to a maximum of five (5) practitioners at any given time, it is considered appropriate to allow up to nine (9) practitioners between the two tenancies to enable flexibility for the practices to expand in the future if demand allows.</p> <p>If the Panel determines to grant Planning Consent to the proposed development, it is recommended that a condition be imposed that limits the total number of consulting rooms being occupied simultaneously to nine (9). The gym and pharmacy would be unencumbered by any capacity limits.</p> <p>A copy of the GTA Consultants traffic and car parking report is contained in Attachment F.</p>
<i>6.3 Vehicle parking areas are designed to provide opportunity for integration and shared-use of adjacent car parking areas to reduce the total extent of vehicle parking areas and access points.</i>	As detailed in the GTA report, the peak times for the proposed land uses would differ, which would enable the ability for shared car parking areas within the site.
<i>6.5 Vehicle parking areas that are likely to be used during non-daylight hours are provided with sufficient lighting to entry and exit points to ensure clear visibility to users.</i>	The Applicant has advised that the car parking area will be lit during non-daylight hours. Details of the external lighting have not been provided and therefore if the Panel determines to grant Planning Consent to the proposal, then a

	reserved matter is recommended requiring an external lighting plan to be submitted for review.
<i>6.6 Loading areas and designated parking spaces for service vehicles are provided within the boundary of the site.</i>	All loading and unloading, including waste collection, will occur on the subject land.
<i>9.1 The provision of adequately sized on-site bicycle parking facilities encourages cycling as an active transport mode.</i>	<p>DPF 9.1 <i>Areas and / or fixtures are provided for the parking and storage of bicycles at a rate not less than the amount calculated using Transport, Access and Parking Table 3 - Off Street Bicycle Parking Requirements.</i></p> <p><u>Table 3 - Off Street Bicycle Parking Requirements</u></p> <p><u>Consulting Room</u> – 1 space per 20 employees plus 1 space per 20 consulting rooms for customers <u>Indoor Recreation Facility</u> – 1 space per 4 employees plus 1 space per 200m² of gross leasable floor area for visitors <u>Shop</u> – 1 space for every 300m² of gross leasable floor area plus 1 space for every 600m² of gross leasable floor area for customers.</p> <p>The proposed development includes the provision of four (4) bicycle racks, which can accommodate up to eight (8) bicycles (one either side of each rack).</p> <p>The provision of on-site bicycle parking facilities is consistent with the prescribed rates in DPF 9.1.</p>
<i>9.2 Bicycle parking facilities provide for the secure storage and tethering of bicycles in a place where casual surveillance is possible, is well lit and signed for the safety and convenience of cyclists and deters property theft.</i>	The proposed bike racks are conveniently located within open well lit areas to deter property theft and for the safety of cyclists.
<i>9.3 Non-residential development incorporates end-of-journey facilities for employees such as showers, changing facilities and secure lockers, and signage indicating the location of the facilities to encourage cycling as a mode of journey-to-work transport.</i>	<p>The proposed indoor recreation facility (gym) includes separate male and female changing facilities, which will assist in encouraging cycling as a mode of transport. The general nature of a gym provides further encouragement for cycling as a mode of transport.</p> <p>The internal fit out of the proposed consulting rooms has not yet been finalised, however it is</p>

Concept Plan

[illegible]

Fleurieu Regional Assessment Panel
Agenda
17 August 2021

In addition, the location of the subject land adjacent to an area of open space will add to the general amenity of the locality.

CONCLUSION

In-principle, the establishment of an Indoor Recreation Facility (gym) and small-scale shops and consulting rooms are envisaged within the Hills Neighbourhood Zone. Given that the proposed development is generally consistent with the relevant design policies contained within the Planning and Design Code, the application essentially turns on whether the commercial aspects of the proposal (i.e. the shop and consulting rooms) are considered to be 'small-scale'.

The proposed Indoor Recreation Facility (gym) does not need to be of a small-scale in this Zone and therefore whilst it is debatable whether the overall building form and function is small-scale, the shop is considered to be small-scale in its own right and the consulting rooms whilst having a larger floor area than the shop, is considered to be of a relatively small-scale when considering the size of other Medical Centres within the Council area.

Importantly, the proposed development is not expected to have any significant impact on the function of the nearby activity centre (the nearby Township Main Street Zone in High Street). The proposed gym operator has not been able to secure an appropriate site within the town centre to establish a purpose-built gym, despite actively looking for several years.

The Hills Neighbourhood Zone is anticipated to be primarily a residential area, albeit with non-residential development in appropriate locations. In this instance, the proposed development is located adjacent to several non-residential land uses and public open space. The area around the proposed development is currently vacant and can be designed to integrate residential development with appropriate landscaped buffers around the proposed development. The proposed development is not expected to result in any compromised residential amenity for future occupants of the local area.

It is also noted that the indoor recreation facility (gym) and the shop (pharmacy) elements have previously been approved by the Panel in a similar form.

The proposed development is therefore not considered to be 'seriously at variance' with the requirements of the Planning and Design Code.

Having undertaken a thorough assessment of the proposed development, the proposal is considered to generally comply with the relevant provisions of the Planning and Design Code, such that the granting of Planning Consent is warranted.

RECOMMENDATION

It is recommended that the Fleurieu Regional 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 21007959, by Strathalbyn Village Pty Ltd is granted Planning Consent, subject to the following reserved matters and conditions:

RESERVE MATTERS

1. The Applicant shall lodge and gain approval for a Wastewater Application prior to the granting of Development Approval. The Wastewater Application will be accompanied by all relevant fees including the appropriate CWMS connection fees. The CWMS connection fees will be calculated by Council's CWMS Coordinator based on the anticipated demand and flow rates.
2. A final Landscaping Plan and a Schedule of Plantings shall be provided to the satisfaction of the FRAP's Assessment Manager prior to the issuing of Development Approval. The Schedule of Plantings shall include a selection of locally indigenous species.
3. An External Lighting Plan shall be provided to the satisfaction of the FRAP's Assessment Manager prior to the issuing of Development Approval. The External Lighting Plan shall include details of all external lighting (lamp posts, bollards, building facade, etc.) and shall include an illustration of any associated light spill, ensuring that light spill is restricted to public areas.

CONDITIONS

1. The development herein approved shall be undertaken and maintained in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the Council, except where varied by the following conditions.

Reason: To ensure the development is undertaken in accordance with the approved plans, drawings, specifications and other documents submitted.

2. The driveway and parking areas shall be maintained in a good and substantial condition, to the reasonable satisfaction of Council at all times.

Reason: To ensure that access to the subject land is functional and to enhance the appearance of the development.

3. All car parking spaces, driveways and manoeuvring areas shall be designed, constructed and line-marked in accordance with Australian Standard AS 2890.1:2004. Line marking and directional arrows.

Reason: To ensure that the proposed development meets the requirements of the relevant Australian Standards.

4. No more than nine (9) consulting rooms shall be used by practitioners at any given time.

Reason: To ensure that the provision of car parking associated with the development is consistent with the anticipated demand.

5. The proposed shop and consulting rooms shall operate within the following hours:
Consulting room - 7am to 9pm, Monday to Friday; and 8am to 5pm on Saturdays;
Shop - 7am to 9pm, Monday to Friday; and 8am to 5pm, Saturday and Sunday.
6. The development shall operate in accordance with the South Australian Environment Protection (Noise) Policy 2007.

Reason: To ensure the noise associated with the development does not have a detrimental impact on the amenity of the locality.

7. No amplified music shall be played within the indoor recreation centre (gym), herein approved, between 10:00pm and 7:00am on any given day. During these night-time hours, all doors and windows shall remain closed. At any given time, music levels shall be maintained at less than 8dB above the level of background noise in any octave band of the sound spectrum, when measured externally at the nearest existing or envisaged noise sensitive location.

Reason: To ensure the noise associated with the development does not have a detrimental impact on the amenity of the locality.

8. External lighting and security lighting shall be directed in such a manner so as to not, in the opinion of Council, create unreasonable overspill onto any adjoining property or roadway which may create a nuisance to any neighbour or road user.

Reason: To ensure that floodlighting does not cause nuisance or danger to adjoining occupiers or road users thereby reducing the amenity of the locality and/or making road use unsafe.

ADVISORY NOTES

1. The Applicant is reminded of their general environmental duty, as required by Section 25 of the Environmental Protection Act, to take all reasonable and practical measures to ensure that any activities on the site do not pollute the environment.
2. Encumbrances, although not administered by Council, may apply to your property. You are therefore advised to check for Encumbrances on your Certificate of Title prior to commencing work.
3. With the exception of advertising that is exempt from the definition of development by Schedule 3 of the Development Regulations 2008, no signs or advertising hoardings shall be erected or displayed on the land or about the curtilage of any building without having first obtained Development Approval.
4. All mechanical plant installed as part of this development should meet the noise output requirements of the Environment Protection Authority (EPA). If the noise output exceeds these requirements, an acoustic enclosure shall be installed around the plant to ensure it complies. If an enclosure is required, these details shall be submitted to Council.

General Notes

1. **No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.**
2. **Applicant Appeal rights - General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.**

ITEM	3.2
APPLICATION ID	21003380
PROPOSED DEV	Construction of a Retail Fuel Outlet comprising a control building, car and dog washing facilities, fuel canopy, drive-through facility and associated signage, car parking and landscaping
SUBJECT LAND	Lot 508 Braemar Drive, Strathalbyn
APPLICANT	PC Infrastructure Pty Ltd
REPORT AUTHOR	Matt Atkinson – Assessment Manager
LODGE DATE	14 April 2021

DEVELOPMENT APPLICATION DETAILS

Zone	Hills Neighbourhood Zone
Subzone	N/A
Relevant Overlays	Affordable Housing Hazards (Bushfire - Urban Interface) Hazards (Flooding - Evidence Required) Murray-Darling Basin Native Vegetation Prescribed Water Resources Area River Murray Tributaries Protection Area Traffic Generating Development Urban Transport Routes Water Resources
Relevant Technical Numerical Variations (TNVs)	Maximum Building Height - Eight (8) metres Maximum Building Height (levels) – Two-storey Concept Plan 113 - Residential Growth - Strathalbyn North
Assessment Pathway	Code Assessed - Performance Assessed
Public Notification	Representations received: 66 (14 in support, 52 opposed) Representations to be heard: 3
Referrals – Statutory	Environment Protection Authority
Referrals – Internal	Engineering – Traffic Engineering - Civil Environmental Health Community Wastewater Management Scheme (CWMS)
Assessing Officer	Matt Atkinson
Date last inspected	4 August 2021
Recommendation	Grant Planning Consent subject to conditions

REPORT CONTENTS

Assessment Report

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Attachment B: Plans & Supporting Documentation Pg. 390

Attachment C: Representations Pg. 417

Attachment D: Response to Representations Pg. 514

Attachment E: Extract of relevant Planning and Design Code provisions at the time of lodgement Pg. 523

Attachment F: GTA Traffic Compliance Statement Pg. 615

Attachment G: Sonus Environmental Noise Assessment Pg. 628

PURPOSE OF REPORT

Under the *Planning Development and Infrastructure Act 2016*, the Fleurieu Regional Assessment Panel (the Panel) is the relevant authority for Development Applications that are Performance Assessed and require public notification. The Panel has delegated the power to determine applications that do not receive any representations in opposition to a development to the Assessment Manager.

In this instance, the proposed development received representations opposing the development and, as such, the application is presented to the Panel for determination.

EXECUTIVE SUMMARY

The Applicant seeks consent for the construction of a Retail Fuel Outlet comprising a control building, car and dog washing facilities, fuel canopy, drive-through facility and associated signage, car parking and landscaping; at Lot 508 Braemar Drive, Strathalbyn.

The subject land is located within the Hills Neighbourhood Zone, as identified within the Planning and Design Code. The proposed land use is not identified as an 'accepted', 'deemed-to-satisfy' or 'restricted' use within the Zone and, as such, the proposed development must be assessed on its merit as a 'performance assessed' form of development.

The Application was notified and 66 representations were received during the notification period, with 14 supporting representations and 52 opposing representations. Three (3) representors indicated a desire to be heard by the Panel in support of their submission.

As expected, there were a wide range of concerns and opinions put forward; some not within the purview of the planning system (such as property values and commercial viability). Those in favour – about a quarter of the total - tended to see the proposal as a positive and welcome addition to this part of the township where services are fewer and also more generally as a source of employment for the area.

Those opposed saw difficulties with traffic generation and congestion, lack of need for another petrol station in the town and the potential or perceived impact on the commercial centre of the town and the businesses there.

However, the key concern raised was that concerning the appropriateness of the proposal in this location from a zoning and general policy perspective.

Following a thorough assessment of the proposal against the relevant provisions of the Planning and Design Code, the proposed development is finely balanced. However, the subject land finds itself somewhat stranded both physically and in a policy sense. Whilst there are significant and obvious variances to the Planning and Design Code provisions, the context of the subject land and the locality is such that the proposed development is considered acceptable.

Having considered the relevant provisions of the Planning and Design Code within the context of the subject land and locality, the proposal warrants the granting of Planning Consent subject to a number of reserve matters and conditions.

NATURE OF DEVELOPMENT

The proposed development includes the construction of a Retail Fuel Outlet comprising a control building, car and dog washing facilities, fuel canopy, drive-through facility and associated signage, car parking and landscaping.

In detail, the development comprises:

- a 794m² 'control building' including a retail display area, sales counters, three (3) food 'kiosks' (one with a drive-through facility), a public seating area, back-of-house services, storage and refuse enclosure;
- eight (8) vehicle refuelling points located beneath a canopy;
- six (6) carwash bays (including two (2) enclosed automated carwash bays) beneath a canopy;
- two (2) dog-wash enclosures;
- four (4) vacuuming bays;
- two (2) underground fuel storage tanks;
- an above-ground LPG tank;
- four (4) freestanding signs including a 9.0m pylon sign, a 6.0m pylon sign and two (2) 3.3m price boards;
- 44 on-site car parking spaces, four (4) on-site trailer parking spaces and two (2) vehicle waiting bays;
- six (6) bicycle parking spaces;
- four (4) vehicle crossovers including a two-way access to North Parade, a two-way access to Braemar Drive at the north-eastern end of the allotment and an in-only and out-only access to Braemar Drive at the western end of the allotment; and
- associated landscaping including a range of trees, shrubs and groundcovers.

The facility is proposed to operate 24 hours and will employ between 25 and 35 full-time and part-time staff.

BACKGROUNDPrevious applications

Development Application	Nature of Development	Decision
455/251/18	Construction of a service station complex comprising a petrol filling station, shops, a drive-through facility, vehicle/dog wash and four (4) freestanding signs (non-complying)	Refused

455/D028/19	Residential land division creating thirteen (13) additional allotments	Not determined
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A similar proposal for a Retail Fuel Outlet was lodged with Alexandrina Council on 22 March 2018. At that time, the subject land was located within the Primary Production Zone, where the establishment of a petrol filling station and shops was listed as a 'non-complying' form of development within the Alexandrina Council Development Plan.

Despite being recommended for approval by Council staff, the Council Assessment Panel determined to refuse Development Plan Consent to the proposal, based primarily on the land-use being non-complying within the Zone.

Following the consolidation of the Strathalbyn Township and Environs Development Plan Amendment (DPA) into the Development Plan on 27 September 2018, the subject land was rezoned to the Residential Zone.

Subsequently, the owner of the land lodged a Development Application to divide the subject land into 13 residential allotments. Council staff raised a number of concerns regarding the proposed allotment configuration, access arrangements and land use conflicts associated with the adjacent skate park and tennis courts. The Applicant placed the application on hold and the proposal remains undetermined.

On 19 March 2021, the Planning and Design Code replaced the former Council Development Plan as the relevant planning policy instrument. The subject land was again rezoned to 'Hills Neighbourhood Zone', which is the current zoning of the land.

SUBJECT LAND AND LOCALITY

The subject land is known as Lot 508 Braemar Drive, Strathalbyn, and is formally described as Allotment 508 contained within Deposited Plan 72267 in the area named Strathalbyn, Hundreds of Macclesfield and Strathalbyn, as identified in Certificate of Title - Volume 5975, Folio 704.

The land is located on the south-western corner of the intersection of Adelaide Road, East Terrace, North Parade and Braemar Drive, which is controlled by a large 'roundabout'. Adelaide Road and East Terrace are identified as State Maintained Roads by the Planning and Design Code. Braemar Road and North Parade are local Council roads.

The subject land is an irregular shaped allotment with an area of 8633m², with direct frontages to North Parade and Braemar Drive. The land is gently undulating with a fall of approximately 1.0m from the north-east to the south-west, toward the Angas River.

The land is currently vacant and is mostly cleared of any substantial vegetation, with the exception of a line of trees that are located just within the North Parade boundary.

The locality is characterised by a range of community, residential and non-residential land uses. The subject land is bounded by the Strathalbyn Tennis Club, the Strath Motel, a Child Care Centre, the Angas River linear park (including the Council skate park) and vacant land. The vacant land that is located opposite the subject land is currently approved for an Indoor Recreation Centre (gym), a Pharmacy and a second Child Care Centre.

FLEURIEU REGIONAL ASSESSMENT PANEL

The subject land is currently within the Hills Neighbourhood Zone, as identified in the Planning and Design Code. The land was previously located within the Residential Zone, the Primary Production Zone and the Landscape Zone under previous Development Plans.

SUBJECT LAND AND LOCALITY MAP



Figure 1 – Aerial photograph



Figure 2 – Locality plan

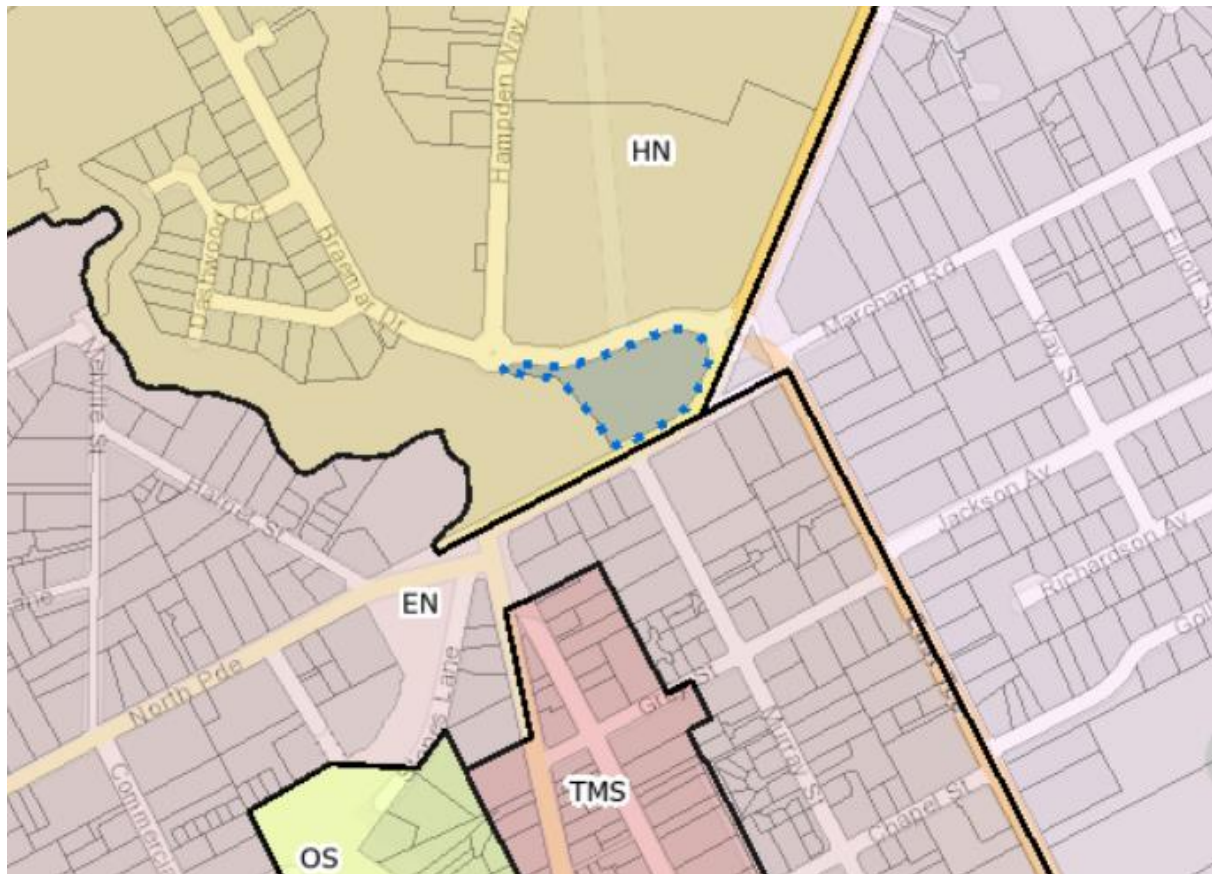


Figure 3 - Planning and Design Code zoning

SUBJECT LAND AND LOCALITY PHOTOGRAPHS



Figure 4 – the subject land viewed from Braemar Drive



Figure 5 – The subject land viewed from the round-about



Figure 6 – The subject land viewed from North Parade

PUBLIC NOTIFICATION CATEGORY

The Application was notified as the proposed development is a form of performance assessed development that is not excluded by the notification table contained within the Hills Neighbourhood Zone.

During the public notification period, 66 representations were received, with 14 supporting representations and 52 opposing representations. Three (1) representors indicated a desire to be heard by the Panel in support of their submission.

