



NOTICE

of

COUNCIL ASSESSMENT PANEL MEETING

Pursuant to the provisions of Section 82 of the Planning, Development and Infrastructure Act 2016

TO BE HELD IN

**COUNCIL CHAMBERS
PLAYFORD CIVIC CENTRE
10 PLAYFORD BOULEVARD, ELIZABETH**

MEMBERS MAY PARTICIPATE BY ELECTRONIC MEANS

ON

THURSDAY, 21 MARCH 2024 AT 6:00PM

THIS MEETING WILL ALSO BE VIEWABLE AT
<https://www.youtube.com/user/CityOfPlayford>

A handwritten signature in blue ink, appearing to read "A Squires".

**ADAM SQUIRES
ASSESSMENT MANAGER**

Issue Date: Thursday, 14 March 2024

MEMBERSHIP

MR GEOFF PARSONS – PRESIDING MEMBER

Mr Aaron Curtis
Mr Paul Mickan

Ms Cherie Gill (Deputy)
Ms Misty Norris

Mr Nathan Grantham
Ms Jane Onuzans (*Deputy*)

**City of Playford
Council Assessment Panel Meeting**

**AGENDA
THURSDAY, 21 MARCH 2024 AT 6:00PM**

ACKNOWLEDGEMENT OF COUNTRY

We would like to acknowledge that this land we meet on today is the traditional land of the Kaurna people, and that we respect their spiritual relationship with their country. The City of Playford would also like to pay respects to Elders past, present and emerging.

1 ATTENDANCE RECORD

- 1.1 Present
- 1.2 Apologies
- 1.3 Not Present

2 CONFIRMATION OF MINUTES

RECOMMENDATION

The Minutes of the Council Assessment Panel Meeting held 18 January 2024 be confirmed as a true and accurate record of proceedings.

3 APPLICATIONS WITHDRAWN

4 DECLARATIONS OF INTEREST

5 APPLICATIONS FOR CONSIDERATION – PERSONS WISHING TO BE HEARD

- 5.1 Convert existing dwelling to a childcare centre for up to 24 children , together with associated acoustic boundary fencing, carparking, landscaping and advertising signage. (Attachments)6

Representors: Colin Renton
Ben Halls
Shaun Brennan
James Schwirse
Jenny Fowler
Alejandra Gonzalez Duron
Graham Fowler
Jarred Foater
Hayley Sterry

George Lemieszewski
 Raelene Kennedy
 Shaun Truscott
 Amanda French
 Lauraine Burrows
 Linda Coulson
 Shanan Leyland
 Michael Golding
 Sarah Mcmillan
 Karen Halls

Applicant: Marina Azmy C-/ Future Urban

6 APPLICATIONS FOR CONSIDERATION – NO PERSONS TO BE HEARD

Nil

7 APPLICATIONS FOR CONSIDERATION - CATEGORY 1

Nil

8 OUTSTANDING MATTERS – APPEALS AND DEFERRED ITEMS

Nil

9 OTHER BUSINESS

9.1 STAFF REPORTS

Matters to be considered by the Committee Only

Matters delegated to the Committee

9.1.1 Quarterly Review of Delegations by the Council Assessment Panel
 (Attachment)193

10 CONFIDENTIAL MATTERS

OUTSTANDING MATTERS – APPEALS AND DEFERRED ITEMS

10.1 23009266 - Lot 2001 Petherton Road Daveron Park SA 5113 (Attachments)200

Representors: N/A

Applicant: Mark Kwiatkowski c/o Eyre Convenience Pty Ltd

11 POLICY DISCUSSION FORUM

Nil

12 CLOSURE

APPLICATIONS FOR CONSIDERATION

APPLICATIONS FOR CONSIDERATION – PERSONS WISHING TO BE HEARD

5.1 CONVERT EXISTING DWELLING TO A CHILDCARE CENTRE FOR UP TO 24 CHILDREN , TOGETHER WITH ASSOCIATED ACOUSTIC BOUNDARY FENCING, CARPARKING, LANDSCAPING AND ADVERTISING SIGNAGE.**Snapshot**

Author:	Michael Song
Proposal:	Convert existing dwelling to a childcare centre for up to 24 children, together with associated acoustic boundary fencing, carparking, landscaping and advertising signage.
Development Number:	23034644
Date of Lodgement:	4 December 2023
Owner:	Marina Azmy
Applicant:	Marina Azmy C-/ Future Urban
Location:	18 Meningie Street Craigmore SA 5114
Zone:	Hills Neighbourhood
Classification:	Performance Assessed
Public Notification	Yes
Representation Received:	Yes
Request for Additional Information Made?	Yes
Recommendation:	To Grant Planning Consent

Attachments:

- 1 [↓](#). Planning Report
- 2 [↓](#). Plan of Management
- 3 [↓](#). Representation
- 4 [↓](#). Response to Representation
- 5 [↓](#). ERD Court - Development Holdings vs Salisbury CAP

1. The Subject Land

The subject land comprises one allotment, legally described on Certificate of Title Volume 5302 Folio 982 or otherwise known as 18 Meningie Street, Craigmore. The features of the subject land include:

- A frontage of 16.35 metres to Meningie Street which is a local road.
- A depth of 31.84 metres
- A site area of approximately 663 m²
- The subject land is regular and rectangular in shape but extends wider to the rear of the allotment with a slight upward slope to the southern boundary.
- The subject land currently accommodates a single storey dwelling with ancillary buildings and structures. The front of the property consists of a mixture of grass, landscaping and small shrubs.

2. The Locality

The adjacent locality is characterised by single storey detached dwellings with a consistent pattern of development. Dwellings in the locality generally have a consistent setback which is spacious and well landscaped through the front of the site. Meningie Street is a local street that is typically quiet with a low volume of vehicle movements throughout the day. Meningie Street does not have any public transport stops and is used mainly by local residents for vehicle movements to and from surrounding dwellings.

The wider locality includes Craigmore Village Shopping centre and Craigmore South Primary School located on Turner Drive. Turner drive acts as a collector road and is serviced by public transport to Yorktown Road which is a State maintained road.

2.1 Locality Plan



Source: Nearmaps, January 2024

2.2 Zoning

By virtue of its location, the land is entirely within:

- The Hills Neighbourhood Zone
- Covered by the following Overlays:
 - Defence Aviation Area (All structures over 45 metres)
 - Hazards (Flooding - General)
 - Prescribed Wells Area
 - Regulated and Significant Tree
 - Stormwater Management
 - Urban Tree Canopy
- Has the following Technical Numeric Variations (TNVs):
 - Gradient Minimum Frontage (Detached) (Minimum frontage for detached dwellings where the site gradient is less than 1-in-8 is 14m; 1-in-8 to 1-in-4 is 14m; greater than 1-in-4 is 14m)
 - Gradient Minimum Frontage (Semi-detached) (Minimum frontage for semi-detached dwellings where the site gradient is less than 1-in-8 is 12m; 1-in-8 to 1-in-4 is 12m; greater than 1-in-4 is 12m)
 - Gradient Minimum Site Area (Detached) (Minimum site area for detached dwellings where the site gradient is less than 1-in-8 is 420sqm; 1-in-8 to 1-in-4 is 420sqm; greater than 1-in-4 is 420sqm)
 - Gradient Minimum Site Area (Semi-detached) (Minimum site area for semi-detached dwellings where the site gradient is less than 1-in-8 is 375sqm; 1-in-8 to 1-in-4 is 375sqm; greater than 1-in-4 is 375sqm)
 - Maximum Building Height (Metres) (Maximum building height is 9m)
 - Concept Plan (Concept Plan 81 - Edinburgh Defence Airfield Lighting Constraints)
 - Maximum Building Height (Levels) (Maximum building height is 2 levels)

3. The Proposal

The applicant seeks to convert an existing single storey detached dwelling into a childcare facility with associated acoustic boundary fencing, carparking, landscaping and advertising. The existing dwelling will be retained and updated to comprise of rendered external walls, aluminium slats, painted weather board cladding and painted roof tiles.

The proposed childcare facility will accommodate up to 24 children, which are younger than primary school age, from 7:00am to 6:00pm, Monday to Friday (excluding public holidays). The building will have an internal floor area of 134 square metres and will comprise of two activity rooms, bathrooms, cot room, kitchen, reception, staff room and laundry facilities.

Each activity room will lead to an outdoor play area with a combined total area of 155 square metres, located to the north and south of the building. The remainder of the site will be utilised for car parking, waste storage and landscaping.

A total of six car parking spaces are provided, including one accessible car parking space located at the front of the allotment. The parking layout has designated three staff parking spaces to the rear separated from the front by a roller door. Two-way vehicle access is proposed via Meningie Street with vehicles able to enter and exit the site in a forward direction.

An advertising display to identify the childcare facility is proposed on the front facade of the existing building.

To manage the noise impacts on the adjacent dwellings, solid acoustic boundary fencing ranging from 1.2 metres to 2.1 metres is proposed. The rear outdoor play area is to be strictly limited to 8 children at any one given time and restricted to passive play. Passive play consists of reading, garden exploration, painting, block play, drawing or reading. The heights of the fences are as follows:

- 2.1m (rear) 1.8m (front) high acoustic barrier to Southern boundary
- 1.8m high acoustic barrier to Eastern Boundary
- 1.2m high acoustic barrier between carpark and outdoor play area

Landscaping will be provided largely around the perimeter of the site and throughout the vehicle parking areas. The proposed plantings will comprise of a variety of groundcovers, shrubs, small and medium trees.

4. Procedural Matters

4.1 Classification

The proposed development comprises of a childcare facility, fencing and advertising.

The above elements are not classified as an Accepted, Deemed-to-Satisfy or Restricted development within the relevant Tables of the Zone. The proposed development is therefore, a Code Assessed - Performance Assessed development pursuant to Sections 105(b) and 107 of the *Planning, Development and Infrastructure Act 2016* (the Act), requiring an on-merit assessment against the relevant provisions of the Code.

4.2 Public Notification

Generally, all classes of performance assessed development require public notification unless, pursuant to Section 107(6) of the Act, the class of development is excluded from notification by the Code in Table 5 – Procedural Matters (PM) - Notification of the relevant Zone.

Public notification was required as the child care facility did not meet any of requirements of Table 5 to be excluded from notification.