REPRESENTATIONS RECEIVED

Public Notification		Letters to adjoining land owners and installation of a notification sign on the land between 10 May 2021 and 31 May 2021	
Representations received (in alphabetical order)		Support / Opposed	Wish to be heard
1.	Scott Bartholomew	Opposed	No
2.	Ben Brazzalotto	Opposed	Yes
3.	Sharon Bremner	Opposed	No
4.	Shane Broadbent	Opposed	No
5.	Bill Bullock	Support	No
6.	Sonya Button	Opposed	No
7.	Jackie Chapman	Opposed	No
8.	Frank Chapman	Opposed	No
9.	Ellen Choat	Opposed	No
10.	James Clegg	Opposed	No
11.	Sarah Coombes	Opposed	No
12.	Craig Coxks	Opposed	No
13.	Julia Currie	Opposed	No
14.	Mardi Dalitz	Opposed	No
15.	Scott Davies	Support	No
16.	Louise Davies	Support	No
17.	Shane Decean	Opposed	No
18.	James Doube	Opposed	No
19.	Candeece Falland	Opposed	No
20.	Maddie Garwood	Opposed	No
21.	Jacqui Greatz	Opposed	No
22.	Sarah Guscott	Support	No
23.	Brooke Guy	Support	No
24.	R.H.	Support with concerns	No
25.	Michael Hammer	Opposed	No
26.	Rhonda Hart	Opposed	No
27.	Carina Kerr	Support	No
28.	John Leigh	Opposed	No
29.	James Leigh	Opposed	Yes
30.	Michael and Jill MacDonald	Opposed	Yes
31.	Ty Maidment	Opposed	No
32.	Phil Moir	Support	No
33.	Monika Morgenstern	Opposed	No
34.	Amanda Oliver	Opposed	No
35.	John O'Neill	Opposed	No
36.	Jason Penniment	Opposed	No
37.	Philip Perrin	Opposed	No
38.	Michael Phillips	Opposed	No
39.	Melanie Phillips	Opposed	No
40.	Melanie Phillips	Opposed	No
41.	Phillip Richards	Support	No
42.	Alison Roberts	Opposed	No

FLEURIEU REGIONAL ASSESSMENT PANEL

43.	Corry Rounsevell	Opposed	No
44.	David Rowe	Opposed	No
45.	Amy Sissman	Opposed	No
46.	Sabine Schaf	Opposed	No
47.	Caitlin Schroeter	Opposed	No
48.	Donna Schubert	Opposed	No
49.	Jess Schulz	Opposed	No
50.	Dani and Sam Sherriff	Support	No
51.	Elise Silson	Opposed	No
52.	Gail Smith	Opposed	No
53.	Andrea Spencer	Support	No
54.	Zoe Steer	Opposed	No
55.	Lana Stewart	Support	No
56.	Christie Thornton	Opposed	No
57.	Julie Versteegh	Opposed	No
58.	Belinda Vivian	Support	No
59.	Louise Warin	Opposed	No
60.	James Warin	Opposed	No
61.	Richard Warin	Opposed	No
62.	Jamie Warland	Support	No
63.	Dannii Wilkie	Opposed	No
64.	Sam Willis	Opposed	No
65.	Megan Wood	Opposed	No
66.	Des Wood	Opposed	No

Summary of Representations received	Applicant's response to the Representations received
<p><u>Visual or aesthetic impact</u></p> <p>Concerns about the visual or aesthetic impacts of the proposed development, including its signage elements, were expressed by 23 of the respondents to notification of the proposal.</p> <p>Respondents were concerned about the visual impact of the proposed development to its road frontages and its response to the local environment and built form; to its visual impact on one of the main entrances into the Strathalbyn township; and to the loss of rural and open space vistas. The design and profile of the proposed buildings, and their materials and finish, were seen as</p>	<p>The design of the proposed development includes a mix of architectural elements and high-quality materials and finishes which will provide a high standard of presentation and visual interest to its street frontages. It will be a modern, contemporary facility which also includes elements that reflect the history and character of Strathalbyn, for example through the use of feature stone walls to the site's frontages at the Adelaide Road roundabout, and the use of timber screening to the refuse enclosure at the Braemar Drive frontage of the site. All of the road frontages are extensively landscaped.</p> <p>Signage elements of the proposed development have been carefully considered as being appropriate for the site and its context, including the fact that the proposed development is on a substantial allotment with road frontages exceeding 270 metres in total. The proposed signage will give pedestrians, cyclists and motorists clear advance guidance as to the goods and services offered on the site, and will give motorists ample time to decide on which direction to take at the Adelaide Road roundabout, as they approach the site from the north or east.</p>

<p>inconsistent with the surrounds.</p> <p>Respondents also said that the proposed number of signage elements and their size was excessive; that the signage would disfigure the locality, was not consistent with the heritage character of the township and would distract drivers.</p>	<p>The signage is appropriate having regard to the size of the site, its context and the position of the proposed signage. In the circumstances it will not contribute unduly to visual clutter or driver distraction, and will not have any detrimental impact on any sensitive uses or any sites of identified heritage value in the locality.</p> <p>Overall, the proposed development will make a significant and positive contribution to defining the entry to the township and delineating the historic town centre in the south from new residential growth areas to the north.</p> <p>The subject land forms part of a locality that is in transition. The portion of the Hills Neighbourhood Zone north of Braemar Drive is currently under development as low density suburban residential. Thus, the open rural landscape and vistas associated with the locality are moving outwards as the new residential areas develop. The proposed development of the subject land, being south of Braemar Drive will have no material adverse impact on this changing rural open character of the locality.</p> <p>The location of the subject land, between the existing township area to the south and the new residential areas to the north, make it an appropriate site for commercial development of the type that accords with the provisions of the Hills Neighbourhood Zone. The proposal will be readily accessible to the new residential areas and existing township and will be able to service the needs of the existing and future community of Strathalbyn. The land is large enough to accommodate a layout and design in a manner that will not impact on the residential character and amenity of the locality.</p>
<p><u>Traffic Impacts</u></p> <p>Fifteen (15) of the respondents expressed concerns about traffic impacts of the proposed development, including that it would exacerbate existing congestion in the area and would contribute to congestion in local streets; that fuel tanker movements would disrupt traffic and may impact on future nearby sensitive land uses; and that there would be safety risks to pedestrians (including school children) and those using the skate park in the vicinity.</p>	<p>The Site Traffic Compliance Statement (TCS) prepared by GTA Consultants and provided in support of the proposed development demonstrates that the proposed layout of the site is appropriate, and the capacity of the nearby road network is more than sufficient, to accommodate that anticipated traffic movements generated by and associated with the proposed development. In particular it finds that:</p> <ul style="list-style-type: none"> • Due to the location of the proposed development, it is expected that a high proportion of the traffic generated will be passing trade already present on the road network. • The proposed development is not anticipated to have an adverse impact on the safety or operation of the adjacent road network. • As demonstrated in turn path drawings accompanying the report, a 16.4 metre long semi-trailer fuel tanker vehicle is able to enter and exit the site without any obstruction to other vehicles on North

	<p>Parade or any other road in the locality. (The use of a 16.4 metre semi-trailer fuel tanker, instead of a smaller tanker vehicle, will allow for larger, less frequent deliveries of fuel, minimising the occasions for any potential congestion or annoyance arising from fuel tanker movements).</p> <ul style="list-style-type: none"> • The site can also readily accommodate the smaller vehicles which will be used for delivery of goods and removal of refuse, as well as all necessary passenger vehicle movements. • There is sufficient space on-site for vehicles to traverse the site without being impacted by other vehicles queued while awaiting the use of a fuel dispenser position.
<p><u>Pollution and Air Quality</u></p> <p>Four (4) of the respondents expressed the concern that oil and fuel spills would pollute nearby watercourses such as the Angus River, directly threatening the habitat of local fish populations including the Southern Pigmy Perch. Six others expressed general concerns about rubbish, pollution, odour or vapour impacts of the proposed development.</p>	<p>The proposal incorporates best environmental practices with respect to the management and operation of Retail Fuel Outlets. The application lodged with Council outlines the significant measures that will be taken to ensure that there is no material adverse impact or pollution risk from the delivery, storage and dispensing of fuel on the site. These measures include:</p> <ul style="list-style-type: none"> • Provision of Stage 2 vapour recovery systems to fuel storage tanks to capture any emissions arising upon delivery of fuel to the site. • Double-walled fibreglass fuel and LPG tanks which comply with applicable Australian/New Zealand Standards. • Ongoing monitoring of fuel variances to detect potential leakage, and use of automatic tank gauging to detect discrepancies in tank levels. • Double-walled fuel lines from the underground storage tanks to the dispensers, and dispensers fitted with a mechanical pressure leakage detection mechanism, which automatically shuts off the fuel pump in the case of pressure anomalies to minimise any potential for fuel leakage. • Ongoing visual inspection of the single-walled fuel line from the tanker fill box to the underground storage tanks, to ensure that the potential for leakage and spill is monitored when fuel is delivered to the site, and submission of daily fuel reconciliation data for reconciliation analysis to be undertaken by a qualified third party. <p>All stormwater is treated on site to ensure no pollutants find their way into nearby watercourses. Stormwater from high-risk areas will be diverted through a Class 1 full retention system comprising an Aquator oil separator T50 or approved equivalent, with no bypass and alarm. Sludge collected by the Class 1 full retention system</p>

	<p>will be pumped out on an annual maintenance schedule removed from site and disposed of by a qualified contractor.</p> <p>These measures, developed by Peregrine and applied systematically and effectively at OTR sites across South Australia and interstate, enable the risk of any adverse environmental consequences to be identified, monitored, minimised and addressed.</p> <p>As noted in the Environmental Noise Assessment referred to below, the separation between the proposed development and the closest sensitive receivers is significantly greater than in the case of some similar facilities.</p> <p>The impact of litter arising from operation of the proposed development on the site and its surrounds will be monitored and managed as is necessary and appropriate, as occurs at all existing OTR sites. There is little or no ongoing concern about litter impacts from any existing OTR sites.</p>
<p><u>Land Use</u></p> <p>Nine (9) of the respondents expressed concern about the use of the subject land for the proposed development. Their concerns include that the proposed development is at odds with the desired outcomes and policy provisions of the Hills Neighbourhood Zone and contrary to the Historic Overlay that applies to the adjacent Established Neighbourhood Zone.</p> <p>Additionally, some of these respondents raised concerns that the development would detract from the existing retail and commercial areas within the township. The land use was considered inappropriate for a site at the entrance to Strathalbyn and there was a general desire amongst respondents for the site to be set aside for community and recreational land uses.</p>	<p>The proposed development of the site is entirely in keeping with the objective and policies of the Hills Neighbourhood Zone. Once operational the retail fuel outlet will provide improved access to a range of products, services and facilities that will support the existing and projected residential growth within Strathalbyn and in particular the new residential development occurring north of the subject land.</p> <p>The scale of the proposed development is appropriate in the context of the size of the subject land at more than 8,000m². The control building and supporting infrastructure have been setback from the site boundaries and are framed by generous landscaped strips with more than 1,900m² of landscaping across the site.</p> <p>The landscaping will assist in reducing the visual impact of the built form and provided an added degree of separation from adjoining residential land uses.</p> <p>The General Development Policies – Out of Activity Centre Development within the Planning and Design Code establishes how, in the context of the locality and the township as a whole, the proposed development is an appropriate use of land. Performance Outcome (PO) 1.1 states that non-residential development outside Activity Centres should be of a scale and type that does not diminish the role of Activity Centres. PO 1.2 states that Out of Activity Centre non-residential development should complement Activity Centres through the provision of services and facilities that support the needs of local residents and workers, particularly in underserved locations; at the edge of Activities Centres where</p>

	<p>they cannot readily be accommodated within an existing Activity Centre to expand the range of services on offer and support the role of the Activity Centre.</p> <p>The proposed development will provide improved access to a wide range of day-to-day goods and services for current and future residents in the locality, and for visitors to the area. The retail functions of the proposed development will not compete materially with any established Main Street or Activity Centre Zones, which are likely to be used and regarded by most residents as being appropriate for less frequent, planned shopping visits, compared to the proposed development which will cater predominantly to more frequent, day-to-day purchases. The changing nature of the locality, from rural open space to residential township areas, will make the provision of development that meets these day to day needs of increasing importance.</p> <p>There is demonstrated need for additional retail floor space within Strathalbyn, and the limited growth opportunities within the Township Main Street and Township Activity Centre Zones, make the subject land and ideal location to support both the established township and the growth areas to the north. As set out in the planning report dated 1 April 2021, the proposed development will provide a modern, convenience-based integrated facility that will satisfy the recognised social and economic needs both of existing residential areas, and designated growth areas to the north.</p> <p>The distance between the existing commercial and retail core, and new residential areas to the north of the subject land, will prevent the existing township from meeting the day-to-day needs of residents of those areas, particularly those without access to private motor vehicles.</p> <p>However, the functional distinction between the existing Main Street and Activity Centre shops and the proposed development means that the proposed development will not substantially compete with, or detract from the viability of, these existing areas. The proposed development will provide significant economic and social benefits to the surrounding areas and to the wider community through investment in construction, fit out and ongoing operation, including through the employment of between 25 and 35 persons (on a combined full-time and part-time basis) once the proposed development is operational.</p> <p>One respondent expressed the view that the proposed development does not accord with the desire for the subject land to be used for open space and/or liner park as identified on Concept Plan 113 – North Strathalbyn. The applicant maintains that it is inappropriate for land in private ownership to be entirely set-aside for such a use. Notwithstanding this point, the development has been specifically designed to achieve a high degree of connectivity</p>
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	with the adjoining Council reserve to the west and will be highly accessible to pedestrians on foot and bicycles.
<p><u>Light spill</u></p> <p>Six (6) of the respondents raised concerns about lighting impacts of the proposed development.</p> <p>Specifically, the concerns of all six respondents related to light spill impacts from the 24 hour operation of the proposed use, the illuminated buildings, signage and the vehicle circulation areas. Further clarification was sought on how the potential impact of light spill on nearby residences will be managed.</p>	<p>Within the locality, existing street lighting to Braemar Drive, North Parade and Adelaide Road, and particularly the lighting to the roundabout junction of Adelaide Road and Braemar Drive, provides a higher level of ambient lighting than is common in rural or residential areas. That higher ambient light level currently affects the motel and buildings fronting on to North Parade throughout the night.</p> <p>Lighting associated with the proposed development will not materially increase the ambient light level. At times when the floodlit tennis courts which face onto North Parade are in use, the contribution of the proposed development to the light level in the locality will be even less material.</p> <p>All external lighting will be designed with the use of spill guards to direct light within the site and away from any nearby residential or other sensitive interfaces.</p>
<p><u>Noise impacts</u></p> <p>Five (5) of the respondents expressed concern about noise impacts of the proposed development, whether there would be noise impacts on the skate park and surrounding residential properties, noise impacts from vehicle movements, loud exhausts and late-night activity including yelling and screaming.</p>	<p>Accompanying this response is an Environmental Noise Assessment prepared by Sonus in relation to the proposed development and dated June 2021. The report notes that the site is well located compared to some similar facilities, with large separation distances to the closest noise sensitive locations, comprising existing residences and the motel south of the site on the opposite side of North Parade; residences located to the west on Marchant Road and East Terrace; and residences located to the north-west on Braemar Drive and Hampden Way.</p> <p>The report looks at the noise levels at these sensitive locations arising from activities at the proposed development and finds that the predicted noise levels will achieve the relevant requirements of the Planning and Design Code and the Environment Protection (Noise) Policy 2007 subject to a series of recommended treatments, comprising:</p> <ul style="list-style-type: none"> • Specific fence heights and constructions; • Installation of acoustic absorption in specific locations; • installing of doors at the auto wash entries and exits; • reducing the noise from any alarms as far as practical; • ensuring all inspection points, gated trenches etc. are correctly fixed; • restricting the times for fuel and LPG deliveries, auto wash and manual car wash use (to between the hours of 7:00am and 10:00pm) and waste collection (to between the hours of 9:00am

	<p>and 7:00pm on a Sunday or public holiday, and 7:00am and 7:00pm on any other day); and</p> <ul style="list-style-type: none"> • specific location and screening of the mechanical plant. <p>By implementing these recommendations, the report finds that the development will not detrimentally affect the amenity of the locality or cause unreasonable interference through noise, thereby achieving the relevant provisions of the Planning and Design Code.</p> <p>To the extent the recommendations of the report call for specific built form elements, they are demonstrated on the site plan included in Appendix D of the Sonus report (that is, the provision of automatic doors to the entry and exit of the automatic car wash facility, full wall heights between the manual wash bays, a 2.5m high barrier on the northern extent of the drive-through, a 1.8m high barrier around the outdoor dining area and the provision of screening to the plant on the roof of the control building).</p> <p>To the extent the recommendations require operational implementation, the applicant would be in agreement with the imposition of conditions on any development plan consent that would give effect to those recommendations.</p>
<p><u>Non-planning related issues</u></p> <p>Over proliferation of service stations and fast food outlets.</p> <p>Property values.</p> <p>Competition with existing retail</p>	<p>This is not a valid planning concern. All applications must be dealt with according to their merits. The level of current supply and demand for a particular use within the surrounding area is a business consideration for the applicant. Generally, the development control system leaves the number and density of particular retail / commercial land uses to be determined by market forces. The commercial viability of the proposed Retail Fuel Outlet and the determination of an acceptable density of such a use is beyond the scope of the development control system.</p> <p>While the impact of the proposed development on property values of nearby sites is not a relevant planning consideration, there is no evidence, and no reason to suppose, that the proposed development will have any impact on the value of nearby sites that differs from the existing condition and use of the site, or from any alternative use that might be made of the site.</p> <p>The proposed development will provide retail goods and services to meet the day-to-day needs of existing and future residential areas of Strathalbyn township, and in doing so will enhance the liveability of those residential areas and exert a positive influence on residential property values.</p> <p>A number of respondents have expressed the view that some</p>

businesses.	<p>elements of the proposed development are “not needed” or are undesirable because they may compete with specific existing businesses. While this is not a valid planning consideration in respect of the proposed development, it is recognised that the General Development Policies – Out of Activity Centre Development requires that non-residential development outside a designated</p> <p>Activity Centre should be of a scale and type that does not diminish the role of Activity Centres. Out of Activity Centre non-residential development should complement Activity Centres through the provision of services and facilities that support the needs of local residents and workers, particularly in underserved locations.</p> <p>For reasons set out above under the heading Land Use, the proposed development will provide improved access to day-to-day goods for current and future residents in new residential growth areas north of the subject land, and for visitors, without competing materially with or hindering the development, function or viability of any established Activity Centre Zone.</p>
<p><u>Supporting representations</u></p> <p>Fourteen (14) representations were received in support of the proposed development.</p>	<p>Of the 14 responses in support of approval of the proposed development, 10 respondents expressed the view that the proposed development would support the new residential growth areas north of the site, serve the local community, and visitors, would create employment and would make an economic contribution to the community.</p> <p>Some respondents noted the benefit to specific sectors of the community including users of the skate park and their parents; and motorists stopping in Strathalbyn.</p> <p>One of the respondents said that the proposed development would meet the need for fuel and small grocery items when other outlets are closed.</p> <p>One of the respondents indicated their support of the development including the design of the buildings but suggested the proposed inclusion of fast-food restaurants were not in keeping with the historic character of the town.</p> <p>The proposed Quick Service Restaurants (QSRs) to be located within the control building are seen by the applicant as integral to the operation and function of the site. The applicant is an experienced operator of QSRs in South Australia and is confident that when managed correctly the OSRs it will provide a valuable service to the growing population of Strathalbyn without compromising the historic character of the town.</p>

A full copy of the representations received is contained in **Attachment C**. The Applicant's response is contained in **Attachment D**.

REFERRALS – STATUTORY

Agency	Comment
Environment Protection Authority (EPA) Advice type: Direction	<p>The Application was referred to the EPA as the development includes a retail petroleum facility with a tank capacity between 10 and 2,000 cubic metres in a River Murray Protection Area (the proposed fuel tanks have a capacity of 140 cubic metres).</p> <p>At the time of preparing this report, the EPA had not yet finalised their referral response, although they have indicated that they have no in-principle concerns with the proposal.</p> <p>Given the timeframes associated with the assessment of this proposal under the PDI Act, Council's administration have recommended that the EPA response and any associated conditions be considered as a Reserve Matter. This would enable staff to ensure that the statutory timeframes are met and would avoid any potential for the Applicant to issue a 'Deemed Consent Notice'.</p> <p>If the EPA response is returned prior to the FRAP meeting, an amended set of conditions will be prepared for the Panel's consideration in order to avoid the need for the reserve matter.</p>

Whilst Adelaide Road and East Terrace are identified as State Maintained Roads, access to the proposed development is via North Terrace and Braemar Drive, at locations that are more than 25 metres from the arterial road intersection. As such, no statutory referral was required to the Commissioner of Highways.

Similarly, no referral is required for the illuminated signs given that the subject land is not located within 100 metres of a signalised intersection or pedestrian actuated crossing.

REFERRALS – INTERNAL

Department/Division	Comment
Community Wastewater Management Scheme (CWMS)	<p>The proposed development is able to be connected to Council's CWMS, in-principle. Further details will be required by Council's CWMS Planning and Asset Coordinator prior to Development Approval, which have been included with the reserve matters.</p> <p>These details include:</p> <ul style="list-style-type: none"> • full design details of the carwash including, but not limited to, flow rates, loadings and chemicals; • expected flowrates from the dog-wash, main building and hard-surface areas. <p>Once provided, the cost of connecting to Council's CWMS will be calculated and shall be paid by the Applicant prior to work commencing on site.</p>
Environmental Health	<p>An application for the installation of a waste control system will be required.</p> <p>Council's Team Leader Environmental Health has advised that a reserve matter requiring approval for the waste control system prior to the issuing of Development Approval would be appropriate moving forward.</p> <p>A reserve matter to this effect has been incorporated into the below recommendation.</p>
Engineering - Traffic	<p>Council's Infrastructure Engineer has considered the report prepared by GTA Consultants and the associated Site Traffic Compliance Statement for the site and has raised no objections and recommended a series of conditions be imposed.</p> <p>The conditions relate to the width of the driveway aprons and lighting.</p>
Engineering – Civil	<p>Council's Infrastructure Engineer has reviewed the proposed development and is satisfied, in-principle, that the proposal will be able to dispose of stormwater appropriately.</p> <p>The Applicant has advised that they would like to obtain Development Plan Consent before incurring the significant cost of a detailed Stormwater Management Plan. Council's Infrastructure Engineer has agreed to resolve the Stormwater Management Plan as a Reserve Matter.</p> <p>Similarly, Council's Infrastructure Engineer has advised that the Applicant will need to enter into an Infrastructure Agreement with</p>

	<p>Council, secured by a Banker's Undertaking, to undertake at their cost the construction of any works on Council land required to facilitate the development.</p> <p>This work would include the construction of a barrier kerb and gutter in North Parade and Braemar Drive; with the construction of four (4) gutter crossings at the proposed access/egress points.</p> <p>The above requirements have been reiterated as Reserve Matters in the below recommendation.</p>
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ASSESSMENT

The Application was lodged on 14 April 2021 and, as such, the proposed development is required to be assessed against the relevant provisions of the Planning and Design Code (the Code) on that date.

When an application is lodged and verified within the PlanSA Portal, the Portal determines which of the Code provisions apply based on the elements of the proposal, the zoning of the land and the relevant overlays. In this instance, the following elements are relevant:

- Retail Fuel Outlet – Code Assessed – Performance Assessed; and
- Advertisements – Code Assessed – Performance Assessed.

The provisions of the Code that were relevant to the above elements, based on the applicable zoning and overlays, at the date of lodgement (14 April 2021) are contained in their entirety at **Attachment E**.

In this instance the proposed development does not have a specific assessment pathway identified within Table 3 (Applicable Policies for Performance Assessed Development) of the Zone. As such, the proposed development defaults to a performance assessed pathway with all relevant general provisions of the Code applicable (in addition to the Zone and Overlay provisions).

Within the Planning and Design Code, Zones, Overlays and General provisions are expressed in terms of Desired Outcomes (high level statements that are akin the Desired Character Statements within former Development Plans), Performance Outcomes (similar to former Objectives and the key assessment policy under the Code) and Designated Performance Features (examples of ways that a Performance Outcome may be satisfied).

It is important to note that there may be many ways to satisfy a Performance Outcome and that failure to comply with a Designated Performance Feature does not necessarily mean that the Performance Outcome has not been met.

As such, in the below assessment staff have outlined the most relevant Performance Outcomes under each heading and whilst some Designated Performance Features have also been referenced (i.e. where it must be accepted that the proposal satisfies that criteria), these have been included as a guide only. In most circumstances (i.e. where a DPF is not met or there is no relevant DPF), compliance with a Performance Outcome will require a judgement based on planning merits.

Under the PDI Act, the hierarchy of weighting applied to specific policies contained within the Planning and Design Code has also changed. Previously (i.e. under the Development Act), the weighting applied to Development Plan policy was in the order of Precinct, Policy Area, Zone and then General provisions. Whilst all provisions were important, where policy conflict arose the more specific policy would prevail.

In the current system, Overlays carry the most weight as they often determine statutory referrals and limit development from unsuitable areas (i.e. Flooding, Bushfire, Native Vegetation, etc.). Zones and subzones are next as they specify appropriate land uses and built form within local areas. Finally, the General Development Policies provide general design guidelines that apply across the Council area.

As such, the below assessment has been ordered with Overlays considered first, then Zones (and subzones if relevant) and finally the relevant General Development Policies. If a Concept Plan is applicable, then this will be displayed at the end of the assessment.

Overlays

The following Overlays are relevant to the subject land:

- Affordable Housing
- Hazards (Bushfire - Urban Interface)
- Hazards (Flooding - Evidence Required)
- Murray-Darling Basin
- Native Vegetation
- Prescribed Water Resources Area
- River Murray Tributaries Protection Area
- Traffic Generating Development
- Urban Transport Routes
- Water Resources

Given the type of development proposed, the condition of the land and/or given that a prescribed declaration has been made, the following Overlays are no longer relevant to this assessment:

- Affordable Housing – the proposal is non-residential
- Hazards (Bushfire - Urban Interface) – the buildings are within 60 metres of a public road with an accessible water supply
- Hazards (Flooding - Evidence Required) – the subject land is not within a locally recognised flood affected area
- Murray-Darling Basin – the proposed land use does not trigger a referral

- Native Vegetation – a declaration has been made that no native vegetation will be affected
- River Murray Tributaries Protection Area – the proposed land use does not trigger a referral

An assessment against the remaining Overlays is provided within the following table.

Overlay Table

Prescribed Water Resources Area Overlay	
<p>Desired Outcome</p> <p>DO 1 Sustainable water use in prescribed surface water resources areas maintains the health and natural flow paths of water courses.</p>	
<i>Performance Outcome</i>	<i>Comment</i>
<p><i>1.2 All development, but in particular development involving any of the following:</i></p> <p><i>(g) Horticulture</i></p> <p><i>(h) Activities requiring irrigation</i></p> <p><i>(i) Aquaculture</i></p> <p><i>(j) Industry</i></p> <p><i>(k) Intensive animal husbandry</i></p> <p><i>(l) Commercial forestry</i></p> <p><i>Has a lawful, sustainable and reliable water supply that does not place undue strain on water resources in prescribed surface water areas.</i></p>	<p><i>DPF 1.1</i></p> <p><i>Development satisfies either of the following:</i></p> <p><i>(c) The applicant has a current water licence in which sufficient space capacity exists to accommodate the water needs of the proposed use; or</i></p> <p><i>(d) The proposal does not involve the taking of water for which a licence would be required under the Landscape South Australia Act 2019.</i></p> <p>In this instance, the subject land has access to SA Water mains water supply and does not require a water licence. The proposal therefore satisfies the relevant DPF in relation to this Overlay.</p>
Traffic Generating Development Overlay	
<p>Desired Outcomes</p> <p>DO 1 Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users.</p> <p>DO 2 Provision of safe and efficient access to and from urban transport routes and major urban transport routes</p>	
<i>Performance Outcomes</i>	<i>Comment</i>
<p><i>1.1 Development designed to minimise its potential impact on the safety, efficiency and functional performance of the State Maintained Road network.</i></p>	<p>Whilst the subject land is located adjacent to two (2) State Maintained Roads (Adelaide Road and East Terrace), access to the subject land is only provided from Braemar Drive and North Parade, both of which are not State Maintained Roads. The proposed vehicular access points are all more than 25 metres from the intersection with the State Maintained Roads, such that no referral was required.</p>

Urban Transport Routes Overlay	
Desired Outcomes DO 1 Safe and efficient operation of Urban Transport Routes for all road users. DO 2 Provision of safe and efficient access to and from Urban Transport Routes.	
<i>Performance Outcomes</i>	<i>Comment</i>
1.1 Access is designed to allow safe entry and exit to and from a site to meet the needs of development and minimise traffic flow interference associated with access movements along adjacent State maintained roads.	As described above, the subject land is not accessed from a State Maintained Road.
Water Resources Overlay	
Desired Outcomes DO 1 Protection of the quality of surface waters considering adverse water quality impacts associated with projected reductions in rainfall and warmer air temperatures as a result of climate change. DO 2 Maintain the conveyance function and natural flow paths of watercourses to assist in the management of flood waters and stormwater runoff.	
<i>Performance Outcomes</i>	<i>Comment</i>
1.2 Watercourses and their beds, banks, wetlands and floodplains (1% AEP flood extent) are not damaged or modified and are retained in their natural state, except where modification is required for essential access or maintenance purposes.	The subject land is serviced by Council's stormwater infrastructure and will not have any adverse impact on the nearby watercourse or water quality in the local area. Given that the proposed development will not impact on a watercourse, the provisions of this Overlay are not considered relevant.

Zone provisions

The subject land is located within the Hills Neighbourhood Zone. No subzone applies to the subject land. The Desired Outcomes (DO) for the Zone are identified as:

DO 1 - Development provides a complementary transition to adjacent natural and rural landscapes. Low density housing minimises disturbance to natural landforms and existing vegetation to mitigate the visible extent of buildings, earthworks and retaining walls.

The Desired Outcome for the Hills Neighbourhood Zone relates primarily to residential development and more specifically to low density housing, which minimises impacts on native vegetation and the topography of the land. Whilst the Desired Outcome is silent on non-residential development, the relevant Performance Outcomes provide more guidance regarding anticipated land uses.

Hills Neighbourhood Zone Assessment Table

<i>Performance Outcome</i>	<i>Comment</i>
Land Use	
<i>1.1 Predominantly low density residential development with complementary non-residential uses compatible with natural landforms and a low density residential character.</i>	<p>DTS/DPF 1.1 Development comprises one or more of the following:</p> <ul style="list-style-type: none"> (a) Ancillary accommodation (b) Consulting room (c) Dwelling (d) Office (e) Open Space (f) <u>Shop</u> (g) Recreation area. (author's emphasis) <p>Whilst Retail Fuel Outlets are not specifically anticipated within the Hills Neighbourhood Zone in their own right, the proposed land use includes a retail (shop) component that is anticipated within the Zone.</p> <p>Notwithstanding, the subject land is relatively unique in that it is located within a predominantly non-residential locality with good access to collector and arterial roads, which are characteristics that are well suited to Retail Fuel Outlets.</p> <p>The associated advertisement (signs) are considered to be ancillary to the proposed use of the land.</p>
<i>1.2 Commercial activities improve community access to services are of a scale and type to maintain residential amenity.</i>	<p>The associated DPF (1.2) does not prescribe a recommended floor area for shops or consulting rooms that do not abut an activity centre, unless they are located more than 500 metres from the activity centre.</p> <p>In this instance, the subject land is located approximately 150 metres from the nearest activity centre (the Township Main Street Zone in High Street).</p> <p>Notwithstanding, it is noted that DPF 1.2 does allow for a combined gross leasable floor area for shops, consulting rooms and offices of up to 1000m² where the site abuts an activity centre, provided that it does not constitute more than 50% of the existing gross leasable floor area within the adjacent activity centre.</p>

	<p>In this instance, the scale of the proposed control building and shop (794m²) is less than the 1000m² guideline contained in DPF 2.1.</p> <p>Whilst no longer a relevant consideration, it is worth noting that the former Development Plan did specifically anticipate non-residential development in this location (i.e. at the southern end of the land adjacent Braemar Drive).</p> <p>It is also noteworthy that a current Development Plan Consent has been granted for the development of a child care centre, indoor recreation centre and shop on adjacent vacant land to the immediate north, which would result in the subject land being surrounded by non-residential land uses.</p>
Site coverage	
<p><i>3.1 Building footprints consistent with the character and pattern of a low-density suburban neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.</i></p>	<p>DPF 3.1 <i>The development does not result in site coverage exceeding:</i></p> <ul style="list-style-type: none"> (d) <i>On sites with a gradient more than 1-in-8, 40%</i> (e) <i>On sites with a gradient less than 1-in-8, 50 %.</i> <p>The subject land has a gradient that is less than 1-in-8 and, as such, the recommended site coverage is 50 %. The proposed building footprint equates to a site coverage of less than 20%, which complies with the relevant DPF.</p>
Building Height	
<p><i>4.1 Buildings contribute to a low-rise suburban character and complement the height of nearby buildings.</i></p>	<p>DPF 4.1 includes a Technical and Numerical Variation (TNV) that prescribes a maximum building height of 8 metres (and 2 levels) within the Hills Neighbourhood Zone.</p> <p>Whilst all of the proposed buildings on the subject land are less than 8 metres high, consistent with DPF 4.1, one of the freestanding signs is proposed to have a maximum height of 9.0 metres, which exceeds the maximum building height for the Zone.</p> <p>When assessing recent applications for Retail Fuel Outlets (Petrol Filling Stations under the Development Act), the Panel has sought to limit</p>

	<p>the height of freestanding signs to better complement the character of Strathalbyn.</p> <p>As such, if the Panel determine to grant Planning Consent to this application, it is recommended that a condition be imposed to limit the overall height of the freestanding sign to 8 metres, consistent with DPF 4.1.</p>
Primary Street Setback	
<i>5.1 Buildings are set back from primary street boundaries consistent with the existing streetscape.</i>	<p>DPF 5.1</p> <p><i>The building line of a building set back from the primary street boundary:</i></p> <p>(f) <i>not less than 8m where no building exists on an adjoining site with the same primary street frontage.</i></p> <p>All buildings are set back more than 8 metres from all road boundaries, which achieves the minimum front setback prescribed by DPF 5.1.</p>
Earthworks and retaining	
<i>11.1 Buildings sited and designed to integrate with the natural topography of the land using measures such as split level building construction and other approaches that minimise the extent of cut and fill.</i>	The subject land is relatively flat. As a result, minimal earthworks and retaining are proposed.
<i>11.2 Vegetation is used to screen buildings and excavation or filling from view.</i>	The Applicant has proposed extensive landscaping around the perimeter of the subject land, which will soften the appearance of the proposed development.

Whilst the establishment of a Retail Fuel Outlet is not specifically envisaged within the Hills Neighbourhood Zone, the context of the subject land is such that the land is well suited to a Retail Fuel Outlet. Specifically, the subject land is surrounded by non-residential land uses including a skate park, a Motel, a tennis club, a child care centre and a linear park reserve. In addition, a second child care centre, an indoor recreation centre (gym) and a pharmacy have been approved on vacant land on the opposite side of Braemar Drive, which will essentially entirely surround the subject land with non-residential development.

The subject land is accessed by collector roads (North Parade and Braemar Drive) and is adjacent to two (2) State Maintained Roads (Adelaide Road and East Terrace), which provide good accessibility to the site.

Whilst finely balanced, the proposed development is considered to be acceptable when assessed against the relevant provisions contained within the Hills Neighbourhood Zone.

General Development Policies

The following table includes the most relevant provisions of the general development policy modules relating to Advertisements; Design in Urban Areas; Interface between Land Uses; Out of Activity Centre Development; and Transport, Access and Parking.

General Development Policies Assessment Table

Advertisements	
Desired Outcome DO 1 Advertisements and advertising hoardings are appropriate to context, efficient and effective in communicating with the public, limited in number to avoid clutter, and do not create hazard.	
<i>Performance Outcome</i>	<i>Comment</i>
<i>1.1 Advertisements are compatible and integrated with the design of the building and/or land they are located on.</i>	The proposed advertisements are contained either within the building parapets or are located on the freestanding signs. The signage is coordinated and will complement the proposed building.
<i>1.2 Advertising hoardings do not disfigure the appearance of the land upon which they are situated or the character of the locality.</i>	Advertising associated with Retail Fuel Outlets is often extensive and it is important that the advertising is coordinated and complementary to the proposed building and the locality. In this instance, there is a significant amount of advertising in the locality (particularly at the adjacent tennis club). The proposed development will not create unnecessary clutter.
<i>1.3 Advertising does not encroach on public land or the land of an adjacent allotment.</i>	All signage is contained within the boundaries of the subject land.
<i>1.5 Advertisements and/or advertising hoardings are of a scale and size appropriate to the character of the locality.</i>	One of the proposed freestanding signs has an overall height of 9.0 metres, which exceeds the maximum building height in the Zone (8 metres). As previously discussed, should the Panel grant Planning Consent, it is recommended that a condition be imposed to limit the height of this freestanding sign to 8 metres.
<i>2.1 Proliferation of advertisements is minimised to avoid visual clutter and untidiness.</i>	The proposed flush-mounted signs are coordinated in form and size and will complement the proposed building. The proposed freestanding signs are integrated such that there will not be any visual clutter or untidiness (two of these signs are low-level price boards).
<i>3.1 Advertisements are limited to information relating to the lawful use of land they are located on</i>	The proposed signs are for business identification purposes only and will not be used

<i>to assist is the ready identification of the activity or activities on the land and avoids unrelated content that contributes to visual clutter and untidiness.</i>	to advertise any third-party products or services.
<i>4.1 Light spill from advertisement illumination does not unreasonably compromise the amenity of sensitive receivers.</i>	<p>The Applicant is an experienced Retail Fuel Outlet operator and has refined their on-site lighting to ensure that light overspill can be contained predominantly within the site, with very little light spill or glare (a diagram of the lighting associated with the OTR at Taillem Bend is provided in the Applicant's response to representations at Attachment D).</p> <p>Notwithstanding, if the Panel determine to grant Planning Consent to the proposed development, a condition will be recommended to ensure that light overspill does not cause any unreasonable glare or distraction.</p>
Design in Urban Areas	
<p>Desired Outcome</p> <p>DO 1 Development is:</p> <ul style="list-style-type: none"> (e) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributing to the character of the locality (f) durable - fit for purpose, adaptable and long lasting (g) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors (h) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption. 	
<i>Performance Outcome</i>	<i>Comment</i>
<i>1.3 Building elevations facing the primary street (other than ancillary buildings) are designed and detailed to convey purpose, identify main access points and complement the streetscape.</i>	<p>The proposed building is designed as a fit-for-purpose Retail Fuel Outlet. The entries to the development are clearly identified and accessible.</p> <p>The proposed building will be one of the first in the locality and, as such, there is currently no established built-form character.</p>
<i>1.4 Plant, exhaust and intake vents and other technical equipment are integrated into the building design to minimise visibility from the public</i>	The building has been designed with all plant and associated service equipment located on the roof.

<p><i>realm and negative impacts on residential amenity by:</i></p> <ul style="list-style-type: none"> <i>(d) positioning plant and equipment discretely, in unobtrusive locations as viewed from public roads and spaces</i> <i>(e) screening rooftop plant and equipment from view</i> <i>(f) when located on the roof of non-residential development, locating the plant and equipment as far as practicable from adjacent sensitive land uses.</i> 	<p>The roof plant decks are proposed to be screened with painted fibre-cement building parapets that are integrated with the building design such that they will not be discernible from ground level or from adjacent properties.</p> <p>The proposed parapets will shield the plant and equipment from view and reduce any associated noise impacts from future sensitive receivers (noting that there are currently no sensitive receivers in the locality).</p>
<p><i>1.5 The negative visual impact of outdoor storage, waste management, loading and service areas is minimised by integrating them into the building design and screening them from public view (such as fencing, landscaping and built form), taking into account the form of development contemplated in the relevant zone.</i></p>	<p>The proposed development includes a screened refuse area with a 2.1 metre high slatted timber fence at the rear of the control building.</p> <p>The proposed bin enclosure is conveniently located to a turning bay to enable waste collection vehicles to collect waste from the bins and to exit the land in a forward direction.</p>
<p><i>2.1 Development maximises opportunities for passive surveillance of the public realm by providing clear lines of sight, appropriate lighting and the use of visually permeable screening wherever practicable.</i></p>	<p>The proposed development includes lighting and the 24-hour operation of the proposed development will ensure that passive surveillance can be provided to the car parking area, the adjacent skate park and the broader locality.</p>
<p><i>3.1 Soft landscaping and tree planting are incorporated to:</i></p> <ul style="list-style-type: none"> <i>(a) minimise heat absorption and reflection</i> <i>(b) maximise shade and shelter</i> <i>(c) maximise stormwater infiltration</i> <i>(d) enhance the appearance of land and streetscapes.</i> 	<p>The proposed development includes an extensive landscaping plan that provides a range of shade trees, shrubs and ground covers.</p> <p>The Applicant has a good reputation for maintaining high quality landscaping gardens around their developments. The landscaping proposed in this instance will complement the building and will soften the appearance of the Retail Fuel Outlet when viewed from adjacent land.</p>
<p><i>7.2 Vehicle parking areas appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced and the like.</i></p>	<p>The proposed integrated car parking area is located adjacent to the control building, to generally avoid the need to walk across driveway areas.</p> <p>Generous landscaping buffers have been proposed around the perimeter of the site to soften the appearance of the car parking areas.</p>

<p><i>7.7 Vehicle parking areas and access ways incorporate integrated stormwater management techniques such as permeable or porous surfaces, infiltration systems, drainage swales or rain gardens that integrate with soft landscaping.</i></p>	<p>The Applicant has submitted a Stormwater Management Report and an associated plan, prepared by Sagero Engineers. The plan illustrates a series of sumps which lead to a waste water filtration system before being stored in a large stormwater chamber for on-site detention.</p> <p>A pumping station then controls the managed discharge of treated stormwater to Council's system.</p> <p>The Stormwater Management Report and plans have been reviewed by Council's Engineers and are considered acceptable.</p>
<p><i>9.1 Fences, walls and retaining walls of sufficient height maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to sunlight or the amenity of public places.</i></p>	<p>The subject land is relatively flat with less than 1000mm variation in levels over the entire site (the land is slightly higher at the rear). As such, retaining walls are not proposed.</p> <p>A 900mm-high stone wall is proposed adjacent to the round-about intersection of Braemar Drive, North Parade, Adelaide Road and East Terrace.</p>
<p><i>11.1 Development provides a dedicated area for on-site collection and sorting of recyclable materials and refuse, green organic waste and wash bay facilities for the ongoing maintenance of bins that is adequate in size considering the number and nature of the activities they will serve and the frequency of collection.</i></p>	<p>The proposed development includes a bin storage area that is screened by a 2.1m-high timber slat fence, which will be large enough to accommodate all bins from the proposed development.</p>
<p><i>42.2 Water discharged from a development site is of a physical, chemical and biological condition equivalent to or better than its pre-developed state.</i></p>	<p>All stormwater run-off will be treated by grease arrestors and gross pollutant traps prior to being discharged from the land.</p>
<p><i>42.3 Development includes stormwater management systems to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure that development does not increase peak flows in downstream systems.</i></p>	<p>The proposed development includes the construction of a large detention tank beneath the car parking area that has been designed to detain peak stormwater flows and to manage the rate and duration of stormwater discharge from the site.</p>
<p>Interface between Land Uses</p>	
<p>Desired Outcome DO 1 Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.</p>	

<i>Performance Outcome</i>	<i>Comment</i>
<i>1.2 Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.</i>	<p>The subject land is surrounded by non-residential land uses and will not have any unreasonable impacts on residential amenity.</p> <p>The location of the subject land is such that any noise and traffic will be directed away from the residential area, which will assist in minimising the impact on future residential amenity.</p>
<i>4.1 Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).</i>	<p>DPF 4.1 <i>Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria.</i></p> <p>If the Panel determines to grant Planning Consent to the proposal, then a standard advisory note is recommended to ensure that noise levels are limited to be within the Environment Protection (Noise) Policy criteria.</p>
Out of Activity Centre Development	
<p>Desired Outcome DO 1 The role of Activity Centres in contributing to the form and pattern of development and enabling equitable and convenient access to a range of shopping, administrative, cultural, entertainment and other facilities in a single trip is maintained and reinforced.</p>	
<i>Performance Outcome</i>	<i>Comment</i>
<p>1.1 Non-residential development outside Activity Centres of a scale and type that does not diminish the role of Activity Centres: (a) as primary locations for shopping, administrative, cultural, entertainment and community services (b) as a focus for regular social and business gatherings (c) in contributing to or maintaining a pattern of development that supports equitable community access to services and facilities.</p>	<p>The proposed development includes a control building with 794m² of floor space.</p> <p>This only represents a small fraction of the existing commercial floor space currently utilised within the nearest activity centres (the town centre areas around High Street and Dawson Street).</p> <p>The proposed extent of commercial floor space proposed is not expected to have any unreasonable impacts on the function of the adjacent activity centres as the primary administrative, health, shopping and service areas.</p>
<p>1.2 Out-of-activity centre non-residential development complements Activity Centres through the provision of services and facilities: (a) that support the needs of local residents and workers, particularly in underserviced locations (b) at the edge of Activities Centres where they cannot readily be accommodated within an existing</p>	<p>The proposed out-of-activity centre development will complement the existing town centre by providing a convenient facility within walking distance of a part of Strathalbyn that is experiencing significant growth.</p> <p>Within the former Development Plan, the</p>