The notification process commenced on 21 September 2023 and closed on 12 October 2023 and Council received 19 representation as detailed below:

Representor	Summary of Issues Raised	Wish to be heard
Karen Halls	<ul style="list-style-type: none"> • Land use • Car parking • Street access • Noise 	No
Sarah Mcmillan	<ul style="list-style-type: none"> • On street parking 	No
Michael Golding	<ul style="list-style-type: none"> • Land use • Streetscape • Traffic • Noise 	Yes
Shanan Leyland	<ul style="list-style-type: none"> • Land use • Car parking • Traffic 	No
Linda Coulson	<ul style="list-style-type: none"> • Traffic • No demand 	No
Lauraine Burrows	<ul style="list-style-type: none"> • Noise • Parking • No demand 	No
Amanda French	<ul style="list-style-type: none"> • On street parking • Traffic 	Yes
Shaun Truscott	<ul style="list-style-type: none"> • Land use • Traffic 	No
Raelene Kennedy	<ul style="list-style-type: none"> • Traffic • Noise • Amenity impact 	No
George Lemieszewski	<ul style="list-style-type: none"> • Noise • Traffic 	No
Hayley Sterry	<ul style="list-style-type: none"> • Traffic • Parking • Noise • Advertising 	No
Jarred Foater	<ul style="list-style-type: none"> • Traffic • Parking 	Yes
Graham Fowler	<ul style="list-style-type: none"> • Traffic • On street parking 	No
Alejandra Gonzalez Duron	<ul style="list-style-type: none"> • Parking • Traffic • No demand 	No
Jenny Fowler	<ul style="list-style-type: none"> • Traffic • Parking • Noise 	No
James Schwirse	<ul style="list-style-type: none"> • Parking • Traffic 	No
Shaun Brennan	<ul style="list-style-type: none"> • Traffic • Parking • Noise 	Yes
Ben Halls	<ul style="list-style-type: none"> • Fencing • Amenity • Hours of operation • Shade sail • Parking 	No

Colin Renton	<ul style="list-style-type: none"> • Traffic • Hours of operation 	Yes
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The Applicant's Planning Consultant has responded to the representation addressing the following concerns:

- Hills Neighbourhood Zone envisages non-residential uses of land
- The scale of the proposed childcare facility is considered to maintain low density residential character and amenity
- The proposal would result in a built form outcome with largely resembles a single storey detached dwelling with a hardstand area in the front and a small advertising display.
- Childcare facility will not attract increased trip generation and noise levels when compared with a typical residential dwelling.
- The proposed centre has been carefully configured to limit its scale and intensity, and to minimise impacts to neighbours to complement and be compatible in the residential context.
- Reduction in places from 25 to 24 satisfies the parking demand and the centre will not rely on on-street parking for staff or visitors.
- Noise mitigation methods proposed will comply with all relevant noise policies.
- Identifies that the idea of demand or need of a childcare facility is a commercial consideration, not a planning consideration.
- Property values and not an aspect which is considered under planning legislation.
- Hours of operation are within the desired operating hours outlined in the Code
- Lighting and shade sails are not development and operation of the centre is typically during daylight hours.
- Advertising and boundary fence height have been reduced to address areas of concern.

4.3 Internal Referrals

Internal referrals were undertaken to Council staff to review traffic management, car parking, stormwater and the future use comprising of food preparation.

Council's Engineering Team have considered stormwater and internal traffic movements on site. Stormwater design has appropriate discharge rates and locations which meet the requirements of Council standards. Further, the Wongala Consulting Engineers Traffic report has demonstrated that the proposed car parking area can accommodate safe vehicle movements and an acceptable number of car parking spaces.

Hand basin and dishwasher allowing for the sanitation of food preparation items on site are deemed appropriate by the Environmental Health team and would be subject of future inspections once constructed, as required under the Environment Health Act.

5. Key Issues

The following matters are considered pertinent in reaching a recommendation for the proposal:

- Whether the proposal is an appropriate form of development in the Hills Neighbourhood Zone
- Whether the proposal is consistent with the general policies of the Planning and Design Code that relate to a Child Care Facility
- Whether the proposal will create an adverse impact and conflict between other land uses within the locality
- Whether the development will cause an unreasonable impact to the character and amenity of the locality

6. Planning Assessment

6.1 Land Use and Intensity

The Hills Neighbourhood Zone envisages non-residential development which are located and designed to improve community accessibility. Non-residential development within the zone should be sited and designed to complement the residential character and amenity of the neighbourhood.

In relation to the above, the proposal is considered to be finely balanced. The subject site and immediate locality has an established residential character and amenity, rather than the provision of local services as sought under the current application. Within its performance outcomes, the Zone does envisage that non-residential development such as childcare facilities are anticipated (PO 1.3 / 1,4).

This has recently been the focus of a judgement by Commissioner Dyer (DEVELOPMENT HOLDINGS PTY LTD v CITY OF SALISBURY ASSESSMENT PANEL & ANOR [2024] SAERDC 6) where the judgement held that non-residential uses should not be judged as if it were a residential dwelling. In this decision, the Commissioner found that development which is considered against the Code provisions concerned with the character and locality should be assessed within the scope of its intended use and associated elements and not interpret the Zone as strictly a residential zone.

Council staff attended a site visit on 6 December 2023 at 1:30pm and observed a quiet residential street with minimal traffic on Meningie Street. It is noted that the childcare facility will likely have some change to this level of amenity due to increases in traffic and noise.

The proposed number of children is relatively low for a childcare facility at 24. This will enable the operator a greater level of control to complement the existing residential character and amenity, in accordance with PO 1.3.

Furthermore, the existing building is being retained and reused to maintain the existing character in terms of the siting and design of the build form. This will maintain a consistent streetscape with the adjoining dwellings. There will however be an impact to the character of the locality with the additional elements of carparking, outdoor play areas, fencing and advertising. It is noted that these elements are typical and required to operate a childcare facility.

Based on the above, and an assessment against the Zone provisions it is considered that the childcare facility will have an impact on the character and amenity of the area but is an appropriate land use and is of a scale that will maintain the existing character and amenity of the locality. On balance, and with regard to recent ERD Court direction, the proposal is not considered to be at variance with the objectives and intent of the Zone.

6.2 Traffic

Wongala Consulting Engineers have undertaken a traffic and parking assessment for the proposal. The report concludes that the proposed development will pose no impact to the local area regarding parking and traffic. The number of children proposed has been reduced from 25 to 24 which will satisfy PO 5.1 of the Transport, Access and Parking and requirements for onsite parking provision.