<p><i>Activity Centre to expand the range of services on offer and support the role of the Activity Centre.</i></p>	<p>location of this development was intended to be available for non-residential development (this was referenced in the Desired Character Statement for the former Policy Area).</p> <p>However, the intent of this policy did not translate to the Planning and Design Code. The proposed development will create a facility that will service local residents within an area where any impacts on residential amenity can be appropriately managed.</p>
<p>Transport, Access and Parking</p>	
<p>Desired Outcome DO 1 A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.</p>	
<i>Performance Outcome</i>	<i>Comment</i>
<p><i>1.3 Development is designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive receivers.</i></p>	<p>The subject land is well located to minimise commercial traffic movements within residential streets. The land is located on Braemar Drive near the roundabout intersection with Adelaide Road, North Parade and East Terrace.</p> <p>It is likely that most commercial traffic (delivery vehicles, waste collection vehicles, etc.) would access and egress the land via the adjacent main road network and not via the nearby residential streets.</p>
<p><i>1.3 Industrial, commercial and service vehicle movements, loading areas and designated parking spaces are separated from passenger vehicle car parking areas to ensure efficient and safe movement and minimise potential conflict.</i></p>	<p>The Applicant has advised that most deliveries will be made by vans and small trucks (less than 6.4 metres in length), which can utilise vacant car parking spaces.</p> <p>Waste collection will be undertaken by a private contractor out of peak operating hours via a medium rigid truck (max. 8.8m), which will be able to park adjacent to the bin storage area and depart in a forward direction.</p>
<p><i>3.3 Access points are sited and designed to accommodate the type and volume of traffic likely to be generated by the development or land use.</i></p>	<p>The development is proposed to be serviced by four (4) access driveways, which are well separated from the adjacent intersection to ensure that vehicle access and egress is safe and convenient.</p>
<p><i>3.4 Access points are sited and designed to minimise any adverse impacts on neighbouring properties.</i></p>	<p>The location of the proposed driveway access provides for clear lines of site in both directions to enable safe and convenient access and egress.</p>

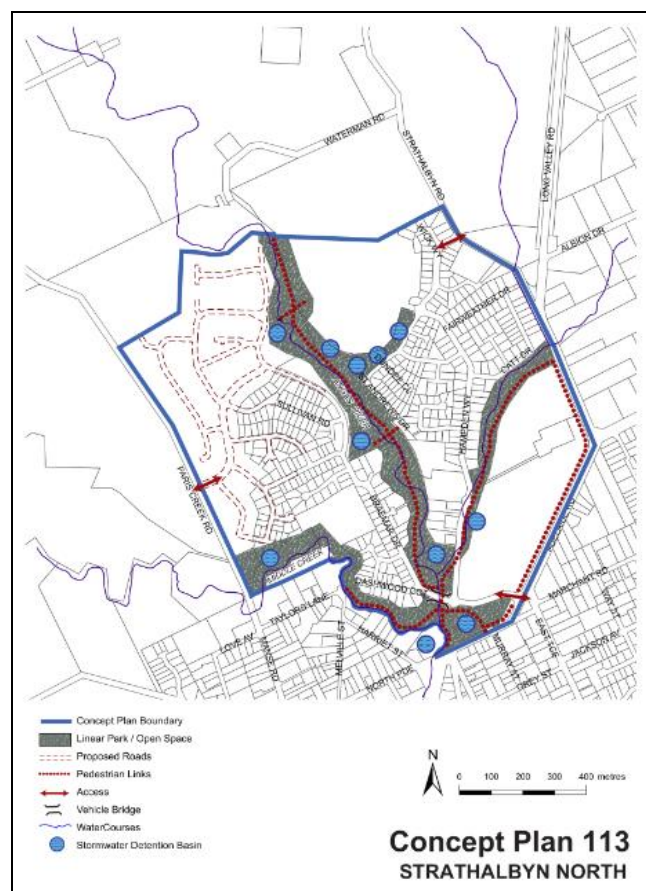
<p>4.1 Development is designed to provide safe, dignified and convenient access for people with a disability.</p>	<p>The proposed car parking layout includes the provision of two (2) accessible car parking spaces which are conveniently located adjacent to the main entry.</p>
<p>5.1 Sufficient on-site 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:</p> <ul style="list-style-type: none"> (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. 	<p>DPF 5.1 Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant:</p> <ul style="list-style-type: none"> (b) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements <p><u>Table 1 – General Off-Street Car Parking Requirements</u></p> <p><u>Retail Fuel Outlet</u> – 3 spaces per 100m² of gross leasable floor area</p> <p>The proposed development includes the provision of 44 on-site car parking spaces and four (4) truck parking spaces. At the rates specified above, the proposed land use would result in a theoretical demand for the provision of 24 on-site car parking spaces.</p> <p>This equates to a surplus of 20 car parking spaces, which will ensure that all anticipated car parking can be accommodation on-site such that it will not have any impact on the adjacent street network.</p>
<p>6.5 Vehicle parking areas that are likely to be used during non-daylight hours are provided with sufficient lighting to entry and exit points to ensure clear visibility to users.</p>	<p>The Applicant has advised that the car parking area will be lit during non-daylight hours.</p>
<p>6.6 Loading areas and designated parking spaces for service vehicles are provided within the boundary of the site.</p>	<p>All loading and unloading, including waste collection, will occur on the subject land.</p>
<p>9.1 The provision of adequately sized on-site bicycle parking facilities encourages cycling as an active transport mode.</p>	<p>DPF 9.1 Areas and / or fixtures are provided for the parking and storage of bicycles at a rate not less than the amount calculated using Transport, Access and Parking Table 3 - Off Street Bicycle Parking Requirements.</p>

	<p>Retail Fuel Outlets are not identified within <i>Table 3 - Off Street Bicycle Parking Requirements</i>. Notwithstanding, the proposed development includes the provision of three (3) bicycle racks, which can accommodate up to six (6) bicycles (one either side of each rack).</p> <p>The provision of on-site bicycle parking facilities is considered to be appropriate.</p>
<p><i>9.2 Bicycle parking facilities provide for the secure storage and tethering of bicycles in a place where casual surveillance is possible, is well lit and signed for the safety and convenience of cyclists and deters property theft.</i></p>	<p>The proposed bike racks are conveniently located within open well lit areas to deter property theft and for the safety of cyclists.</p>

The proposed development generally complies with the design guidelines provided within the general development modules as the development relates to Advertisements; Design in Urban Areas; Interface between Land Uses; Out of Activity Centre Development; and Transport, Access and Parking.

Concept Plan

The subject land is located within an area that is subject to a concept plan within the Planning and Design Code, specifically Concept Plan 113 – Strathalbyn North, as illustrated below.



The subject land is located within an area that is identified as potential open space. However, the land is privately owned and unless Council or another government agency is prepared to purchase the land, it is unlikely that the land will be developed as open space (due to the lack of return on the investment). The subject land is located adjacent to a skate park and will provide a publically accessible facility that is well lit and will provide passive surveillance to the adjacent park.

The location of the subject land will enable traffic to be easily and conveniently dispersed (via Braemar Drive, Adelaide Road, East Terrace and North Parade) without having any impacts on the nearby residential area.

CONCLUSION

Whilst the establishment of a Retail Fuel Outlet is not specifically envisaged within the Hills Neighbourhood Zone, the context of the subject land is such that the land is well suited to a Retail Fuel Outlet. Specifically, the subject land is surrounded by non-residential land uses including a skate park, a Motel, a tennis club, a child care centre and a linear park reserve. In addition, a second child care centre, an indoor recreation centre (gym) and a pharmacy have been approved on vacant land on the opposite side of Braemar Drive, which will essentially entirely surround the subject land with non-residential development.

The subject land is accessed by collector roads (North Parade and Braemar Drive) and is adjacent to two (2) State Maintained Roads (Adelaide Road and East Terrace), which provide good accessibility to the site.

As discussed above, it seems the proposed development is not likely to have an unreasonable impact on the existing built form character of the locality or the amenity of nearby residents. The proposed development would likely have some positive impact on safety within the locality, by providing passive surveillance of the adjacent Skate Park and Tennis Club.

The retail component of the proposal is intended to take advantage of already passing traffic and offer more in terms of convenience goods to the local population rather than to seek to undermine other businesses in the town. As the surrounding residential area – particularly to the north – grows, such availability of services will no doubt be convenient, as noted by some of the representors in support of the proposal.

The proposed development is therefore not considered to be 'seriously at variance' with the requirements of the Planning and Design Code.

The proposal is finely balanced. However, in this instance it has demonstrated that it does meet a sufficient number of the requirements of the Planning and Design Code and, when looked at in a practical and balanced way, warrants Planning Consent (subject to a series of reserve matters, general conditions and notes).

RECOMMENDATION

It is recommended that the Fleurieu Regional 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 21003380, by PC Infrastructure Pty Ltd is granted Planning Consent, subject to the following reserved matters and conditions:

RESERVE MATTERS

1. Evidence of an executed Infrastructure Agreement for any works on Council land required as a result of the proposed development, including the construction of a barrier kerb and gutter in North Parade and Braemar Drive; with the construction of four (4) gutter crossings at the proposed access/egress points and footpaths as necessary along the public road boundaries of the subject land;
2. Evidence of an approved Wastewater Application prior to the granting of Development Approval. The Wastewater Application will be accompanied by all relevant fees including the appropriate CWMS connection fees. The CWMS connection fees will be calculated by Council's CWMS Coordinator based on the anticipated demand and flow rates;
3. Provision of a Stormwater Management Plan detailing the management and disposal of stormwater to the reasonable satisfaction of Council's Infrastructure Engineers;
4. The provision of detailed flowrates for wastewater disposal including, but not limited to, the car wash, dog wash, main building and surface runoff, to enable Council to determine the relevant connection fees and conditions for the Community Wastewater Management Scheme; and
5. Consideration of the EPA referral advice and any relevant conditions of consent.

CONDITIONS

1. The development herein approved shall be undertaken and maintained in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the Council, except where varied by the following conditions.

Reason: To ensure the development is undertaken in accordance with the approved plans, drawings, specifications and other documents submitted.

2. The driveway and parking areas shall be maintained in a good and substantial condition, to the reasonable satisfaction of Council at all times.

Reason: To ensure that access to the subject land is functional and to enhance the appearance of the development.

3. All car parking spaces, driveways and manoeuvring areas shall be designed, constructed and line-marked in accordance with Australian Standard AS 2890.1:2004. Line marking and directional arrows.

Reason: To ensure that the proposed development meets the requirements of the relevant Australian Standards.

4. The development shall operate in accordance with the South Australian Environment Protection (Noise) Policy 2007.

Reason: To ensure the noise associated with the development does not have a detrimental impact on the amenity of the locality.

5. External lighting and security lighting shall be directed in such a manner so as to not, in the opinion of Council, create unreasonable overspill onto any adjoining property or roadway which may create a nuisance to any neighbour or road user.

Reason: To ensure that floodlighting does not cause nuisance or danger to adjoining occupiers or road users thereby reducing the amenity of the locality and/or making road use unsafe.

6. The car wash and vacuum cleaners shall not be operated during night-time operation. Night-time operations are identified as the hours between 10:00pm and 7:00am the following day.

Reason: To ensure that noise from the development is maintained within the EPA guidelines.

7. The proposed 9.0-metre high freestanding sign shall be reduced in height to a maximum of 8.0 metres, with details provided with the documentation for Building Consent.

Reason: To ensure that the proposed development remains consistent with the maximum building heights in the Zone and that the development complements other buildings in the locality.

8. Landscaping shall be established in accordance with the approved Landscaping Plan prior to the commencement of trade on the site. The landscaping areas, herein approved, shall be maintained at all times with any diseased or dying plants replaced as soon as practicable.

Reason: To ensure the ongoing maintenance of the land.

ADVISORY NOTES

1. The Applicant is reminded of their general environmental duty, as required by Section 25 of the Environmental Protection Act, to take all reasonable and practical measures to ensure that any activities on the site do not pollute the environment.
2. Encumbrances, although not administered by Council, may apply to your property. You are therefore advised to check for Encumbrances on your Certificate of Title prior to commencing work.
3. All mechanical plant installed as part of this development should meet the noise output requirements of the Environment Protection Authority (EPA). If the noise output exceeds these requirements, an acoustic enclosure shall be installed around the plant to ensure it complies. If an enclosure is required, these details shall be submitted to Council.

ITEM 3.3
APPLICATION ID 21003033
PROPOSED DEV Change of Use to consulting rooms with associated carparking and landscaping
SUBJECT LAND 22-24 Tottenham Court Road, Port Elliot
APPLICANT Jo Twelftree
REPORT AUTHOR Judith Urquhart, Strategic Development and Policy Planner
LODGEMENT DATE 31 March 2021

DEVELOPMENT APPLICATION DETAILS

Zone	Neighbourhood
Subzone	N/A
Relevant Overlays	Affordable Housing Hazards (Bushfire – Urban Interface) Hazards (Flooding - Evidence Required) Murray-Darling Basin Native Vegetation Prescribed Water Resources Area Traffic Generating Development
Relevant Technical Numerical Variations (TNVs)	Minimum site area, frontage, building height and levels but not relevant to this application
Assessment Pathway	Code Assessed - Performance Assessed
Public Notification	Representations received: 3 (1 support with concerns, 2 opposed) Representations to be heard: 0
Referrals – Statutory	Nil
Referrals – Internal	Nil
Assessing Officer	Judith Urquhart
Date last inspected	6 August 2021
Recommendation	Grant Planning Consent subject to conditions

REPORT CONTENTS

Assessment Report

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Attachment B: Plans & Supporting Documentation Pg. 655

Attachment C: Representations Pg. 680

Attachment D: Response to Representations Pg. 688

Attachment E: Extract of relevant Planning and Design Code provisions at the time of lodgement Pg. 698

PURPOSE OF REPORT

Under the *Planning Development and Infrastructure Act 2016*, the Fleurieu Regional Assessment Panel (the Panel) is the relevant authority for Development Applications that are Performance Assessed and require public notification. The Panel has delegated the power to determine applications that do not receive any representations in opposition to a development to the Assessment Manager.

In this instance, the proposed development received representations opposing the development and, as such, the application is presented to the Panel for determination.

EXECUTIVE SUMMARY

The applicant seeks consent for a change of use from residential to consulting rooms with associated car-parking and landscaping. Three consulting rooms and associated administration (5 staff in all) are proposed within the existing residence, a total of twelve on-site carparks, minor additions to an external boundary wall for fire-rating purposes, upgrading of the external appearance, and operating hours of 8.30am to 6.00pm Monday to Friday. Existing mature trees on site are to be retained.

The proposal was notified, as in the *Neighbourhood Zone*, consulting rooms which are not on the same allotment and in conjunction with a dwelling are not exempt, and the proposal could not be considered minor.

During the public notification period, three representations were received, with two representations opposed, and one in support with some concerns.

This is an established single-storey dwelling on a double allotment, on a busy road which connects Waterport Road to the north to North Terrace and the town centre of Port Elliot to the south-east. The locality is mixed, with a range of residential types and densities including a retirement village, recreation (oval) and light industry on the western side of Tottenham Court Road. Whilst the subject site is in the *Neighbourhood Zone*, a *Home Industry Zone* is on the other side of Tottenham Court Road. Small-scale consulting rooms are envisaged in the *Neighbourhood* zone under certain circumstances. The proposal deviates from the policy in that it is not in association with an existing dwelling.

The proposed use is rather benign, its scale limiting traffic movements, and its operating hours reasonable. No advertising is proposed and it is essentially the additional traffic movements, parking and manoeuvring which will differentiate this use from a conventional residential one. The site will maintain its residential appearance. On a busy road such as this, where residential amenity is somewhat diminished, the proposal is not considered to have any adverse impacts for nearby residents.

Having undertaken an assessment of the proposed development against the relevant policies, the proposal is not considered to be 'seriously at variance' and is considered to generally comply with the relevant provisions of the Planning and Design Code, such that the granting of Planning Consent is warranted.

NATURE OF DEVELOPMENT

It is proposed to convert an existing dwelling on a double block to consulting rooms. Internally there will be three consulting rooms, waiting area, reception (2 admin staff) and associated facilities and meeting room, measuring approximately 100m².

Externally, landscaping is proposed at the front of the property, 2 staff carparks on the existing southern driveway and 10 visitor parks (one at the front, five along the northern boundary and three at the rear, one of which is for disabled patrons). All carparks and manoeuvring areas meet Australian standards.

An existing carport on the southern boundary and a shed on the rear northern boundary are to be removed. Two new short firewall sections are proposed on either side of the existing southern boundary wall, re-roofing and upgrading of the exterior.

Proposed operating hours are 8.30am to 6pm, Monday to Friday.

SUBJECT LAND AND LOCALITY

The subject land is known as No.22-24 Tottenham Court Road, Port Elliot as identified in Certificate of Title - Volume 5063, Folio 912.

The site is a flat double block 1100m² with an established dwelling and outbuildings, and mature trees. The immediate locality is established relatively low density residential, but rather mixed a little further afield, with the oval, various light industrial uses to the west and north-west, and a large retirement village and school to the east and north-east.

Tottenham Court Road is a busy road connecting Waterport Road to the oval and Port Elliot township.



Figure 1 – The subject land



Figure 2- Planning and Design Code zoning and locality
Key: N – Neighbourhood Zone, HIn – Home Industry Zone



Figure 3 – The subject land viewed from the south



Figure 4 – The subject land viewed from the north

PUBLIC NOTIFICATION CATEGORY

The application was notified as the consulting rooms are not in association with an existing dwelling, and the proposal could not be considered minor (Table 5 item 4 (a)).

During the public notification period, three representations were received, with one representation in support with some concerns, and two opposing the proposed development.

No representors indicated a desire to be heard by the Panel in support of their submission.

REPRESENTATIONS RECEIVED

Public Notification		Letters to adjoining land owners and installation of a notification sign on the land between 11 June 2021 and 5 July 2021	
Refer following map for location of representors			
Representations received (in alphabetical order)		Support / Opposed	Wish to be heard
1.	M McGill	Opposed	No
2.	W Swain	Opposed	No
3	M Crawford	Support with some concerns	No

Summary of Representations received	Applicant's response to the Representations received
<i>Development will detract from residential amenity and increase traffic</i>	The scale is such that it will not detract from residential amenity. Form and activities will remain largely unchanged but with aesthetic improvements.
<i>Concerns about car-parking – excessive numbers, stormwater drainage and layout</i>	Car-parking meets Australian standards and preserves existing trees. Numbers meet Code standards and allow for arriving patrons as well as those already on site. An all-weather gravel seal is considered suitable.
<i>Concern for existing trees and</i>	It is acknowledged that additional landscaping along the

FLEURIEU REGIONAL ASSESSMENT PANEL

<i>potential for damage to landscaping and fencing</i>	northern boundary would improve amenity but this would compromise car-parking provision. The proprietors will maintain landscaping and fencing.
<i>Need to limit operating hours</i>	These are reasonable and low intensity but adequate for the business.
<i>Concerned that a commercial enterprise be allowed in the residential area directly opposite a Home Industry zone</i>	Not addressed

Location of representors



A full copy of the representations received is contained in **Attachment C**. The Applicant's response is contained in **Attachment D**.

REFERRALS – STATUTORY

Having reviewed the Planning and Design Code and Schedule 9 of the *Planning Development and Infrastructure (General) Regulations 2017*, no statutory referrals were required.

REFERRALS – INTERNAL

No internal referrals were required for the proposed development. The applicant has lodged an application for an amended Waste Control System.

ASSESSMENT

The Application was lodged on 31 March 2021 and, as such, the proposed development is required to be assessed against the relevant provisions of the Planning and Design Code (the Code) on that date.

The application comprises the following elements:

- Consulting rooms and associated car-parking and landscaping – Code Assessed – Performance Assessed

An assessment has been undertaken against the relevant Desired Outcomes (DO's) and Performance Outcomes (PO's) of the relevant Zone, Overlays and General Development Policies.

The provisions of the Code that were relevant to the assessment of the proposal, based on the applicable zoning, overlays and general development policies, at the date of lodgement are contained in their entirety in **Attachment E**.

Zone - Desired Outcomes and Land Use

The *Neighbourhood* Zone identifies the following Desired Outcome and Performance Outcomes:

DO1 Housing supports a range of needs and complements the existing local context. Services and community facilities contribute to making a convenient place to live without compromising the residential amenity and character of the neighbourhood.

PO 1.1 Predominantly residential development with complimentary non-residential uses that support an active, convenient and walkable neighbourhood.

DTS/DPF 1.1 Development comprises one or more of the following:
(c) consulting room

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 is 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

PO 1.4 Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood,

The zone clearly envisages consulting rooms at an appropriate scale. There is little guidance within the zone as to what constitutes “small-scale” other than a reference in PO 1.2 (a) to 50m² (refer extract below)

Performance Outcome	Deemed-to-satisfy criteria/Designated Performance Feature
<p><i>PO 1.2</i> <i>Commercial activities improve community access to services and are of a scale and type to maintain residential amenity.</i></p>	<p><i>DTS/DPF 1.2</i> <i>A shop, consulting room, or office (or any combination thereof) satisfies any one of the following:</i></p> <ul style="list-style-type: none"> <i>a) It is located on the same allotment and in conjunction with a dwelling where all of the following are satisfied:</i> <ul style="list-style-type: none"> <i>I. does not exceed 50m² gross leasable floor area</i> <i>II. does not involve the display of goods in a window or about the dwelling or its curtilage</i>

Whilst the floor area appears to be in the order of 100m², the proposal is to be established in an existing dwelling, with aesthetic improvements, and with limited patron numbers and operating hours, the scale is considered appropriate.

In addition to landscaping of the front of the property in order to maintain a residential feel, the removal of two outbuildings sited on boundaries will also improve the appearance of the property, particularly for affected neighbours.

Zone - Quantitative Measures - A number of quantitative measures relating to building height and setbacks are not relevant to this proposal.

Overlays

The Code identifies the following Overlays as applicable to the subject land. It is important to note that all Overlays applicable to the subject land should be considered although they may have limited relevance.

AFFORDABLE HOUSING

The policies in this overlay are not relevant to a commercial use.

HAZARDS (Bushfire - Urban Interface)

The dwelling is established and the proposed alterations and use will have no impact on bushfire risk.

HAZARDS (Flooding Evidence Required)

This is not considered an issue; there is no record of flooding in this locality.

MURRAY DARLING BASIN

The proposal does not involve activities identified as sensitive in this Overlay.

NATIVE VEGETATION

No native vegetation exists on the subject land and, the applicant has completed a declaration stating that the development does not involve the clearance of native vegetation.

PRESCRIBED WATER RESOURCES AREA

The proposal does not involve activities identified as sensitive in this Overlay.

TRAFFIC GENERATING DEVELOPMENT

Relevant policies relate to the safe and efficient use of transport routes. Whilst traffic movements in and out of the site may increase, existing access points will be used, sight distances are good and no referrals are required.

General Development Policies

The following sections of the General Development Policies are relevant to the assessment:

Note that *Advertising* and *Design in Urban Areas* are not considered relevant as there is no advertising proposed, nor any substantial building alterations.

CLEARANCE FROM OVERHEAD POWERLINES

The applicant has submitted an Electricity Act 1996 declaration specifying that the proposed development is adequately separated from aboveground powerlines.

INFRASTRUCTURE AND RENEWABLE ENERGY FACILITIES

No issues arise as the site is connected to the Community Waste Management Scheme and a new Waste control application has been submitted.

INTERFACE BETWEEN LANDUSES

DO 1 - Policies seek to mitigate adverse effects on or from neighbouring or proximate land uses,

PO 2.1 addresses the impact of operating hours and

DTS/DPF 2.1 nominates 7am to 9pm Monday to Friday and 8am to 5pm Saturday for consulting room

Clearly the proposed operating hours fall well within general policy parameters.

TRANSPORT, ACCESS and PARKING

Policies seek safe and efficient traffic movements. Sightlines are good and no additional access points are proposed.

The proposal meets the requirements of Table 1, the site providing 12 on-site parking spaces, 4 per room. In addition one disabled carpark is located close to the rear entry.

CONCLUSION

The zone provisions envisage a development such as this, provided the scale is appropriate and associated impacts are minimal and acceptable in a residential environment. The proposal will utilise an existing building and implement improvements, including landscaping. Three consulting rooms will not generate unreasonable traffic as operating hours are modest.

Having undertaken an assessment of the proposed development, the proposal is not considered to be 'seriously at variance', and is considered to generally comply with the relevant provisions of the Planning and Design Code, such that the granting of Planning Consent is warranted.

RECOMMENDATION

It is recommended that the Fleurieu Regional 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 21003033 at No.22-24 Tottenham Court Road, Port Elliot, by Jo Twelftree is granted Planning Consent, subject to the following conditions:**

CONDITIONS

- 1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).**

Reason: To ensure the development is undertaken in accordance with the approved plans, drawings, specifications and other documents submitted.

2. The external finishes to the building or structure herein approved shall be in accordance with the materials as specified in the application now approved.

Reason: To maintain and enhance the visual amenity of the locality in which the subject land is situated.

3. All proposed landscaping shall be nurtured and maintained at all times, and replaced when necessary.

Reason: To maintain and enhance the visual amenity of the locality in which the subject land is situated.

4. The land shall be maintained in good condition at all times to the reasonable satisfaction of Council, including carparking areas and driveways, buildings, and all landscaped and grassed areas.

Reason: To maintain the amenity of the locality in which the subject land is situated.

5. No advertising signs are to be erected and displayed on the subject site without the consent of Council.

Reason: To prevent the proliferation of advertisements.

ADVISORY NOTES

1. The Applicant is reminded of their general environmental duty, as required by Section 25 of the Environmental Protection Act, to take all reasonable and practical measures to ensure that any activities on the site do not pollute the environment.
2. Encumbrances, Land Management Agreements and/or easements, although not administered by Council, may apply to your property. You are therefore advised to check your Certificate of Title prior to commencing work.
3. The Applicant/ Builder must, for the duration of construction, take action to control, minimise or eliminate (as far as reasonable practical) any local nuisance including (but not limited to) noise, dust, vibration, odour, fumes or aerosols that may be created by the construction work that may have an adverse effect on the amenity value of the locality.

ITEM 3.4
APPLICATION ID 21011755
PROPOSED DEV Construction of a domestic outbuilding
SUBJECT LAND 9 (Lot 20) Old Bull Creek Road, Strathalbyn
APPLICANT Samantha Hill (Shed King)
REPORT AUTHOR Cameron Gibbons – Senior Town Planner
LODGE DATE 11 June 2021

DEVELOPMENT APPLICATION DETAILS

Zone	Neighbourhood Zone
Subzone	N/A
Relevant Overlays	Affordable Housing Hazards (Bushfire – Medium Risk) Heritage Adjacency Hazards (Flooding - Evidence Required) Murray-Darling Basin Native Vegetation Prescribed Water Resources Area River Murray Tributaries Protection Area Traffic Generating Development
Relevant Technical Numerical Variations (TNVs)	Maximum Building Height (levels) – one (1) level
Assessment Pathway	Code Assessed - Performance Assessed
Public Notification	Representations received: 2 (1 in support) Representations to be heard: 0
Referrals – Statutory	Nil
Referrals – Internal	Nil
Assessing Officer	Cameron Gibbons
Date last inspected	21 June 2021
Recommendation	Grant Planning Consent subject to conditions

REPORT CONTENTS

Assessment Report

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Attachment B: Plans & Supporting Documentation Pg. 786

Attachment C: Representations Pg. 814

Attachment D: Response to Representations Pg. 818

Attachment E: Extract of relevant Planning and Design Code provisions at the time of lodgement Pg. 819

PURPOSE OF REPORT

Under the *Planning Development and Infrastructure Act 2016*, the Fleurieu Regional Assessment Panel (the Panel) is the relevant authority for Development Applications that are Performance Assessed and require public notification. The Panel has delegated the power to determine applications that do not receive any representations in opposition to a development to the Assessment Manager.

In this instance, the proposed development received representations opposing the development and, as such, the application is presented to the Panel for determination.

EXECUTIVE SUMMARY

The Applicant seeks consent for the construction of a domestic outbuilding associated with a dwelling (currently under construction) at 9 Old Bull Creek Road, Strathalbyn.

As the proposed outbuilding involves the construction of a building wall that is proposed to be situated on a side boundary and exceeds 11.5m in length, the proposed outbuilding is not excluded from notification.

During the public notification period, two (2) representations were received, with one (1) representation in support (from the adjoining land owner who will be impacted by the proposed boundary development) and one (1) opposing the proposed development.

The proposed outbuilding, whilst having an increased length along the boundary, meets most relevant Designated Performance Features (DPF) of the Planning and Design Code. The resultant built form is compatible with surrounding development in terms of scale, size, colours and materials.

The 14m long boundary wall exceeds the relevant DPF by three (3) m, which resulted in the application requiring notification. The impacts of the increased boundary length is mitigated by the careful positioning of the structure, insofar as it is partly adjacent to the neighbours outside storage area and garage.

The proposed development is therefore not considered to be 'seriously at variance' with the requirements of the Planning and Design Code.

Having undertaken a thorough assessment of the proposed development, the proposal is considered to generally comply with the relevant provisions of the Planning and Design Code, such that the granting of Planning Consent is warranted.

NATURE OF DEVELOPMENT

The Applicant seeks consent for the construction of a domestic outbuilding associated with a dwelling (currently under construction) at 9 Old Bull Creek Road, Strathalbyn.

The details of the proposed outbuilding are as follows:

- Length: 7m
- Width: 14m
- Floor Area: 98m²
- Wall height: 3m
- Roof height: 5.021m
- Materials: Corrugated iron roof, monoclاد wall cladding
- Colours: Colorbond Monument roof and walls

The outbuilding is situated towards the side of the dwelling, and obtains access via an existing crossover. A 14m long boundary wall is proposed along the eastern side boundary.

BACKGROUND

Previous applications

Development Application	Nature of Development	Decision
455/917/20	Construction of a single storey detached dwelling including associated earthworks	Approved

A copy of the dwelling site plan and floor plans are included in the application for reference.

SUBJECT LAND AND LOCALITY

The subject land is known as 9 Old Bull Creek Road, Strathalbyn and is formally described as Allotment 20 contained within Deposited Plan 110307 in the area named Strathalbyn, Hundreds of Kondoparinga, as identified in Certificate of Title - Volume 6159, Folio 285.

The subject land is currently vacant, however construction of the approved detached dwelling has commenced. The subject land has a 24m frontage to Old Bull Creek Road, and a 35m depth.

The subject land is relatively flat, although the land is slightly lower than the associated road. The subject land is adjacent to other residential dwellings.

The locality primarily has a low-density residential character comprising single storey detached dwellings on large residential allotments. There are a number of Local Heritage Places existing within the locality, however the subject land is not located within the Historic Area Overlay. Both traditional dwellings and contemporary dwellings are established within the locality.

SUBJECT LAND AND LOCALITY MAP

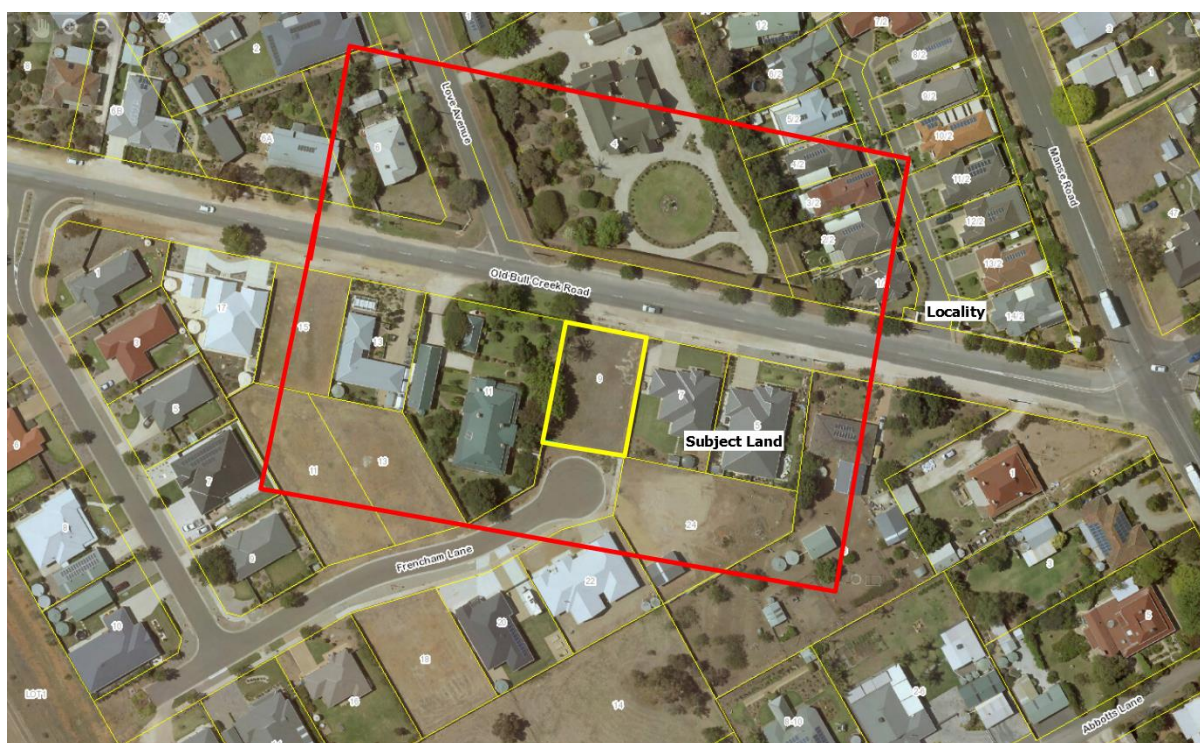


Figure 1 – The subject land, subject site and locality



Figure 2- Planning and Design Code zoning

Key: N – Neighbourhood Zone, EN – Established Neighbourhood Zone, DU – Deferred Urban Zone

SUBJECT LAND AND LOCALITY PHOTOGRAPHS

Figure 3 – The subject land (Google Street View)

PUBLIC NOTIFICATION CATEGORY

Typically speaking, an outbuilding is excluded from notification. However, as the proposed outbuilding involves the construction of a building wall that is proposed to be situated on a side boundary and exceeds 11.5m in length, the proposed outbuilding is not excluded from notification.

As such, notification was required in accordance with Table 5 of the Neighbourhood Zone.

During the public notification period, two (2) representations were received, with one (1) representation in support (from the adjoining land owner who will be impacted by the proposed boundary development) and one (1) opposing the proposed development.

No representors indicated a desire to be heard by the Panel in support of their submission.

REPRESENTATIONS RECEIVED

Public Notification		Letters to adjoining land owners and installation of a notification sign on the land between 21 June 2021 and 12 July 2021	
Representations received (in alphabetical order)		Support / Opposed	Wish to be heard
1.	David Rowe	Support	No
2.	Michael Phillips	Opposed	No

Summary of Representations received	Applicant's response to the Representations received
<u>Support</u>	No comments received from the Applicant. It is noted that the representation received in support was received

	by the owner of 7 Old Bull Creek Road, Strathalbyn, who would be impacted by the boundary wall.
<p><u>Size and Scale</u></p> <p>The proposed size and scale of the outbuilding is not in keeping with the size of the subject land, and would look inappropriate with the surrounding residences.</p>	<p>The Applicant believes that the size and scale of the shed is subjective, and in any case, is generally compatible with the historic values of Strathalbyn, and the rural character.</p> <p>There are a number of examples of other similar sized sheds within Strathalbyn, particularly within the general locality along Old Bull Creek Road, and along North Terrace, South Terrace, East Terrace and West Terrace.</p>

A full copy of the representations received is contained in **Attachment C**. The Applicant's response is contained in **Attachment D**.

REFERRALS – STATUTORY

Having reviewed the Planning and Design Code and Schedule 9 of the *Planning Development and Infrastructure (General) Regulations 2017*, the proposed development was not required to be referred to any statutory authorities.

REFERRALS – INTERNAL

No internal referrals were required for the proposed development.

ASSESSMENT

The Application was lodged on 11 June 2021 and, as such, the proposed development is required to be assessed against the relevant provisions of the Planning and Design Code (the Code) on that date.

The application comprises the following elements:

- Outbuilding – Code Assessed – Performance Assessed

An assessment has been undertaken against the relevant Desired Outcomes (DO's), Performance Outcomes (PO's), Designated Performance Features (DPF's) of the relevant Zone, Overlays and General Development Policies.

It is important to note that there may be many ways to satisfy a Performance Outcome and that failure to comply with a Designated Performance Feature does not necessarily mean that the Performance Outcome has not been met.

As an outbuilding is an envisaged form of development within the Neighbourhood Zone, the Code extract identifies all relevant provisions relating to the assessment of an outbuilding at this location.

The provisions of the Code that were relevant to the assessment of the proposal, based on the applicable zoning, overlays and general development policies, at the date of lodgement are contained in their entirety in **Attachment E**.

Zone Desired Outcomes and Land Use

The Neighbourhood Zone identifies the following Desired Outcome:

DO1 – *Housing supports a range of needs and complements the existing local context. Services and community facilities contribute to making a convenient place to live without compromising the residential amenity and character of the neighbourhood.*

Domestic outbuildings are an anticipated form of development within the Neighbourhood Zone. The proposed outbuilding, in respect to size, scale and siting, is generally consistent with the established character within the locality, and the form of development is complementary to the residential use of the land.

The proposed development is consistent with the Desired Outcomes of the Zone and existing land use.

Quantitative Measures

The Code includes a various quantitative DPF's, some of which apply to the proposed development. The following table outlines quantitative DPF's relevant to the assessment of the proposed development:

Measure	P & D Code	Proposed	Comment
Primary street setback	No further forward of the building line of the dwelling	8.88m	Complies - The associated dwelling (approved and under construction) is situated 8.88m from the front boundary
Site coverage	60%	47.7% (inclusive of dwelling and outbuilding)	Complies
Floor area	80m ²	98m ²	Does not comply.
Site frontage	50% of site frontage or 7m (whichever is less)	Less than 50% and 7m site frontage	Complies
Wall height	3m	3m	Complies
Roof height	5m	5.021m	Does not comply
Boundary wall length	11m (11.5m notification trigger)	14m	Does not comply
Boundary wall height	3m (3.2m notification trigger)	3m	Complies
Car parking	2 spaces	2 spaces	Complies
Private open space	60m ² behind the building line	≈150m ²	Complies
Soft landscaping	25%	Greater than 25%	Complies – an area greater than 25% of the allotment is retained for the establishment of soft landscaping
Earthworks	No greater than	Less than 1m	Complies - The subject land is

	1m cut/fill	cut/fill	relatively flat and no significant earthworks are required
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As demonstrated above, the proposed outbuilding satisfies most relevant quantitative DPF's of the Code, other than the floor area, roof height and boundary wall length.

The shortfalls from the DPF's are considered acceptable, and accordingly meet the corresponding PO for the following reasons:

- Floor area: The proposed floor area is 18m² above the DPF. The subject land is of suitable size to accommodate a larger outbuilding, whilst ensuring that site coverage is not exceeded, and sufficient areas for landscaping and private open space remains. Generally speaking, larger outbuildings are anticipated in rural townships, and the resultant size is not inconsistent with existing outbuildings within the locality.
- Roof height: The proposed roof height (5.021) is only .021m above the DPF. The increase in height is minor in nature and will not result in any greater impacts on adjoining property owners, or have any material impact on the existing streetscape character.
- Boundary wall length: The length along the boundary of 14m, is 3m greater than the DPF. The proposed positioning of the outbuilding has been carefully considered.

Approximately 50% of the boundary wall is adjacent to the adjoining dwelling's garage and storage area. The remaining 50% is adjacent to a section of the neighbour's private open space. The outbuilding wall would have far greater impact on the neighbour if it were shifted further towards the rear boundary, as then most of the wall would be readily visible from the neighbour's private open space.

The proposed length and positioning of the boundary wall will not have a detrimental impact on the neighbour's amenity, and will have no impact on the streetscape character, given the depth of the proposed outbuilding is not visible from the street.

It is further noted that the impacted neighbour has indicated support for the proposed development during public notification of the application.

Overlays

The Code identifies that a number of Overlays apply to the subject land. It is important to note that not all Overlays applicable to the subject land are relevant to the assessment of the proposed development, and only those detailed in the Code extract are relevant.

The following Overlays are identified by the Code extract as being relevant in the assessment of the proposed outbuilding:

- Hazards (Bushfire – medium Risk):

The proposed outbuilding is appropriately sited so that it does not pose an unacceptable bushfire risk. Given the proximity of the structure to the dwelling, the outbuilding will need to include appropriate sarking to reduce the spread of fire to adjoining development. This is a matter which is considered relevant to the assessment of the application against the National Construction Code (Building Consent).

The existing access to the subject land is suitable, and no turn-around area for CFS vehicles are required, given the proximity of the dwelling and outbuilding to the road.
- Heritage Adjacency:

The subject land is adjacent to a Local Heritage Place (11 Old Bull Creek Road – immediately to the west), and as such, the subject land falls within the Heritage Adjacency Overlay.

It is considered that the proposed development will have no material impact on the heritage values of the Local Heritage Place, given the outbuilding will be situated between two contemporary dwellings and on the eastern side of the subject land (the furthest point from the Local Heritage Place).

Furthermore, the bulk and scale of the outbuilding, as viewed from the street, meets the relevant DPF's of the Planning and Design Code, and is of a size and scale contemplated within the locality.
- Native Vegetation:

No native vegetation exists on the subject land. In any case, the applicant has completed a declaration stating that the development does not involve the clearance of native vegetation.

General Development Policies

The Code contains General Development Policies. The extract from the Code identifies the following sections of the General Development Policies as being relevant to the assessment:

- Clearance from Overhead Powerlines

The applicant has submitted an Electricity Act 1996 declaration specifying that the proposed development is adequately separated from aboveground powerlines.
- Design:

The design of the proposed outbuilding is compatible with surrounding development, and comprises appropriate colours and finishes which are envisaged within the locality. The proposed development has minimal impact on the streetscape character, and the character of the locality.

The proposed development will require minimal earthworks to be established, and will utilise an existing vehicle crossover.

- | | |
|---|---|
| <ul style="list-style-type: none">▪ Infrastructure and Renewable Energy Facilities: | <p>The subject land is connected to a Council operated sewer system. As such, the development will not encroach on any area required for a sewerage system or on-site waste control system.</p> |
|---|---|

CONCLUSION

In principle, the construction of a domestic outbuilding within the Neighbourhood Zone is an anticipated form of development.

The proposed outbuilding, whilst having an increased length along the boundary, meets most relevant DPF's of the Planning and Design Code. The resultant built form is compatible with surrounding development in terms of scale, size, colours and materials.

The 14m long boundary wall exceeds the relevant DPF by three (3) metres, which resulted in the application requiring notification. A representation was received from the neighbour who would be impacted by the proposed development, in support of the application. In any case, the impacts of the increased boundary length is mitigated by the careful positioning of the structure, insofar as it is partly adjacent to the neighbours outside storage area and garage.

The proposed development is therefore not considered to be 'seriously at variance' with the requirements of the Planning and Design Code.

Having undertaken a thorough assessment of the proposed development, the proposal is considered to generally comply with the relevant provisions of the Planning and Design Code, such that the granting of Planning Consent is warranted.

RECOMMENDATION

It is recommended that the Fleurieu Regional 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 21011755, by Samantha Hill (Shed King) is granted Planning Consent, subject to the following reserved matters and conditions:**

CONDITIONS

- 1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).**

Reason: To ensure the development is undertaken in accordance with the approved plans, drawings, specifications and other documents submitted.

2. The external finishes to the building or structure herein approved shall be in accordance with the materials as specified in the application now approved.