The proposed development satisfies the policies within the Transport, Access and Parking module, as follows:

- The access point and car parking area has been designed to facilitate safe and convenient vehicle movements in accordance with PO 3.3
- Minimum sight distances will be met on Meningie Street, with no permanent obstructions limiting sight distances within the designated site triangle at the property boundaries at a height of 1.15m in accordance with PO 2.2

On site vehicle parking is satisfied by achieving the parking rates set out in *Table 1 – General Off-Street Car Parking Requirements*. The proposed child care facility is required to provide 0.25 spaces per child. Based on the proposed number of children of 24, the site has a theoretical demand of 6 spaces. A total of 6 spaces are provided and satisfies PO 5.1 of the Transport, Access and Parking module.

Some of the representors expressed concerns that during peak drop off times there may be increased on street parking and queuing impacting the existing character and amenity of the street. This concern has also been raised by council staff to the applicant who has responded that the site has sufficient on-site parking to meet the demand as per the Planning and Design Code. In the event of approval, the onus would rest with the operator to ensure that drop of and collection times are managed so as to not impact surrounding properties, and to comply with approval documents.

Council's engineering staff have reviewed the traffic related matters of the proposed development and confirmed that they are satisfied that the proposal provides adequate onsite car parking when assessed against the Code.

The proposal will have an acceptable impact upon the adjoining road network and accordingly, it is considered that the proposal satisfies the relevant traffic, access and car parking provisions of the Planning and Design Code.

6.3 Built form, Height and Character

The existing building on the site is being retained and will remain unchanged in relation to building height, setbacks and site overage. The building will continue to present as a single storey detached dwelling comprised of rendered external walls, aluminium slats, painted weather board cladding and painted roof tiles.

The additional carparking, fencing and outdoor play areas are typical of childcare facilities and are of a size and scale appropriate to the proposed development.

The adaptive reuse of the existing dwelling will limit the visual impact the proposed childcare facility will have on the streetscape. By utilising the existing built form, a low density residential character is achieved, satisfying PO 1.1. it is further noted,

that in the event the childcare centre were to cease operations at a future point, the building could be easily reconverted to a dwelling.

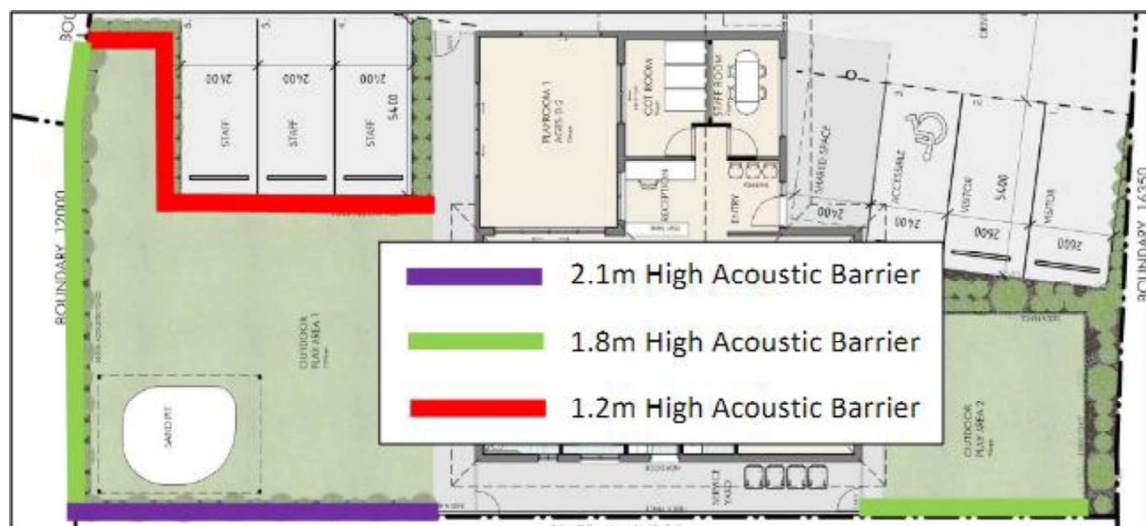
6.4 Interface between Land Uses

The subject land is located within the Hills Neighbourhood Zone and adjacent sensitive noise receivers. The proposed hours of operation are 7:00am to 6:00pm Monday to Friday and closed for public holidays. The proposed hours of operation are consistent with other non residential development as specified in DPF 2.1.

An environmental noise assessment prepared by Wongala Consulting Engineers has been undertaken of the proposed development considering noise generated from the outdoor play and car parking areas.

The recommended acoustic treatments by Wongala Consulting Engineers are to ensure that the highest predicted level of noise generated by outdoor play activities does not exceed 50 dB(A) at any existing sensitive receiver, as detailed below.

Acoustic barriers/fences are to be erected surrounding the outdoor play area as illustrated below. The acoustic barrier is to be constructed of a lightweight masonry, fibre cement sheet, perspex, concrete, plywood or timber fence. The height of the fence includes the purple at 2.1 metres, green at 1.8 metres and red at 1.2 metres.



Source: Noise Impact Assessment Report produced by Wongala Consulting Engineers

A maximum number of 8 children will be permitted in the rear outdoor area at any given time and will be restricted to passive play.

The applicant has provided a Plan of Management (POM) to minimise the adverse impacts to any sensitive receivers on adjacent land. This includes a staggered staff arrival, implement a complaint handling system for noise issues, no musical instruments outside and adherence to the 'Car Park Policy'.