Reason: To maintain and enhance the visual amenity of the locality in which the subject land is situated

3. Excavation of the site shall be kept to a minimum to preserve the natural form of the land, and be managed in such a way as to prevent erosion.

Reason: To ensure that excavations and filled land is stable and will not result in any adverse impact on adjoining properties.

4. The building/structure herein approved must not be used for human habitation, commercial or industrial purposes. Only those activities normally associated with domestic outbuildings may be undertaken provided such activities do not impair the residential amenity of the locality.

Reason: To maintain the amenity of the locality.

5. All stormwater drainage shall discharge so that it does not flow or discharge onto land of adjoining owners or, in the opinion of Council, detrimentally affect structures on this site or any adjoining land.

Reason: To ensure stormwater is disposed of in a controlled manner.

ADVISORY NOTES

1. The Applicant is reminded of their general environmental duty, as required by Section 25 of the Environmental Protection Act, to take all reasonable and practical measures to ensure that any activities on the site do not pollute the environment.
2. Allotment boundaries will not be certified by Council. The onus of ensuring that the building is sited as illustrated on the approved plans is the responsibility of the owner. This may necessitate a survey being carried out by a licensed land surveyor.
3. Encumbrances, Land Management Agreements and/or easements, although not administered by Council, may apply to your property. You are therefore advised to check your Certificate of Title prior to commencing work.
4. The Applicant/ Builder must, for the duration of construction, take action to control, minimise or eliminate (as far as reasonable practical) any local nuisance including (but not limited to) noise, dust, vibration, odour, fumes or aerosols that may be created by the construction work that may have an adverse effect on the amenity value of the locality.

ITEM	3.5
APPLICATION ID	21008447
PROPOSED DEV	Proposed domestic outbuilding with ancillary accommodation
SUBJECT LAND	178 Newell Avenue, Middleton
APPLICANT	Onyx Design and Draft
REPORT AUTHOR	Judith Urquhart - Strategic Development and Policy Planner
LODGE DATE	5 May 2021

DEVELOPMENT APPLICATION DETAILS

Zone	Neighbourhood Zone
Subzone	N/A
Relevant Overlays	Airport Building Heights (Aircraft Landing Area) Affordable Housing Building Near Airfields Hazards (Bushfire – Urban Interface) Hazards (Flooding - Evidence Required) Murray-Darling Basin Native Vegetation Prescribed Water Resources Area
Relevant Technical Numerical Variations (TNVs)	Maximum Building Height (metres) – 8 metres Maximum Building Height (levels) – 2 levels
Assessment Pathway	Code Assessed - Performance Assessed
Public Notification	Representations received: 4 (1 opposed, 3 support with concerns) Representations to be heard: 0
Referrals – Statutory	Nil
Referrals – Internal	Nil
Assessing Officer	Judith Urquhart
Date last inspected	29 July 2021
Recommendation	Grant Planning Consent subject to conditions

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Assessment Report

Attachment A: Electronic Development Application Form Pg. 834

Attachment B: Plans & Supporting Documentation Pg. 840

Attachment C: Representations Pg. 846

Attachment D: Response to Representations Pg. 855

Attachment E: Extract of relevant Planning and Design Code provisions at the time of lodgement Pg. 856

PURPOSE OF REPORT

Under the *Planning Development and Infrastructure Act 2016*, the Fleurieu Regional Assessment Panel (the Panel) is the relevant authority for Development Applications that are Performance Assessed and require public notification. The Panel has delegated the power to determine applications that do not receive any representations in opposition to a development to the Assessment Manager.

In this instance, the proposed development received a representation opposing the development and, as such, the application is presented to the Panel for determination.

EXECUTIVE SUMMARY

The Applicant seeks consent for the construction of a domestic outbuilding including small ancillary accommodation, associated with a dwelling (recently constructed) at 178 Newell Avenue, Middleton.

As the proposed outbuilding involves the construction of a wall on a side boundary exceeding 3.2m in height, the proposal was notified.

During the public notification period, four (4) representations were received, with one (1) representation opposed and three (3) in support with some concerns.

The proposed outbuilding, whilst having an increased height along the boundary, meets most relevant Designated Performance Features (DPF) of the Planning and Design Code. The resultant built form is compatible with surrounding development in terms of scale, size, colours and materials.

The maximum wall height of 4.5m on the side boundary exceeds the relevant DPF by 1.5 m, which resulted in the application requiring notification. The impact of the increased boundary height is mitigated by the positioning of the structure adjacent to the neighbour's driveway. It is noted that the applicant consulted the affected neighbour early in the application process, and no representation was received from this neighbour.

The proposed development is therefore not considered to be 'seriously at variance' with the requirements of the Planning and Design Code.

Having undertaken a thorough assessment of the proposed development, the proposal is considered to generally comply with the relevant provisions of the Planning and Design Code, such that the granting of Planning Consent is warranted.

NATURE OF DEVELOPMENT

The Applicant seeks consent for the construction of a domestic outbuilding including ancillary accommodation, associated with a dwelling at 178 Newell Avenue, Middleton.

The details of the proposed outbuilding are as follows:

- Length: 7.4m
- Width: 6.3m
- Floor Area: 46.6m²
- Wall height: 4.25m to 2.9m
- Roof height: 4.5m at highest, 2.9m at lowest
- Materials: Colorbond roof, weatherboard wall cladding to match the dwelling other than the western, side boundary wall which is brick (fire rated).
- Colours: To match existing sandy colour of the dwelling

The outbuilding is situated at the rear of the allotment, and obtains access via an existing crossover.

BACKGROUND

Previous applications

Development Application	Nature of Development	Decision
455/129/20	Construction of a single storey detached dwelling	Approved

SUBJECT LAND AND LOCALITY

The subject land is known as 178 Newell Avenue, Middleton, as identified in Certificate of Title - Volume 5625, Folio 370.

The land is virtually flat, although the land rises immediately to the rear.

The locality has a low-density under-engineered beachside residential character comprising a mix of single and two-storey detached dwellings of varying ages on large residential allotments,

SUBJECT LAND AND LOCALITY MAP



Figure 1 – The subject land and locality

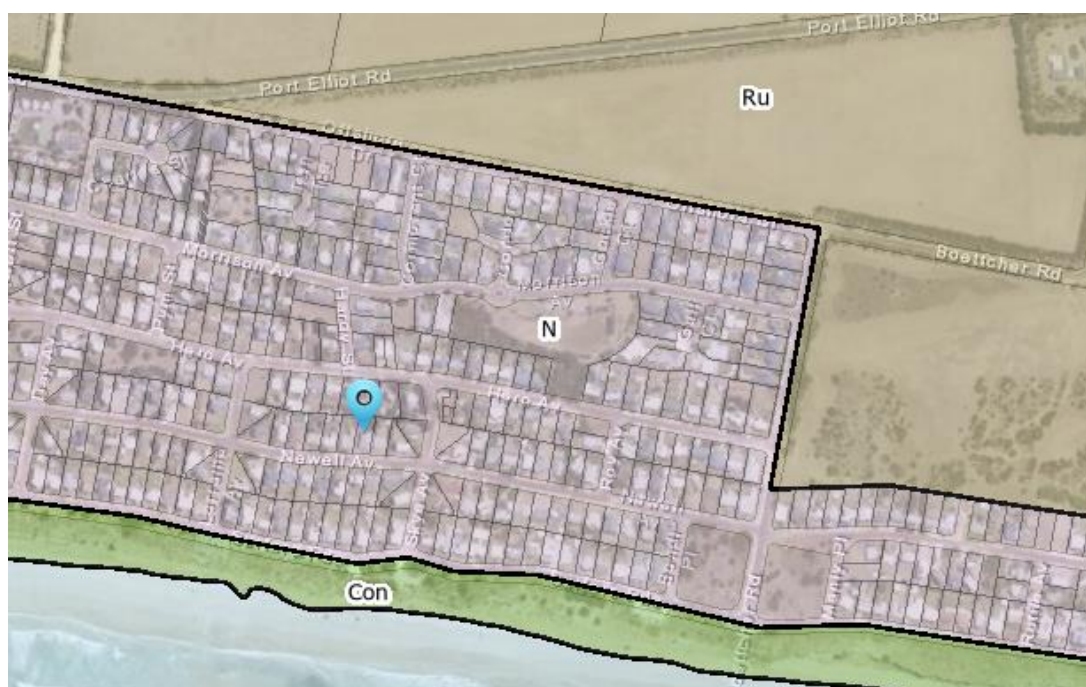


Figure 2- Planning and Design Code zoning

Key: N – Neighbourhood Zone, Con – Conservation Zone, Ru – Rural Zone

SUBJECT LAND AND LOCALITY PHOTOGRAPHS

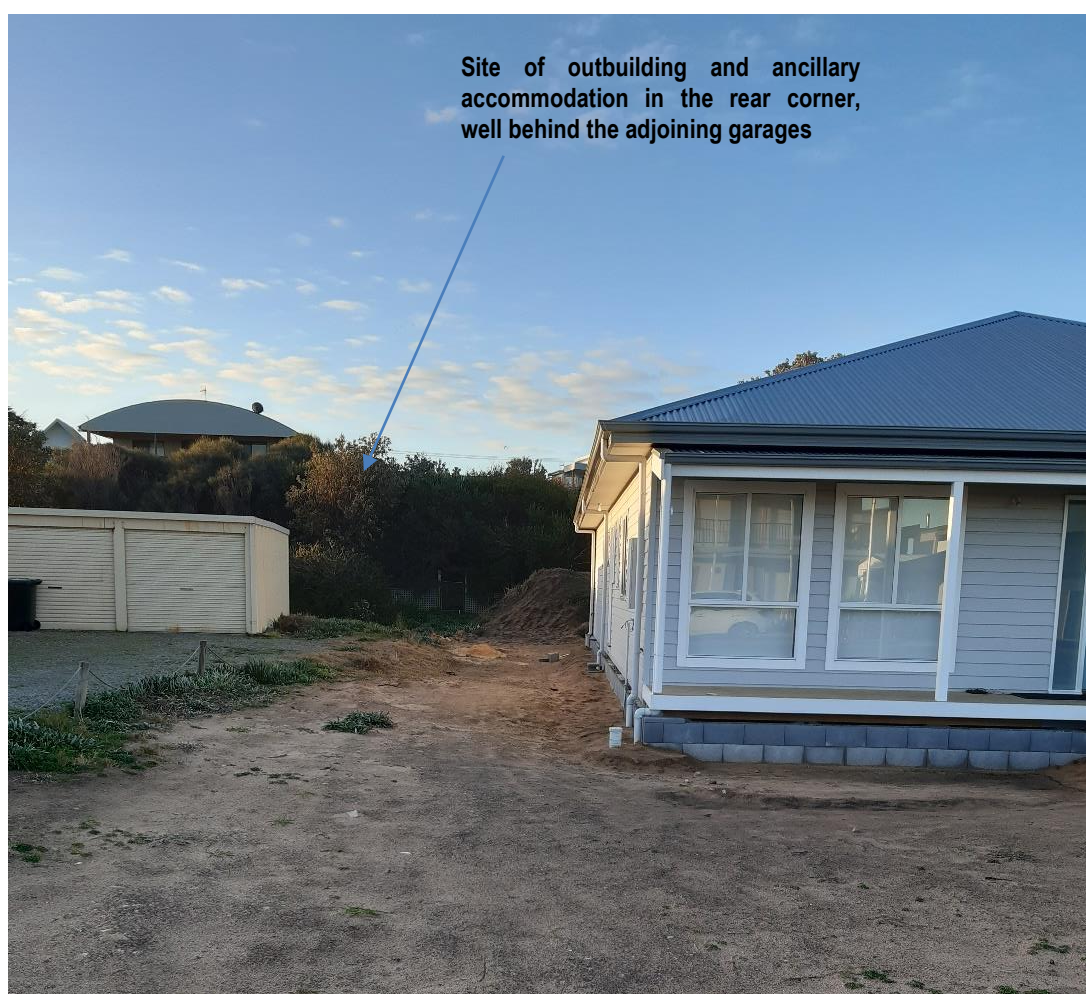


Figure 3 – The subject land showing new dwelling and adjoining garages

Fleurieu Regional Assessment Panel

Agenda

17 August 2021

PUBLIC NOTIFICATION CATEGORY

Typically speaking, an outbuilding is excluded from notification. However, as the proposed outbuilding involves the construction of a building wall on a side boundary and exceeds 3.2m in height, the proposed outbuilding is not excluded from notification.

During the public notification period, four representations were received, with three representations in support with some concerns, and one (1) opposing the proposed development.

No representors indicated a desire to be heard by the Panel in support of their submission.

REPRESENTATIONS RECEIVED

Public Notification		Letters to adjoining land owners and installation of a notification sign on the land between 17 June 2021 and 8 July 2021	
Representations received (in alphabetical order)		Support / Opposed	Wish to be heard
1.	J & R Bowden	Support with some concerns	No
2.	D Lissiman	Support with some concerns	No
3	J Phillips	Opposed	No
4	W Smith	Support with some concerns	No

Summary of Representations received	Applicant's response to the Representations received
<i>Removal of vegetation</i>	Only weed species were removed and a hedge trimmed, no trees removed.
<i>House already built</i>	This had no relevance to notification
<i>Increased noise and disturbance</i>	This is not anticipated as the ancillary accommodation is limited to two adults and likely to be elderly relatives.
<i>Visual impact of building height</i>	The height is lower than the dwelling on the site.

Of the four representations received, only one appears to live in Middleton permanently - D Lissiman, No.137 Newell Avenue, which is almost opposite on the southern side of Newell Avenue. His representation did not address the height of the wall on the boundary.

A full copy of the representations received is contained in **Attachment C**. The Applicant's response is contained in **Attachment D**.

REFERRALS – STATUTORY

Having reviewed the Planning and Design Code and Schedule 9 of the *Planning Development and Infrastructure (General) Regulations 2017*, no statutory referrals were required.

REFERRALS – INTERNAL

No internal referrals were required for the proposed development. However the applicant has lodged a Waste Control application with Council for additional wet areas.

ASSESSMENT

The Application was lodged on 5 May 2021 and, as such, the proposed development is required to be assessed against the relevant provisions of the Planning and Design Code (the Code) on that date.

The application comprises the following elements:

- Outbuilding – Code Assessed – Performance Assessed

An assessment has been undertaken against the relevant Desired Outcomes (DO's), Performance Outcomes (PO's), Designated Performance Features (DPF's) of the relevant Zone, Overlays and General Development Policies.

It is important to note that there may be many ways to satisfy a Performance Outcome and that failure to comply with a Designated Performance Feature does not necessarily mean that the Performance Outcome has not been met.

The provisions of the Code that were relevant to the assessment of the proposal, based on the applicable zoning, overlays and general development policies, at the date of lodgement are contained in their entirety in **Attachment E**.

Zone Desired Outcomes and Land Use

The Neighbourhood Zone identifies the following Desired Outcome:

DO1 – *Housing supports a range of needs and complements the existing local context. Services and community facilities contribute to making a convenient place to live without compromising the residential amenity and character of the neighbourhood.*

Domestic outbuildings are an anticipated form of development within the Neighbourhood Zone. The proposed outbuilding, in respect to size, scale and siting, is generally consistent with the established character within the locality, and the form of development is complementary to the residential use of the land. Ancillary accommodation is also envisaged and what is proposed is small in scale and unobtrusive. An additional benefit is that the cladding of the outbuilding is weatherboard to match the existing dwelling.

The proposed development is consistent with the Desired Outcomes of the Zone and existing land use.

Quantitative Measures

The Code includes various quantitative DPF's, some of which apply to the proposed development. The following table outlines quantitative DPF's relevant to the assessment of the proposed development:

Measure	P & D Code	Proposed	Comment
Primary street setback	No further forward of the building line of the dwelling	33.7m	Complies – the proposed outbuilding is at the rear of the site;
Site coverage	60%	40% (inclusive of dwelling and outbuilding)	Complies
Floor area	80m ²	46.6m ²	Complies
Site frontage	50% of site frontage or 7m (whichever is less)	Less than 50% and 7m site frontage	Complies
Wall height	3m	4.25m max	Does not comply
Roof height	5m	4.5m	Complies
Boundary wall length	11m	7.4m	Complies
Boundary wall height	3m (3.2m notification trigger)	4.25m	Does not comply
Car parking	2 spaces	2 spaces	Complies
Private open space	60m ² behind the building line	More than adequate	Complies
Soft landscaping	25%	Greater than 25%	Complies – an area greater than 25% of the allotment is retained for the establishment of soft landscaping
Earthworks	No greater than 1m cut/fill	Less than 1m cut/fill	Complies - The subject land is relatively flat and no significant earthworks are required

As demonstrated above, the proposed outbuilding satisfies the majority of relevant quantitative DPF's of the Code, other than boundary wall height.

The shortfalls from the DPF's are considered acceptable, and accordingly meet the corresponding PO for the following reasons:

- **Wall height:** The proposed wall height at its maximum is only 1.25m above the DPF. The increase in height is minor in nature and will not result in any significant impacts on adjoining property owners, or have any material impact on the existing streetscape character.
- **Boundary wall height:** The height on the boundary of 4.5m, at its highest is 1.5m greater than the DPF. The height decreases to 2.94m at the rear of the building. The length of this boundary wall is relatively short at 7.4m.

The proposed height and positioning of the boundary wall will have no detrimental impact on streetscape character or the neighbour's amenity, given the siting of the building at the rear of the site, well removed from the neighbour's dwelling and separated from it by their existing garage.

It is further noted that the impacted neighbour has not indicated an opposition to the proposed development during public notification of the application.

Overlays

The Code identifies the following Overlays as applicable to the subject land. It is important to note that all Overlays applicable to the subject land should be considered although they may have limited relevance.

OVERLAY	COMMENTARY
<i>Airport Building Heights (Aircraft Landing Area)</i>	The subject site lies within the Overlay around the Goolwa Airport, approximately 4km to the north (as the crow flies). There are no associated issues.
<i>Affordable Housing</i>	Not applicable to outbuildings
<i>Building Near Airfields</i>	Not relevant given the airfield is more than 4kms away.
<i>Hazards (Bushfire - Urban Interface)</i>	The proposed outbuilding is appropriately sited so that it does not pose an unacceptable bushfire risk and its boundary wall is fire-rated.
<i>Hazards (Flooding Evidence Required)</i>	This is not considered an issue; there is no record of flooding in this locality.
<i>Murray Darling Basin</i>	The proposal does not involve activities seen as sensitive in this Overlay.
<i>Native Vegetation</i>	No native vegetation exists on the subject land. In any event, the applicant has completed a declaration stating that the development does not involve the clearance of native vegetation.
<i>Prescribed Water Resources Area</i>	The proposal does not involve activities seen as sensitive in this Overlay.

General Development Policies

The Code contains General Development Policies. The extract from the Code identifies the following sections of the General Development Policies as being relevant to the assessment:

- Clearance from Overhead Powerlines The applicant has submitted an Electricity Act 1996 declaration specifying that the proposed development is adequately separated from aboveground powerlines.
- Design: The design of the proposed outbuilding is compatible with surrounding development, and comprises appropriate colours and finishes which are envisaged within the locality. The proposed development has minimal impact on the streetscape character, and the character of the locality.

The proposed development will require minimal earthworks to be established, and will utilise an existing vehicle crossover.

- Infrastructure and Renewable Energy Facilities: The proposed outbuilding is sited the mandatory distance of 2.5m from the on-site waste control system.

CONCLUSION

In principle, the construction of a domestic outbuilding and associated ancillary accommodation within the Neighbourhood Zone are anticipated forms of development.

The proposed outbuilding, whilst having an increased height on the western boundary, meets most relevant DPF's of the Planning and Design Code. The resultant built form is compatible with surrounding development in terms of scale, size, colours and materials.

It is considered that the building height on the western boundary will not adversely impact on the adjoining neighbour as the height decreases to the rear, and it will be less visually obvious when fences are constructed.

The proposed development is therefore not considered to be 'seriously at variance' with the requirements of the Planning and Design Code.

Having undertaken an assessment of the proposed development, the proposal is considered to generally comply with the relevant provisions of the Planning and Design Code, such that the granting of Planning Consent is warranted.

RECOMMENDATION

It is recommended that the Fleurieu Regional 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 21008447, by Onyx Design and Draft is granted Planning Consent, subject to the following reserved matters and conditions:**

CONDITIONS

- 1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).**

Reason: To ensure the development is undertaken in accordance with the approved plans, drawings, specifications and other documents submitted.

2. The external finishes to the building or structure herein approved shall be in accordance with the materials as specified in the application now approved.

Reason: To maintain and enhance the visual amenity of the locality in which the subject land is situated

3. Excavation of the site shall be kept to a minimum to preserve the natural form of the land, and be managed in such a way as to prevent erosion.

Reason: To ensure that excavations and filled land is stable and will not result in any adverse impact on adjoining properties.

4. All stormwater drainage shall discharge so that it does not flow or discharge onto land of adjoining owners or, in the opinion of Council, detrimentally affect structures on this site or any adjoining land.

Reason: To ensure stormwater is disposed of in a controlled manner.

ADVISORY NOTES

1. The Applicant is reminded of their general environmental duty, as required by Section 25 of the Environmental Protection Act, to take all reasonable and practical measures to ensure that any activities on the site do not pollute the environment.
2. Allotment boundaries will not be certified by Council. The onus of ensuring that the building is sited as illustrated on the approved plans is the responsibility of the owner. This may necessitate a survey being carried out by a licensed land surveyor.
3. Encumbrances, Land Management Agreements and/or easements, although not administered by Council, may apply to your property. You are therefore advised to check your Certificate of Title prior to commencing work.
4. The Applicant/ Builder must, for the duration of construction, take action to control, minimise or eliminate (as far as reasonable practical) any local nuisance including (but not limited to) noise, dust, vibration, odour, fumes or aerosols that may be created by the construction work that may have an adverse effect on the amenity value of the locality.

ITEM	3.6
APPLICATION ID	21009880
PROPOSED DEV	Internal and external alterations and additional second floor bedroom
SUBJECT LAND	4 The Esplanade, Port Elliot
APPLICANT	Keith Teagle
REPORT AUTHOR	Judith Urquhart - Strategic Development and Policy Planner
LODGEMENT DATE	14 May 2021

DEVELOPMENT APPLICATION DETAILS

Zone	Tourism Development
Subzone	N/A
Relevant Overlays	Historic Area Hazards (Bushfire – Urban Interface) Hazards (Flooding - Evidence Required) Murray-Darling Basin Native Vegetation Prescribed Water Resources Area
Relevant Technical Numerical Variations (TNVs)	None
Assessment Pathway	Code Assessed - Performance Assessed
Public Notification	Representations received: 3 (1 in support, 1 support with concerns, 1 opposed) Representations to be heard: 0
Referrals – Statutory	Nil
Referrals – Internal	Nil
Assessing Officer	Judith Urquhart
Date last inspected	29 July 2021
Recommendation	Grant Planning Consent subject to conditions

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Attachment A: Electronic Development Application Form Pg. 882

Attachment B: Plans & Supporting Documentation Pg. 889

Attachment C: Representations Pg. 893

Attachment D: Response to Representations Pg. 900

Attachment E: Extract of relevant Planning and Design Code provisions at the time of lodgement Pg. 902

PURPOSE OF REPORT

Under the *Planning Development and Infrastructure Act 2016*, the Fleurieu Regional Assessment Panel (the Panel) is the relevant authority for Development Applications that are Performance Assessed and require public notification. The Panel has delegated the power to determine applications that do not receive any representations in opposition to a development to the Assessment Manager.

In this instance, the proposed development received a representation opposing the development and, as such, the application is presented to the Panel for determination.

EXECUTIVE SUMMARY

The applicant seeks consent for a number of alterations and additions to an existing two-storey dwelling at No.4 The Esplanade, Port Elliot. Internal alterations to the use of spaces will result in changes to the external appearance of the building, but given the complexity of the current design, the visible changes will not be readily evident, apart perhaps from the changes to the terrace, and the second floor bedroom addition. There will be minimal changes to the footprint of the building.

The proposal was notified as in the *Tourist Development Zone*, dwelling additions and alterations are not exempt, and the proposal could not be considered minor.

During the public notification period, three representations were received, with one representation opposed, one in support and one in support with some concerns.

This is a substantial dwelling in a prime coastal location. Numerous internal changes to the use of spaces will result in essentially minor changes to the external appearance of the building. The existing terrain, and the positioning of the second floor additional bedroom and balcony well back from the edges of existing first floor will result in its being barely visible from other properties or public spaces.

The subject site is in the *Tourism Development Zone* which replaced the Development Plan's *Tourist Accommodation* zone. Unfortunately the new zone is not a good fit as it appears to focus almost entirely on tourism accommodation and associated services and facilities, to the exclusion of dwellings other than those which are ancillary to tourist accommodation. In Alexandrina land in this zone is essentially residential in nature and this was reflected in the Development Plan zone by the inclusion of *Bed & breakfast accommodation* and *Detached dwelling* as envisaged uses, with hotels and motels limited to certain precincts. It is likely that other dwelling addition applications will arise, highlighting the possible need for a Code Amendment seeking a Code Zone with a better fit for Alexandrina's *Tourism Development Zone*.

Having undertaken a thorough assessment of the proposed development, the proposal is not considered to be 'seriously at variance' and is considered to generally comply with the relevant provisions of the Planning and Design Code, such that the granting of Planning Consent is warranted.

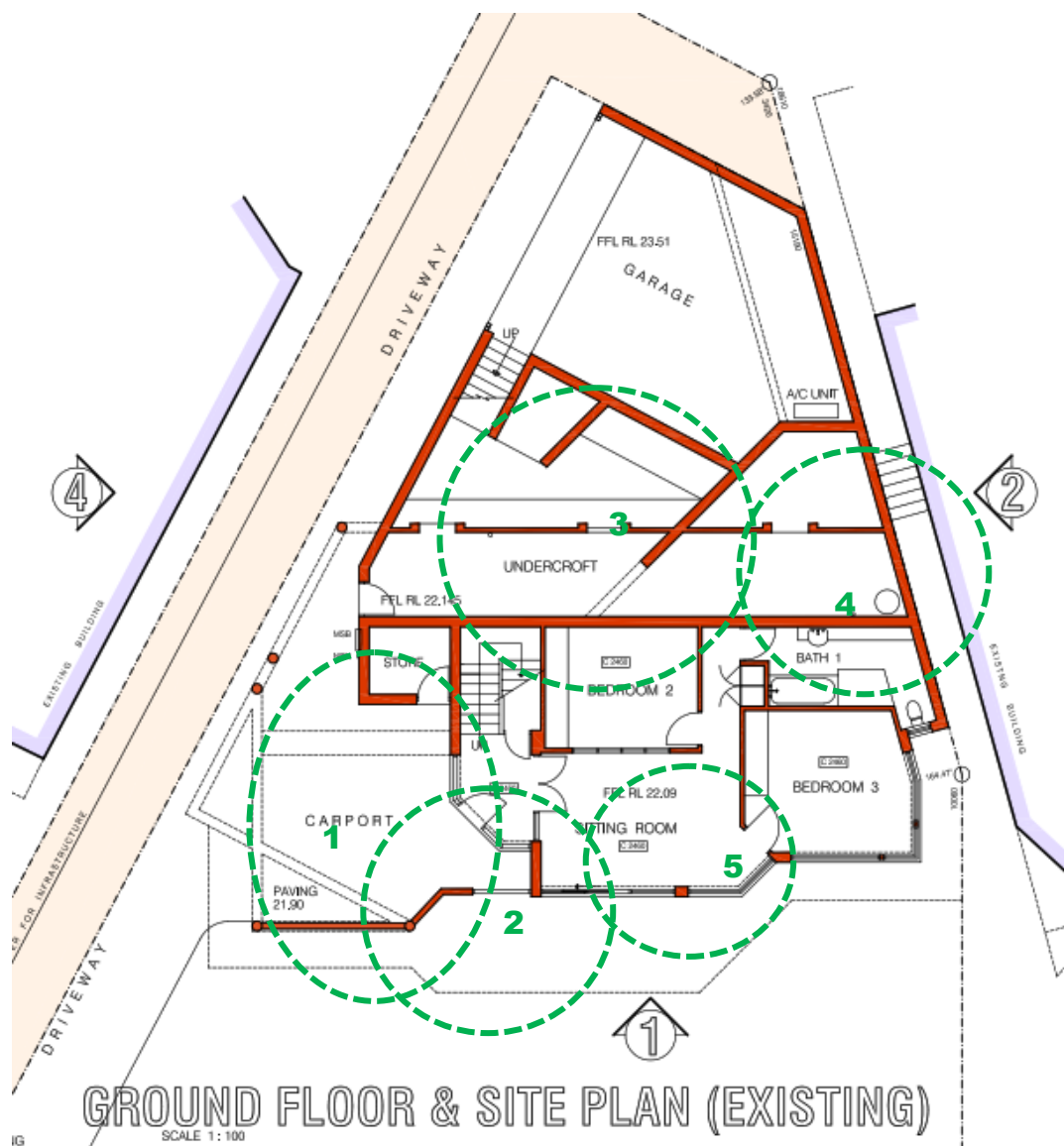
NATURE OF DEVELOPMENT

Various alterations and additions as follows:

GROUND FLOOR

1. Conversion of carport to guest room and ensuite bathroom, and store to laundry
2. New porch and hallway/entry
3. Undercroft to bunkroom
4. Additional bathroom and courtyard
5. Sitting room to bedroom 2

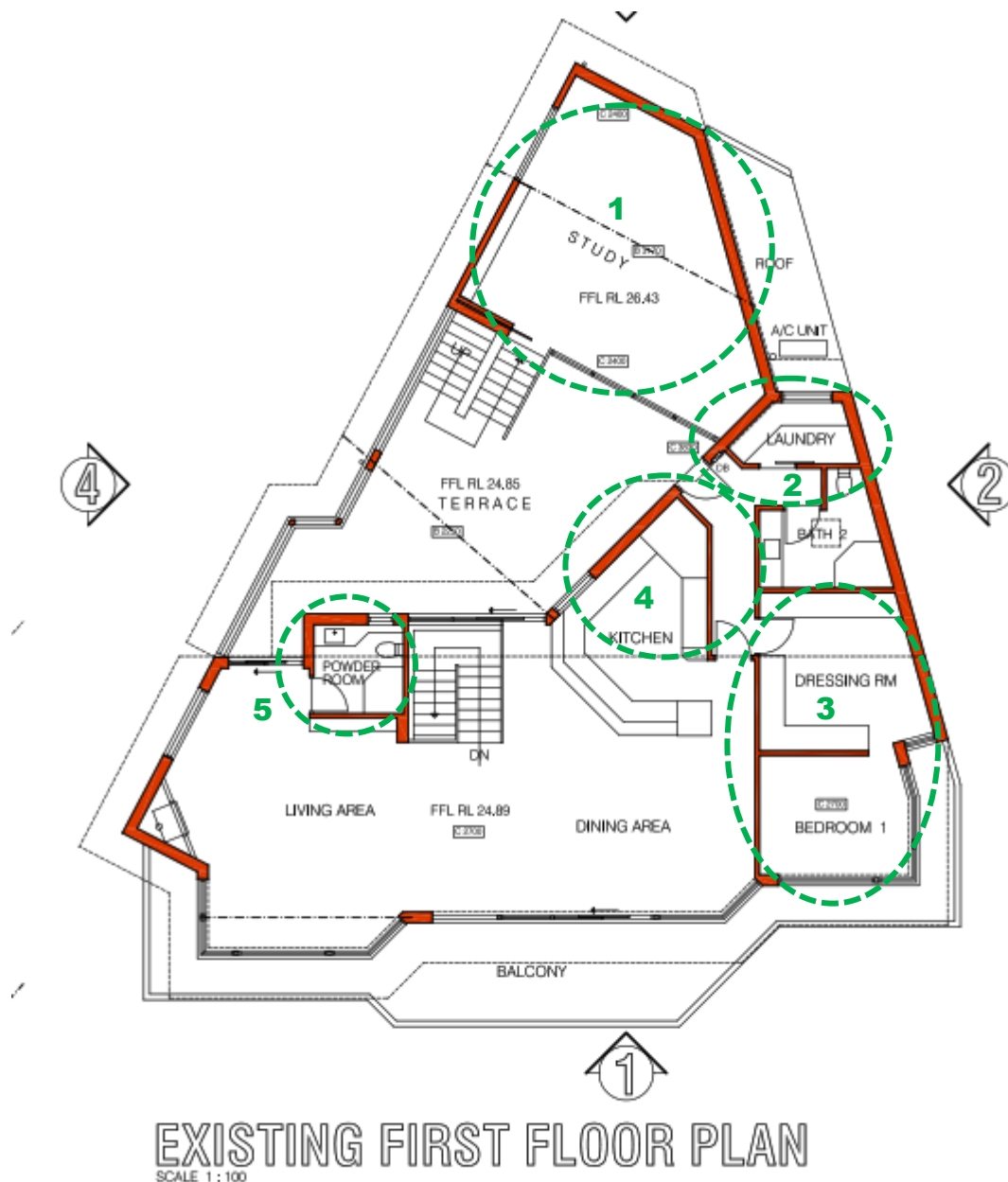
The areas to be altered are highlighted on the plan extract below



FIRST FLOOR

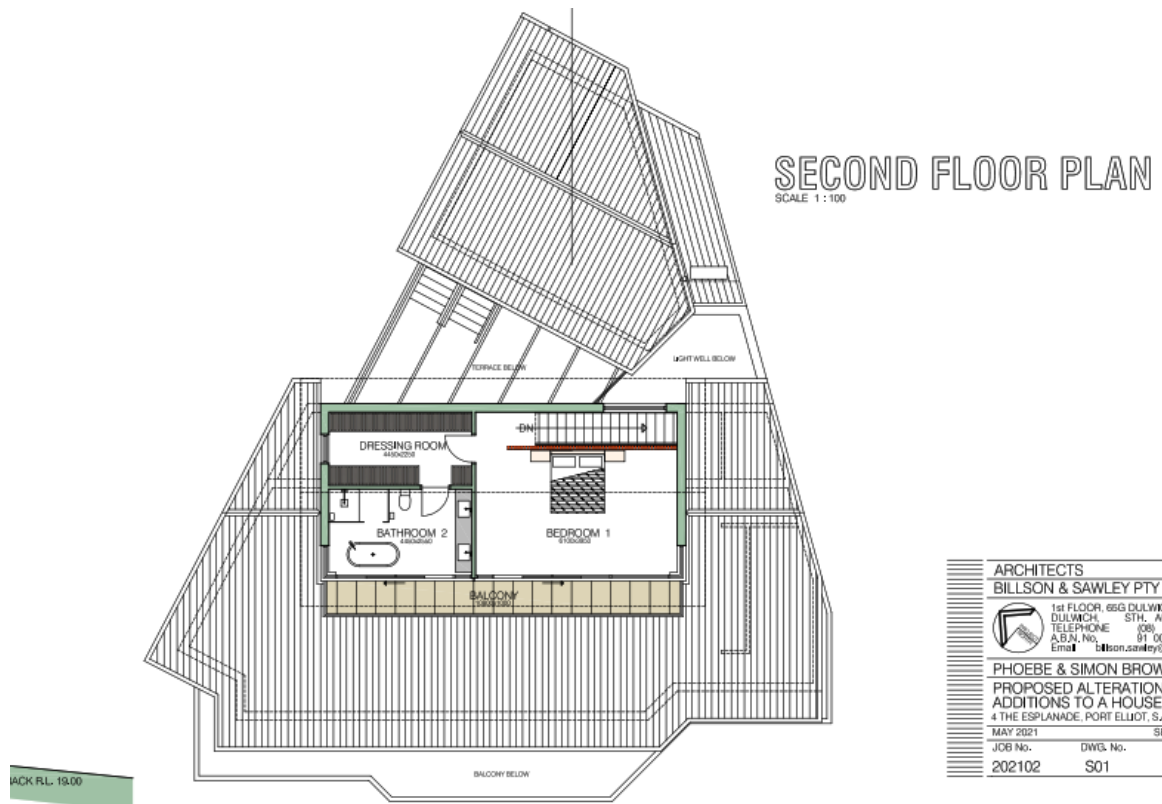
1. Study to games room
2. Laundry to light well
3. Bedroom 1 and dressing room to new kitchen(s)
4. Kitchen to enlarged terrace and new stair
5. Deletion of Powder room

The areas to be altered are highlighted on the plan extract below



SECOND FLOOR

Addition of a bedroom, bathroom and dressing room, and metre-wide deck, total floor area of 71.6m².



EXTERNAL APPEARANCE

In terms of external appearance little will change. As elevations 2 and 4 show, the setting back of the second floor bedroom some 4 metres from the front façade, plus the fall of the topography away from the front and southern side of the site will ensure the additional level will barely be visible from public areas or other properties.

Changes to the northern facade will effectively reduce the visual bulk as the building will “open up” in the vicinity of the terrace.

BACKGROUND

Previous applications

Development Application	Nature of Development	Decision
455/920403	Two-storey detached dwelling with carport and balcony	Approved
455/447/05	Dwelling additions	Approved

SUBJECT LAND AND LOCALITY

The subject land is known as No.4 The Esplanade, Port Elliot as identified in Certificate of Title - Volume 5422, Folio 616.

The site is virtually flat but with a sloped driveway. Dwellings in the immediate locality are close together, taking full advantage of the cliff-top location. The locality is established residential, at the extreme southern end of the historic Strand, and adjacent to cliffs and cliff-top parks and trails and Freeman's Lookout.



Figure 1 – The subject land



Figure 2- Planning and Design Code zoning and locality, with Historic Area Overlay
Key: TD – Tourism Development Zone, Con – Conservation Zone



Figure 3 – The subject land viewed from The Esplanade.

PUBLIC NOTIFICATION CATEGORY

The application was notified as dwelling additions and alterations are not excluded in Table 5, and the proposal could not be considered minor.

During the public notification period, three representations were received, with one representation in support, one in support with some concerns, and one (1) opposing the proposed development.

No representors indicated a desire to be heard by the Panel in support of their submission.

REPRESENTATIONS RECEIVED

Public Notification		Letters to adjoining land owners and installation of a notification sign on the land between 9 June 2021 and 1 July 2021	
Refer following map for location of representors			
Representations received (in alphabetical order)		Support / Opposed	Wish to be heard
1.	J Katsaros	Support	No
2.	E Stradiotto	Support with some concerns	No
3	J Moran	Opposed	No

Summary of Representations received	Applicant's response to the Representations received
<i>Sympathetic design and appropriate height</i>	Acknowledged
<i>Potential of future applications of three storeys impeding views</i>	Acknowledged
<i>Impact of building height on views from other homes, and on the charm of Port Elliot</i>	The second storey addition will barely be visible and will not obstruct views from adjoining properties. Apart from a short period during construction, there will be no noticeable difference.

Location of representors



A full copy of the representations received is contained in **Attachment C**. The Applicant's response is contained in **Attachment D**.

REFERRALS – STATUTORY

Having reviewed the Planning and Design Code and Schedule 9 of the *Planning Development and Infrastructure (General) Regulations 2017*, no statutory referrals were required.

REFERRALS – INTERNAL

No internal referrals were required for the proposed development. The applicant has lodged an application for an amended Waste Control System.

ASSESSMENT

The Application was lodged on 14 May 2021 and, as such, the proposed development is required to be assessed against the relevant provisions of the Planning and Design Code (the Code) on that date.

The application comprises the following elements:

- Dwelling alterations and additions – Code Assessed – Performance Assessed

An assessment has been undertaken against the relevant Desired Outcomes (DO's) and Performance Outcomes (PO's) of the relevant Zone, Overlays and General Development Policies.

The provisions of the Code that were relevant to the assessment of the proposal, based on the applicable zoning, overlays and general development policies, at the date of lodgement are contained in their entirety in **Attachment E**.

Zone - Desired Outcomes and Land Use

The *Tourism Development* Zone identifies the following Desired Outcome and Performance Outcomes:

DO1 A range of tourist accommodation and associated services and facilities that enhance visitor experiences and enjoyment.

PO 1.1 Tourist accommodation and a range of complementary entertainment, recreation and service activities catering to the needs and enjoyment of travellers.

PO 1.4 Dwellings in the form of a manager or caretaker residence support the efficient management and maintenance of tourist accommodation and related facilities.

As mentioned in the Executive Summary, the zone provisions have little relevance to this application and questions remain over the appropriateness of the zone in this location. The proposal is entirely residential in nature, and is not ancillary to tourist accommodation as per PO 1.4. However, this is a long-established use, and the proposal will have no detrimental effect on achieving the intent of the zone in other locations.

Zone - Quantitative Measures

There are no quantitative measures in the zone.

Overlays

The Code identifies the following Overlays as applicable to the subject land. It is important to note that all Overlays applicable to the subject land should be considered although they may have limited relevance.

HAZARDS (Bushfire - Urban Interface)

The dwelling is established and the additions and alterations which are essentially internal will have no impact on bushfire risk.

HISTORIC AREA

The overlay seeks to ensure that the form, scale and detailing of development is consistent with the historic character, and focuses on four locations – The Strand, Horseshoe Bay, Murray Street and North Terrace – but does not include The Esplanade.

The subject site is surrounded by heritage-listed coastal features, and a local heritage item is nearby at No.5 The Strand, to the rear of the site but the subject land is not captured by the Heritage Adjacency Overlay. The new upper roof line is unlikely to impact upon local heritage item, and the second storey addition will not be visible from the pathways in the State-heritage listed cliffs to the west and south (refer Elevation 2) given its siting back from the front façade. It is concluded that the proposed additions will have no impact on the Historic Area.

HAZARDS (Flooding Evidence Required)

This is not considered an issue; there is no record of flooding in this locality.

NATIVE VEGETATION

No native vegetation exists on the subject land and, the applicant has completed a declaration stating that the development does not involve the clearance of native vegetation.

MURRAY DARLING BASIN

The proposal does not involve activities identified as sensitive in this Overlay.

PRESCRIBED WATER RESOURCES AREA

The proposal does not involve activities identified as sensitive in this Overlay.

General Development Policies

The extract from the Code identifies the following sections of the General Development Policies as being relevant to the assessment:

CLEARANCE FROM OVERHEAD POWERLINES

The applicant has submitted an Electricity Act 1996 declaration specifying that the proposed development is adequately separated from aboveground powerlines.

DESIGN

The most relevant policies are PO10.1 & 10.2 which seek to mitigate overlooking of adjoining residences. The only potential overlooking arising from this proposal is from the second floor dwelling addition and balcony, but as a bedroom is generally a night time room, and the narrow balcony looks out to sea rather than into other properties, this is not considered an issue. Alterations to the terrace do not present a problem as the neighbour to the north has a blank wall on this side.

Private Open Space – the requirements of Table 1 are satisfied by the first floor balcony and terrace.

INFRASTRUCTURE AND RENEWABLE ENERGY FACILITIES

No issues arise as the site is connected to the Community Waste Management Scheme and a new Waste control application has been submitted.

INTERFACE BETWEEN LANDUSES

No overshadowing issues arise over and above existing overshadowing of the dwelling to the south.

TRANSPORT, ACCESS and PARKING

The proposal meets the requirements of Table 1, the garage providing two on-site parking spaces. In a practical sense, a greater demand might be expected as there is the potential for 12 people sleeping overnight at any one time. However, the bunkroom is likely to accommodate children, and there is ample space for additional car-parking along the driveway.

CONCLUSION

The transition of policy from the previous *Tourist Accommodation Zone* to the Code *Tourism Development Zone* has not adequately reflected the existing character of long established residential uses in a prime coastal location, and as a result it may be necessary to investigate a Code Amendment in the future to establish a more appropriate zone.

Whilst the zone provisions do not envisage a development such as this, the proposal does not prejudice the achievement of the intent in more suitable parts of the zone. In a residential area such as this, alterations and additions to established dwellings are to be expected, and those proposed meet the intent of relevant policies in the Overlay and General sections.

Having undertaken an assessment of the proposed development, the proposal is not considered to be 'seriously at variance', and is considered to generally comply with the relevant provisions of the Planning and Design Code, such that the granting of Planning Consent is warranted.

RECOMMENDATION

It is recommended that the Fleurieu Regional 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 21009880 at No.4 The Esplanade, Port Elliot, by Keith Teagle is granted Planning Consent, subject to the following conditions:**

CONDITIONS

- 1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).**

Reason: To ensure the development is undertaken in accordance with the approved plans, drawings, specifications and other documents submitted.