Consideration to the noise impacts of mechanical plant and equipment have not been given at this stage but is likely to consist of air conditioning units which would be at a size and scale comparable to that found with a typical residential dwelling. A detailed acoustic assessment prepared or reviewed by a suitably qualified acoustic consultant will be placed as a reserve matter as part of the staff recommendations.

Based on the above, it is considered that the proposal has been designed appropriately to minimise impacts of the adjacent dwellings in the locality, in accordance with PO 4.1 and a condition to ensure compliance with the report is contained within the recommendation.

In summary, it is considered that the proposed development has satisfactorily addressed the interface between land uses requirements in respect to noise, subject to the inclusion of some conditions of consent and reserve matters.

6.5 Fences and retaining walls

Design in Urban Areas Module PO 9.1 requires fences, walls and retaining walls to be of sufficient height to maintain privacy and security without unreasonably impacting the visual amenity and adjoining land's access to sunlight or the amenity of public places.

To ensure that the childcare facility can maintain the required gradients to meet the relevant compliance, the land requires site works as shown on civil siteworks and drainage plan prepared by Jack Adcock Consulting. These site works, in addition to the acoustic treatments for boundary fencing ranging in height from 1.2 to 2.1 metres as detailed above, will result in a combined fence and retaining wall height of (measured from the lowest side):

- 2.1 metres on the western (rear) boundary
- 1.8 – 2.4 metres on the southern (side) boundary
- 1.8 – 2.1 metres on the northern (side) boundary

It is considered that the site works are reasonable and generally anticipated with development in the Zone, based on the existing ground levels shown on the Stormwater Management Report and topography of the site.

The visual impacts of the fencing and retaining walls are considered to be acceptable as the maximum height will not exceed 2.4 metres which is typical in the Hills Neighbourhood Zone. The visible height of the fence will not exceed 2.1 metres (southern side) when viewed from adjoining sites. This maximum height of the acoustic fence has been reduced from 2.4 metres to 2.1 metres by limiting the number of children allowed outside at any given time.

The height will not result in overshadowing of the primary area of private open space to the adjacent dwellings and will maintain privacy and security for the subject land in the outdoor play area in accordance with Interface Between Land Uses PO 3.2.

6.6 Advertising

The proposed non illuminated advertisement is considered to be of appropriate size and scale, will identify the business and will not detract from the residential character of the locality therefore satisfying PO 12.1.

6.7 Landscaping

The applicant has provided a landscaping schedule prepared by Piteo Architects that proposes the planting of a variety of shrubs, small and medium trees. These are located mainly around the perimeter of the site and throughout the parking areas to achieve PO 7.2 of the Design in Urban Areas module.

The proposed landscaping will assist in screening the visual impact of the carpark and 1.2 metre high bar fencing of the front outdoor area. It is considered that there

is an appropriate level of landscaping to enhance the visual appearance of the development and not negatively impact the overall amenity of the site and locality, in accordance with PO 7.2.

6.8 Stormwater

Council's civil engineers have reviewed the proposed stormwater management report provided by Jack Adcock Consulting and are supportive that the development has met its stormwater requirements.

7. Conclusion

The proposed development is finely balanced when assessed against the desired outcome of the Hills neighbourhood zone, relevant overlays and relevant general provisions.

The proposed land use will likely result in some change to the character and amenity of the locality but on balance is considered appropriate in the context of the subject site. Further direction is taken from the recent ERD Court decision on a comparable development, which provides direction regarding interpretation of the Hills Neighbourhood Zone. The development will provide additional childcare services in the surrounding area and is an envisaged land use within the zone and is considered to be consistent with the Zone on this basis.

The adaptive reuse of the existing dwelling and the relatively small number of children proposed for the facility of 24 children allows the development to be of a scale and intensity that is considered appropriate in the context of the Hills Neighbourhood Zone.

Traffic impacts and movements on site are acceptable and the proposal has adequate on site carparking.

For the reasons outlined above, the proposed development is not considered to be seriously at variance with the relevant provisions of the Planning and Design Code and the proposal is considered to generally comply with the provisions that Planning Consent is warranted.

STAFF RECOMMENDATION

That pursuant to the authority delegated to the Council Assessment Panel by the Council, it is recommended that the Council Assessment Panel:

- a) DETERMINES that the proposed development is not seriously at variance with the policies in the Planning and Design Code; and
- b) GRANTS Planning Consent to the application by Marina Azmy C-/ Future Urban to convert existing dwelling to a childcare centre for up to 24 children, together with associated acoustic boundary fencing, carparking, landscaping and advertising signage at 18 Meningie Street Craigmore SA 5114 as detailed in Development Application ID 23034644 subject to the reserve matters, conditions and notes:

Reserve Matters

1. A detailed acoustic assessment report must be submitted to the reasonable satisfaction of council, of mechanical plant equipment. This shall be undertaken and prepared by a suitably qualified acoustic engineer prior to Development Approval being granted.

Conditions

Council:

1. The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in this Application except where varied by any condition(s) listed below.
2. All recommendations contained within the Noise Impact Assessment Report by Wongala Consulting Engineers Document Reference NA386_2 dated January 2024, shall be implemented prior to occupation of the site, and complied with at all times.
3. The hours of operation herein approved are as follows:
 - Monday to Friday 7:00am to 6:00pm

Any variation to these hours of operation will require a further consent.