- 2. The external finishes to the building or structure herein approved shall be in accordance with the materials as specified in the application now approved.**

Reason: To maintain and enhance the visual amenity of the locality in which the subject land is situated

- 3. All stormwater drainage shall discharge so that it does not flow or discharge onto land of adjoining owners or, in the opinion of Council, detrimentally affect structures on this site or any adjoining land.**

Reason: To ensure stormwater is disposed of in a controlled manner.

ADVISORY NOTES

- 1. The Applicant is reminded of their general environmental duty, as required by Section 25 of the Environmental Protection Act, to take all reasonable and practical measures to ensure that any activities on the site do not pollute the environment.**

2. **Encumbrances, Land Management Agreements and/or easements, although not administered by Council, may apply to your property. You are therefore advised to check your Certificate of Title prior to commencing work.**
3. **The Applicant/ Builder must, for the duration of construction, take action to control, minimise or eliminate (as far as reasonable practical) any local nuisance including (but not limited to) noise, dust, vibration, odour, fumes or aerosols that may be created by the construction work that may have an adverse effect on the amenity value of the locality.**

ITEM 3.7
APPLICATION 260/029/2021
PROPOSED DEV Construction of a Nursing Home and associated landscaping
SUBJECT LAND Lot 6 in DP 68578
31 St Andrews Boulevard, Normanville
APPLICANT Kirkbride Architects
AUTHOR Kirsty Tapp – Senior Planner
LODGEMENT DATE 25 January 2021

DEVELOPMENT APPLICATION DETAILS

Zone	Residential Zone
Policy Area	The Links Lady Bay Golf Course Estate
Form of Development	On-merit
Public Notification	Category 1
Referrals – Statutory	Nil
Referrals – Internal	Technical Services section Environmental Health section
Development Plan	Yankalilla Council Development Plan consolidated 12 May 2016
Assessing Officer	Kirsty Tapp
Date last inspected	28 July 2021
Recommendation	Refusal

REPORT CONTENTS

Assessment Report
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PURPOSE OF REPORT

The proposal is an on-merit form of development as the Procedural Matters section for the Residential Zone and The Links Lady Bay Golf Course Estate does not list Nursing Home as being either a complying or non-complying form of development.

The Fleurieu Regional Assessment Panel (the Panel) is being asked to consider the application given the nature of the development, being significant in the locality.

The plan being considered by the Panel has been amended from what was originally lodged with Council. The original proposal had the building running along the rear boundaries of the dwellings to the north of the subject land, with the building being located fronting east and sited more centrally on the allotment. The original siting location is shown in Attachment C. The design has been significantly amended to address concerns raised by Council's administration.

EXECUTIVE SUMMARY

The Applicant is seeking consent for a Nursing Home at 31 (Lot 6) St Andrews Boulevard, Normanville. The subject land is located within the Residential Zone and The Links Lady Bay Golf Course Estate Policy Area, as identified within the Yankalilla Council Development Plan, consolidated 12 May 2016.

The subject land abuts the golf course to the south, the green keeper's depot for the golf course to the west, residential dwellings to the north and tourist accommodation buildings and dwellings to the east. The locality is characterised by both single and two-storey buildings.

The Main Road of Normanville is located approximately 1.5 kilometres from the subject land.

The proposal is an 'on-merit' form of development in the Procedural Matters section of the Residential Zone as the development is not listed as being either non-complying or complying development in the Zone or Table Ya/4.

The development is considered to be a Nursing Home, given the definition of nursing home under the Schedule 1 of the *Development Regulations 2008*, as described below;

means a place for the care of the aged and infirm where no care of outpatients or surgery is undertaken.

The facility will not provide any services to the wider community, with 64 residents being accommodated in individual rooms, which are located across the ground and first floor. Some room uses are duplicated across the two floors for ease of providing services to the residences. The more functional aspects of the proposal will be located on the ground floor and includes service deliveries, an administration area as well as kitchen and laundry facilities.

The first floor provides in-house physiotherapy and a gym area for the residents.

Access between the two floors is available by either lift (with one located at either end of the facility) or stairs, which are also located at each end.

The building itself, will be sited on the southern side of the subject land and extend from west to east. The majority of the building will have a height of 7.7 metres, with articulation being incorporated into the design using various techniques. Landscaping is also proposed with the use of trees and shrubs to assist in minimising the impact of the development on adjoining allotments.

Following an assessment of the most pertinent provisions of the Development Plan, the proposal is not considered to be 'seriously at variance' with the provisions of the Development Plan, however is considered to be at variance to such a degree that it does not warrant Development Plan Consent in its current form. It is therefore recommended that the Panel resolve to refuse Development Plan Consent to the application.

NATURE OF DEVELOPMENT

The proposed development is for the construction of a two-storey Nursing Home with associated landscaping at 31 (Lot 6) St Andrews Boulevard, Normanville.

The proposal envisages 64 residents, each with their own room, with these rooms being located across both the ground and first floor of the building.

The ground floor will also contain;

- Atrium entrance area
- The receiving area for deliveries
- Administration area
- Kitchen and laundry facilities
- Nursing areas and medication room
- Lounge, dining and sitting areas
- Lift and stairs

The first floor will contain;

- Hairdresser room
- Physiotherapist room and gym area
- Function rooms such as craft
- Lounge and dining areas
- Nursing area and medication room
- Lift and stairs

No services will be provided to the wider community from this site.

Waste will be collected twice a week between 9am and 11am.

Residents will be serviced in the case of a medical emergency by dialling '000' and after assessment could be taken to Victor Harbor or Noarlunga Hospital; or the Flinders Medical Centre.

The facility will operate around the clock with three (3) shifts of fifteen (15) staff. The shifts are arranged as follows:

Shift 1	06:00 - 14:00
Shift 2	14:00 - 22:00
Shift 3	22:00 - 06:00

CLASSIFICATION OF DEVELOPMENT

The subject land is located within the Residential Zone and The Links Lady Bay Golf Course Estate Policy Area. The Procedural Matters section of the Zone does not identify the proposal as a complying or non-complying development and, and such, the proposal must be assessed on its merit.

BACKGROUND

Previous applications

Development Application	Nature of Development	Decision
260/C025/09	Land Division (One into Thirteen)	Approved

The land division application was not acted upon by the Applicant once Development Approval was issued.

SUBJECT LAND AND LOCALITY

The subject land is located at 31 St Andrews Boulevard, Normanville. The land is more formally known as Allotment 6 in DP 68578 in the area named Normanville, as identified on Certificate of Title - Volume 6041, Folio 178. No Encumbrances or Land Management Agreements are registered to the Title. An easement for drainage purposes is identified on the western boundary with a width of approximately 2.5 metres.

The subject land is irregular in shape with a frontage to St Andrews Boulevard of approximately 14 metres and a depth on the eastern side of approximately 124 metres. The subject land has an area of approximately 6190 square metres.

The subject land is currently vacant, with no vegetation of note located on the land. The land is considered to be relatively flat with a slight slope from St Andrews Boulevard towards the golf course.

The locality is predominantly that of a golf course estate with a mixture of residential and tourist accommodation buildings, with a golf course and associated infrastructure. The clubhouse and a hotel are located to the east approximately 460 metres from the subject land.

St Andrews Boulevard is the main road into the Estate and at this end of the Boulevard provides an avenue up to the Clubhouse. The Main Road of Normanville is located approximately 1.5 kilometres from the subject land, in a direct line.

SUBJECT LAND AND LOCALITY MAP



Figure 1 – Subject Land



Figure 2 – Locality

SUBJECT LAND AND LOCALITY PHOTOGRAPHS



Figure 3 – View of entrance to the subject land from St Andrews Boulevard



Figure 4 – View west looking along St Andrews Boulevard, these dwellings back onto the subject land

Fleurieu Regional Assessment Panel

Agenda

17 August 2021



Figure 5 – Looking south towards golf course



Figure 6- View of the rear of the dwellings from subject land



Figure 7- View towards St Andrews Boulevard from subject land



Figure 8- View of buildings east from St Andrews Boulevard

PUBLIC NOTIFICATION CATEGORY

The subject land is located within the Residential Zone and The Links Lady Bay Golf Course Estate Policy Area. The Procedural Matters section of the Zone identifies 'all kinds of development' in The Links Lady Bay Golf Course Estate Policy Area on Map Ya/38 as being Category 1 Development for public notification purposes. As such, no notification was undertaken.

REFERRALS – STATUTORY

Nil.

REFERRALS – INTERNAL

Agency	Comment
Technical Services- Traffic and Road	<p data-bbox="560 728 774 757"><u>Traffic Generation</u></p> <p data-bbox="560 797 1398 1055">Phil Weaver & Associates have undertaken an assessment on traffic generation for the proposed development, this report determines that expected traffic volumes are typical of the adjoining locality (similar to if the property was developed as individual dwellings) with convenient access to the public road network. The report concludes 'such traffic volumes are therefore not anticipated to result in adverse capacity or amenity impacts on the locality'.</p> <p data-bbox="560 1093 1398 1272">Given that there would be an increase in traffic around shift changes being early morning and late at night (6am and 10pm), landscaping should be undertaken to provide a buffer for sound and vehicle headlights between the access roads, the car parking area and boundary fences.</p> <p data-bbox="560 1310 651 1339"><u>Access</u></p> <p data-bbox="560 1379 1398 1559">Turn-path assessment was undertaken for service vehicles as well as simultaneous access for ambulance and a passenger vehicles. The results of this turn-path assessment demonstrate that the layout of the internal car parking and service areas is adequate for the proposed development.</p> <p data-bbox="560 1597 1398 1888">The turn-path assessment has also shown the need for the modification of the center island of St Andrews Boulevard to allow unrestricted access to the property for service vehicles. The modification of the center median is to be undertaken to meet the minimum clearances shown for turn paths in Phil Weaver & Associates report. The modification of the center median of St Andrews Boulevard is to be undertaken by the Applicant, to Council's specification and at no cost to Council.</p>

	<p><u>Parking</u></p> <p>The amended plan provides 44 car parking spaces as well as dedicated service vehicle loading zones and a 'drop off area', which also allows for an ambulance to wait adjacent the facility entrance. The provision of car parking is considered to exceed the requirement under Council's Development Plan.</p> <p><u>Stormwater</u></p> <p>A Stormwater Management Plan (SMP) has been prepared by Gama Consulting to address the Council requirements. On review of the SMP, Council staff are satisfied that the proposed system would treat and safely dispose of stormwater runoff from the site into Council's existing network without jeopardising adjoining properties.</p> <p>Stormwater infrastructure shall be installed in accordance with the SMP and treatment systems are to be regularly cleaned and maintained in accordance with manufacturer's specifications by the property owner for the life of the development.</p> <p><u>Conclusion</u></p> <p>Council staff are satisfied with the traffic assessment and SMP presented in support of this application, subject to a range of recommended conditions.</p>
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ASSESSMENT

The Application was lodged with Council on 25 January 2021 and, as such, has been assessed against the relevant provisions contained within the Yankalilla Council Development Plan (the Development Plan) consolidated 12 May 2016.

Relevant Objectives and Principles of Development Control (PDC)	
Development Plan reference	Assessment
Zoning & Land Use Residential Zone <i>Objective/s: 1, 2 & 4</i> <i>PDC/s: 8-10, 11 & 12</i> Council-wide Orderly & Sustainable Development <i>Objective/s: 1</i> <i>PDC/s: 1, 2, 9</i> Form of Development	<p>The subject land is located in the Residential Zone and The Links Lady Bay Golf Course Estate Policy Area. The Policy Area outlines that development should be in accordance with the Concept Plan Figure R(LB)/1.</p> <p>The Zone Objectives, particularly Objective 2 comments on 'aged person's housing designed and sited to be compatible with the zone's primary purpose for detached dwellings at low densities'.</p> <p>The Concept Plan identifies the layout of internal roads, the golf course, landscape buffer areas, avenues of feature plantings, roundabouts, living areas, the clubhouse and apartments and</p>

<p><i>Objective/s: 1, 32-35</i> <i>PDC/s: 1, 4, 9 & 10, 12</i></p>	<p>church/school area.</p> <p>On review of the Concept Plan, the Golf Course Estate has largely been developed in accordance with the Plan. Some areas have yet to be developed such as the Church/School area and some of the roads do not quite match with what has been developed although it is largely consistent with the Plan.</p> <p>The Clubhouse and Hotel (identified as terraced apartments) have been developed in the location designated on the Concept Plan.</p> <p>The areas designated as Living have been developed with either residential development or tourist accommodation, with the tourist accommodation mostly being located along St Andrews Boulevard, apart from a few AirBNB type dwellings scattered through the Estate.</p> <p>The proposed development of a nursing home is not considered to be entirely 'Living'. In addition to the sixty-four (64) proposed residents, the nursing home also includes fifteen (15) staff at any given time and also includes some other non-residential services. It is true, that on a residential street some care services may be provided within a home or homes, however it is unlikely to be on the entire street and condensed in a manner akin to a nursing home development.</p> <p>The development of the subject land is therefore not considered to be entirely consistent with the intent of the Concept Plan identified in the Development Plan.</p> <p>The Zone does prescribe non-residential uses that are at a comparable scale to development in the locality. The Zone is silent on the use of land for a nursing home specifically, although it is acknowledged that a nursing home could be considered a form of 'Aged Person's Housing', which is envisaged by Objective 2 of the Zone.</p> <p>Whilst the fundamental use of the land as a nursing home may be appropriate, the proposed land use should not detrimentally affect the character and/or amenity of a locality. The subject of scale and character is discussed in more detail below.</p>
<p>Bulk and Scale</p> <p>Residential Zone <i>PDC/s: 26-27, 29</i></p>	<p>The proposed building is sited on the golf course side of the allotment in a single building form, which wraps around the site from west to east. The maximum height of the building is approximately 9.2 metres, however the majority of the building has a height of 7.7 metres.</p>

<p>Council-wide</p> <p>Appearance of Land and Buildings</p> <p>Objective/s: 27 & 28</p> <p>PDC/s:</p>	<p>The mass of the building has been addressed to a degree by the articulation and finishes proposed in the design. The design identifies the use of materials to create individual buildings by colour and articulation such as balconies, roof lines and by having steps in the building to create articulation in the built form. This assists in giving the impression that the building is a series of buildings side by side, rather than one individual building.</p> <p>The height of the building (predominantly 7.7 metres) is of a scale consistent with other buildings within the immediate locality.</p> <p>The locality is characterised by the golf course estate, with a significant number of dwellings being located fronting the golf course. A Clubhouse and associated tourist style accommodation is present along with a greenkeeper's depot for the golf course.</p> <p>The area around the subject land contains the greenkeeper's depot to the west, single-storey detached dwellings to the north, the golf course to the south and a mixture of single and two-storey dwellings and tourist accommodation buildings to the east.</p> <p>The tourist accommodation and dwelling buildings to the east are a mixture of detached and semi-detached forms. The single storey buildings front St Andrews Boulevard while the two-storey buildings are located behind with a golf-course frontage, with access via a common driveway.</p> <p>Entering the common driveway into this area, views of the golf course can still be gained as the buildings are spaced to enable glimpses of the golf course. The golf course is also visible along St Andrews Boulevard at certain vantage points.</p> <p>The siting and mass of the building will prevent any views the land to the north of the subject land currently has of the golf course. However, these dwellings do not have a direct frontage to the golf course, so the occupants of these dwellings should not expect to have unimpeded views of the golf course as they do now. However, some space between buildings may have been expected, if the land was developed as a residential development with dwellings on individual allotments, as can be seen to the east of the site.</p> <p>The articulation and method in the design does assist in reducing the visual scale and mass of the building. However, the building itself is approximately 85 metres from west to east and, as such, the scale of the building in a predominantly residential area with open spaces (the golf course) is a change in the character of the prevailing built form.</p> <p>The nature and function of the use of the building as a nursing</p>
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	<p>home prevents the building form from being broken up into a series of buildings with space in between, given the services and functions that are required in these facilities.</p> <p>This means that no breaks are located in the building mass to allow the view of the sky beyond the building, as can be seen in the adjoining development to the east. Whilst the proposed building articulation will assist in breaking up the built form, the building itself still has a mass much greater than any other in the immediate locality.</p> <p>The Clubhouse and Hotel development, which is located off St Andrews Boulevard and is a focal point of the development, are large buildings within the Estate. However, they are specifically envisaged in the Concept Plan and expected in a golf course estate development.</p> <p>The siting of the building predominantly adjacent to the golf course frontage, does reduce the direct impact of the building on the single-storey dwellings to the north. This will mean when viewing the building from certain points along St Andrews Boulevard the mass of the building may not be entirely evident given the set-back from the road to the building, with the residential buildings being located between. It also means no adverse over-shadowing issues will be imposed by the building on adjoining allotments.</p> <p>However, from other vantage points within the Estate, the building will be a prominent form, particularly for those to the south of the subject land and viewing the land from the higher part of the Estate near Huntingdale Drive.</p> <p>Whilst the design includes measures to assist in reducing the visual bulk of the building, including incorporating landscaping along northern boundary, the mass and scale is greater than other developments in the immediate locality and what is expected in the Zone and Policy Area.</p>
<p>Interfaces Between Land Uses</p> <p>Residential Zone Objective/s:1 & 2 PDC/s: 8-10</p>	<p>As described above, the subject land is located adjacent to both dwellings and tourist accommodation. The tourist accommodation and residential development located to the east should not be significantly impacted by the development.</p> <p>The dwellings to the immediate north of the subject land will be the most affected by the development. As outlined above, the Applicant has re-sited the building away from this boundary and has included landscaping between the proposed building and the common boundary to reduce the visual impact of the building as well as providing some noise attenuation.</p>

	<p>Council's Engineer has reviewed the information supplied regarding expected traffic movement and agrees with the report prepared by Phil Weaver & Associates that 'such traffic volumes are therefore not anticipated to result in adverse capacity or amenity impacts on the locality'. However, given the nature of employment in a nursing home (shift workers), landscaping should be provided around the perimeter of the site to reduce noise and potential headlight glare. A landscape plan has been provided by the Applicant that addresses this issue.</p> <p>The landscape plan provided does show extensive plantings along the boundaries abutting the residential development to the north. Landscaping should assist with both noise and headlight glare coming from the changes in shifts and other noises from the site such as waste pick-ups.</p> <p>Other functions of a nursing home which will impact on the adjoining allotments is service deliveries, waste storage, transformer and air-conditioning units.</p> <p>These are located on the eastern side of the allotment between the proposed building and the car parking area. This location is considered to be convenient for access by service vehicles and the most appropriate location, being not directly abutting neighbouring buildings.</p> <p>The Applicant has addressed interface issues by moving the service areas so they do not directly abut a residential use and the landscaping plan should assist in mitigating noises from the site for adjoining properties.</p>
<p>Transport, Access and Car Parking</p> <p>Residential Zone Objective/s: PDC/s:</p> <p><i>Council-wide Objective/s: 1 PDC/s: 2, 4, 9-12, 17</i></p>	<p>As stated above, the traffic volumes have been considered by Council's Technical Services section and considered to be within the acceptable parameters.</p> <p>Access has also been considered, with the internal access arrangements meeting the relevant standard. Some work will need to be undertaken on the median strip along St Andrews Boulevard and this has been identified in the report prepared on the Applicant's behalf by Phil Weaver and Associates.</p> <p>The number of car parks provided exceeds the requirements set out in the Yankalilla Development Plan and hence are more than acceptable.</p>

CONCLUSION

The development of a nursing home in The Links Lady Bay Golf Course Estate is not an envisaged use on the Concept Plan identified as Fig R(LB)/1. However, Objective 2 of the Residential Zone does

envisage "Aged person's housing designed and sited to be compatible with the zone's primary purpose for detached dwellings at low densities".

The proposed nursing home is considered to be a form of 'Aged Person's Housing' consistent with the Objective 2 of the Residential Zone, however the scale and form of the building is not considered to be compatible with the Zone's primary purpose for detached dwellings at low densities.

Whilst the Applicant has addressed some of the concerns raised by Council's administration around the siting of the building, the location of the service area and the impact on neighbours by re-siting the building, incorporating further articulation and landscaping to assist in buffering the development for adjoining properties, the uninterrupted mass of the building is not envisaged within the Zone and will have an unreasonable impact on the outlook of occupiers of adjacent dwellings.

As such, it is recommended that the application be refused.

The proposed development is not considered to be 'seriously at variance' with the relevant provisions of the Development Plan. However, the resulting loss of character and amenity associated with the proposed mass of the building is considered to be at variance with the relevant provisions of the Development Plan to such a degree that the proposal does not merit Development Plan Consent.

RECOMMENDATION

That the Fleurieu Regional Assessment Panel resolves:

- (a) That the proposed development is not considered to be seriously at variance with the Yankalilla Council Development Plan consolidated 12 May 2016.**
- (b) That Development Plan Consent is REFUSED to application 260/029/21 for the construction of a Nursing Home and associated landscaping at 31 (Lot 6,) St Andrews Boulevard, Normanville, as the proposal is at variance with the following provisions of the Yankalilla Development Plan (Consolidated 12 May 2016):**

Residential Zone Objective 2:

Aged person's housing designed and sited to be compatible with the zone's primary purpose for detached dwellings at low densities.

Residential Zone Objective 4:

The Links Lady Bay Golf Course Estate developed in accordance with The Links Lady Bay Golf Course Estate Concept Plan Figure R(LB)/1.

Residential Zone Principle of Development Control 11:

Development within The Links Lady Bay Golf Course Estate Policy Area should be primarily for a golf course, residential uses and for recreational and tourist facilities associated with the golf course, all located in accordance with The Links Lady Bay Golf Course Estate Concept Plan, Figure R(LB)/1.

Council Wide Objective 27:

The amenity of localities not impaired by the appearance of land, buildings, and objects.

ITEM 4. DEVELOPMENT APPLICATIONS - NON-COMPLYING

Nil

ITEM 5. DEVELOPMENT APPLICATIONS - CATEGORY 3

Nil

ITEM 6. DEVELOPMENT APPLICATIONS - LAND DIVISION COMMUNITY TITLE

Nil

ITEM 7. MATTERS REFERRED FOR FOLLOW UP

Nil

ITEM 8. GENERAL ITEMS FOR DISCUSSION

Nil

ITEM 9. NEXT MEETING

Next meeting is scheduled for Tuesday 21 September 2021 commencing at 11:00am