4. The child care facility herein approved shall operate with a maximum capacity of 24 children at any given time.
5. All loading and unloading of goods and materials shall be carried out upon the subject land and no loading of any goods or materials shall be permitted to be carried out in the street in conjunction with the consent herein granted.
6. All driveways, parking and manoeuvring areas must be formed, sealed with concrete, bitumen or paving, and be properly drained. They must be maintained in good condition thereafter.
7. The planting and landscaping identified on the Architectural Drawings prepared by Piteo Architects, submitted with the application must be completed in the first planting season concurrent with or following the commencement of the use. Such planting and landscaping must not be removed nor the branches of any tree lopped and any plants which become diseased or die must be replaced by suitable species.



PLANNING REPORT CHILD CARE CENTRE

18 Meningie Street, Craigmore

Date:
22.11.2023



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Proprietary Information Statement

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APPENDIX 3. CIVILS AND STORMWATER MANAGEMENT PLAN
APPENDIX 4. TRAFFIC AND PARKING ASSESSMENT
APPENDIX 5. ACOUSTIC REPORT
APPENDIX 6. CORRESPONDENCE FROM URBAN RENEWAL AUTHORITY



1. INTRODUCTION

We write on behalf of Marina Azmy ('the applicant') who is the registered owner of 18 Meningie Street, Craigmore.

This report has been prepared to accompany a development application to convert an existing single storey detached dwelling to a child care centre, together with associated boundary acoustic fences and advertising signage on the site at 18 Meningie Street, Craigmore ('the site').

In preparing this report, we have:

- inspected the site and its immediate surroundings;
- identified and subsequently reviewed what we consider to be the most pertinent provisions of the Planning and Design Code ('the Code');
- had regard to the *Planning, Development and Infrastructure Act 2016* ('the Act') and to the *Planning, Development and Infrastructure (General) Regulations 2017* ('the Regulations');
- also had regard to the certificate of title in **Appendix 1**;
- examined the architectural drawings prepared by Piteo Architects in **Appendix 2**;
- reviewed the supporting documents, including:
 - » stormwater management plan and civil drawings prepared by Jack Adcock Consulting in **Appendix 3**;
 - » traffic and parking assessment prepared by Wongala Consulting Engineers in **Appendix 4**; and
 - » environmental noise assessment prepared by Wongala Consulting Engineers in **Appendix 5**;
 - » correspondence from the Urban Renewal Authority (URA) in **Appendix 6**

This report contains our description of the site, its surroundings and the proposal, and our assessment of the proposal against what we consider to be the most relevant provisions of the Code.

Background

The allotment is subject to an encumbrance to the Urban Renewal Authority (URA) (formally South Australian Urban Projects Authority).

Early consultation with the URA was undertaken, with their written response provided as an attachment to this report in **Appendix 6**. The URA stated that the purpose of the encumbrance document was to establish the initial land division which took place circa 1986 and that once the project reached maturity, it was a matter for the local council to manage development against the relevant planning policies.

The URA confirmed that:

"it is URA policy, in relation to all its completed projects where residential encumbrances remain in place, that URA no longer actively administers the encumbrances. That is, URA approval is no longer required for any building works nor will URA take action in relation to breaches of encumbrances"

As a result of this response from URA, no further consultation was undertaken in relation to the encumbrance.



2. PROPOSED DEVELOPMENT

The applicant seeks to obtain planning consent to convert an existing single storey detached dwelling into a child care centre together with associated acoustic fencing and advertising display.

A child care centre fits within the definition of a 'child care facility' as defined in Part 7 – Land Use Definitions of the Code:

'Child care facility means a place primarily for the care or instruction of children of less than primary school age, children with special needs or out-of-school-hours care (including vacation care) and not resident on the site, including the following land uses:

child care centre..."

The child care centre will be a family operated business, and will:

- Retain and refresh the existing dwelling on the site.
- Be a family run centre.
- Provide early education for 25 pre-school aged children.
- Operate from 7:00am until 6:00pm Monday to Friday (excluding public holidays).
- Employ 4 staff members, noting that not all staff are present on site at the same time. Most staff are present on site between the hours of 10am and 3pm, times that do not coincide with child pickup.
- Be separated into two activity areas based on the ages of the children, with each area having access to outdoor play spaces, and bathrooms.
- Incorporate a range of internal spaces which support the functioning of the centre including a kitchen, laundry, staff room, office, reception and cot rooms.
- Utilise the North Adelaide Waste Management Authorities services for refuse collection as per the standard Council collection frequency and times in accordance with the EPA noise guidelines.

The proposal is summarised below and depicted across the architectural drawings in **Appendix 2**.

2.1 Footprint

2.1.1 Site Coverage

The roof coverage of the proposed building will remain unchanged, occupying 205 square metres or 31 percent of the overall area of the site.

2.1.2 Siting

The building wall setbacks from the allotment boundaries remain unchanged and are as follows:

- **Primary street boundary (Meningie Street):** 7.9 metres
- **Rear boundary:** 12 metres
- **Side boundary:** 1.6 metres to the south, 4.8 metres to the north.

2.2 Building Composition

The internal building alterations will result in the centre comprising an internal floor area of 134 square metres and comprise two activity rooms, in conjunction with bathrooms, cot room, kitchen, reception,



staff room and laundry facilities. Each activity room opens into one of the two outdoor play spaces, with a combined total area of 155 square metres.

2.3 Building Height

The building height of the single storey building will remain unchanged at 4.2 metres in height measured from the top of the ridge line to the natural ground level below.

2.4 External Materials

The external materials and finishes of the existing dwelling are to be updated to comprise rendered external walls, aluminium slats, painted weather board cladding and painted roof tiles.

2.5 Hours of Operation

The child care centre will operate from 7:00am to 6:00pm Monday to Friday. It is the writer's experience that the hours are typically from 6:30am to 6:30pm are standard operating practice for child care centres in metropolitan Adelaide.

2.6 Staff

The centre intends to employ 4 staff, noting that not all staff are present on site at the same time. Most staff are present on site between the hours of 10am and 3pm, times that do not coincide with child pickup or drop off.

2.7 Access and Parking

A simultaneous two-way vehicle access point is proposed via Meningie Street, and directed to the on-site car parking area. All vehicles will be able to enter and exit the site in a forward direction.

A total of 6 car parking spaces will be provided on site, including one accessible parking space, 3 staff spaces and 2 visitor spaces. The 3 staff parking spaces will be located at the rear of the site and separated from the front of the site by a roller door.

2.8 Stormwater and Wastewater

The stormwater management plan and civil drawings prepared by Jack Adcock Consulting determined the following for the site:

- Stormwater for the site will connect to the Council's existing on-street system.
- Post development peak discharge during major/minor storm event will not exceed the pre-development peak flow rate. Therefore, the proposal is not expected to overload the Council's existing stormwater drainage network.
- A 3,000-litre detention tank is proposed to be installed on the site to ensure that stormwater runoff can be adequately detained and released in conformance with industry standards.

2.9 Landscaping

The landscaping provided in the architectural plans (**Appendix 2**) illustrates the proposed landscaping is to be sited largely around the perimeter of the site and throughout the vehicular parking areas. The proposed plantings comprise a variety of groundcovers, shrubs, small and medium trees.



2.10 Fencing and Retaining

Fencing around the perimeter of the site consists of acoustic fencing ranging from 1.8 metres to 2.4 metres in height as well as the retention of the existing boundary fence where no new acoustic fencing is required. Acoustic fencing within the perimeter of the site at a height of 1.4 metres is also proposed.

The retaining walls are required to a maximum height of 600mm to retain soil due to the proposed changes in site levels for stormwater purposes.

2.11 Advertisements

One corporate advertising display with dimensions approximating to 0.7 square metres is proposed on the front wall of the building to identify the centre. The advertisement will be fixed to the building wall and will not; move, flash, unduly reflect light, or be internally illuminated.



3. SPATIAL ATTRIBUTES

3.1.1 Subject Site

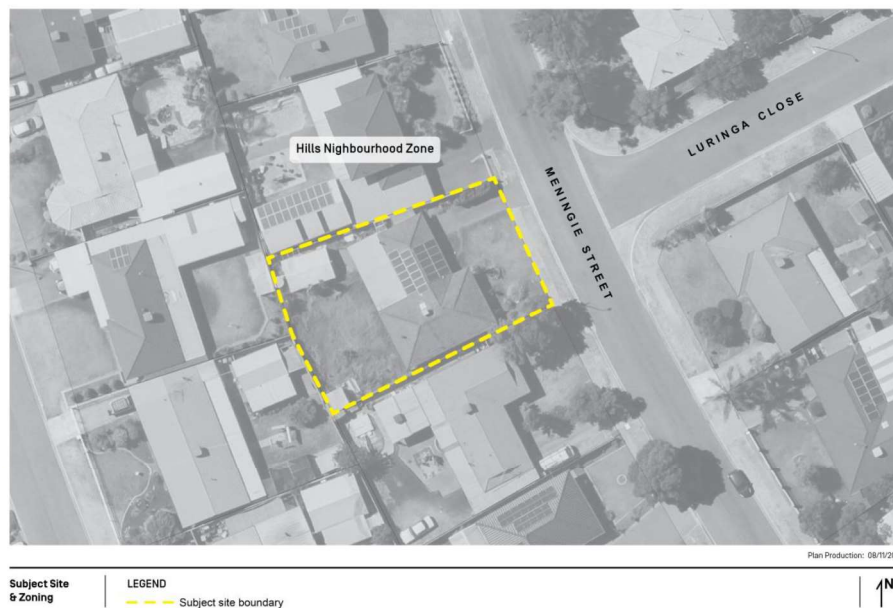
The subject site encompasses one allotment, legally described as:

- Allotment 142 on Certificate of Title Volume 5302 Folio 982.

It is otherwise known as 18 Meningie Street, Craigmore.

The subject site is situated within the Hills Neighbourhood Zone as shown in Figure 3.1 below.

Figure 3.1 *Subject site and zoning*



The following Overlays and TNVs apply to the site:

Overlays

- Defence Aviation Area (All structures over 45 metres);
- Hazards (Flooding – General);
- Prescribed Wells Area;
- Regulated and Significant Tree
- Stormwater Management
- Urban Tree Canopy



TNVs

- Maximum Building Height 9 metres;
- Concept Plan 81 – Edinburgh Defence Airfield Lighting Constraints;
- Maximum Building Height 2 levels.

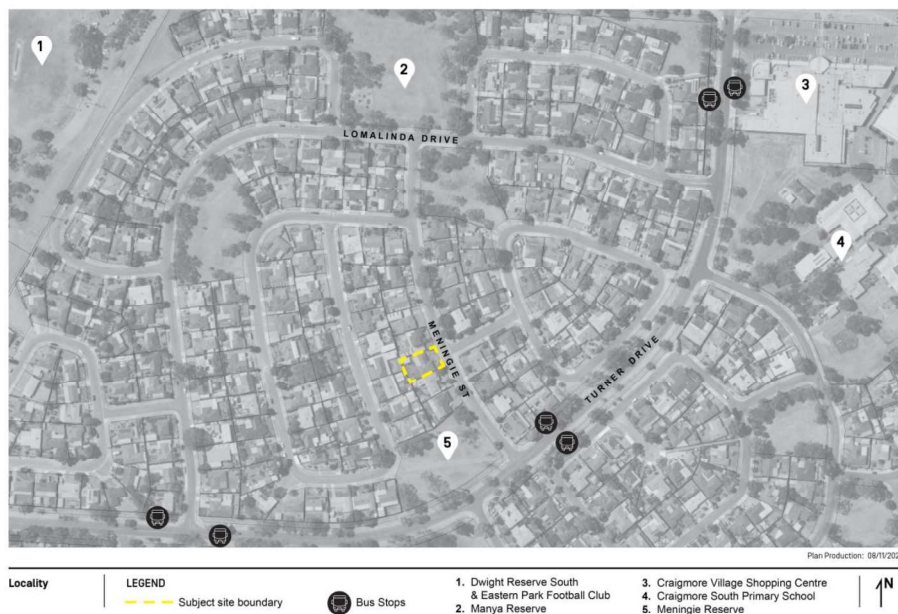
3.1.2 Locality

Upon undertaking an inspection of the subject site and its surroundings, the following was observed:

- Detached Dwellings with consistent and spacious setbacks are common within the locality;
- Dwellings within the locality are typically single storey;
- Private allotments are typically well landscaped;
- Various open space reserves are scattered throughout the neighbourhood, contributing to the low density and natural environment;
- Craigmore Village Shopping Centre and Craigmore South Primary School are within 400 metres of the site; and
- The locality is well supplied by public transport and is in proximity to bus stops along Turner Drive.

The site in relation to its immediate surroundings, is captured in Figure 3.2 below.

Figure 3.2 Locality plan





4. PROCEDURAL MATTERS

At the time of preparing this report, the relevant version of the Planning and Design Code was gazetted and subsequently consolidated on V2023.15 (26 October 2023).

Due to amendments, the version of the Code used to prepare this report may not be the relevant version at the time of lodgement of the application. To the extent of any inconsistency, the version of the Code at the time of lodgement will be relevant for the processing and assessment of the application.

4.1 Verification

For the purposes of regulation 31(1)(a), (b) and (c) of the Regulations, the following applies:

Table 4.1 *Verification snapshot*

Verification matter	Comment
Nature of Development	Change in use from dwelling to childcare centre with associated boundary acoustic fencing and advertising signage.
Elements	Childcare Centre Fence Advertising signage
Category of Development	Performance Assessed
Relevant Authority	Council Assessment Panel at the City of Playford

4.2 Referrals

The site is subjected to the following overlays that may require a referral, pursuant to Section 122(1) of the Act, in accordance with regulation 41(1), to a body prescribed in Schedule 9 of the Regulations. We submit the following comments in relation to the relevant referral triggers of each overlay:

Table 4.2 *Overlays*

Overlay	Referral	Comment
Prescribed Wells Area Overlay	No	Application does not involve horticulture, activities requiring irrigation, aquaculture, industry, intensive animal husbandry, or commercial forestry.

4.3 Public Notification

The child care centre and advertising display are not forms of development identified within Table 5 of the zone, therefore requiring public notification.



5. ASSESSMENT AGAINST PLANNING AND DESIGN CODE

The Zone does not identify the applicable policies for a childcare centre, therefore the application is 'all code assessed'. This planning report makes reference to the key planning provisions that are relevant in the assessment of this proposal.

The applicable policies include Desired Outcomes (DOs) which “*automatically apply in relation to a performance assessed development*” and Performance Outcomes (POs). It is also worth noting that some POs have a standard outcome that is considered to satisfy the corresponding PO, referred to as Designated Performance Features (DPFs). The Rules of Interpretation within Part 1 of the Code state the following in relation to DPFs (underlining our emphasis):

“A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.”

As a result of the above, the assessment below focusses on the applicable POs and may only refer to the DPF in instances where it assists in the exercise of discretion.

5.1 Land Use

In relation to land use, the Zone seeks:

- PO 1.1** *Predominantly low-density residential development with complementary non-residential uses compatible with natural landforms and a low-density residential character.*
- PO 1.2** *Commercial activities improve community access to services are of a scale and type to maintain residential amenity.*
- PO 1.3** *Non-residential development located and designed to improve community accessibility to services, primarily in the form of:*
 - (b) community services such as educational establishments, community centres, places of worship, child care facilities, and other health and welfare services.*

Having considered the above policies, we note that the Zone expressly envisages non-residential land uses where they are of a scale and type which maintains residential amenity.

Most relevant to the nature of this proposal is that Zone PO 1.3 specifically lists child care facility as an envisaged form of non-residential development within the Zone, with the proposal improving community accessibility to childcare facilities within a heavily residential locality with an above average proportion of families with children (ABS 2021).

This policy aspiration comes with an expectation that there will be impacts on surrounding residential land uses. With those impacts comes benefits of walkable and connected neighbourhoods, a clearly sought-after planning outcome.

With the pretence that a childcare facility is an appropriate type of non-residential use within the zone, the attention of the assessment should then be focused on whether the scale of the childcare centre sufficiently maintains the existing residential amenity. In determining an appropriate land use intensity within the zone, it is important to understand potential intensity of other envisaged land uses which could plausibly be developed at the site as well as the specific impacts related to childcare centres.

The zone specifically envisages a variety of non-residential land uses including but not limited to; Consulting room, office, and shop. The small-scale childcare centre is considered to be a less intrusive



land use than a shop or consulting room with a gross leasable floor area measuring 50m² (Zone DPF 1.2 maximum floor area) for the following reasons:

- Shop, which includes the subgenus restaurant, would typically be a higher impacting activity in terms of patron noise (people are typically there to socialise). A restaurant use would very likely produce odours from foods, beverages and waste.
- The general operating nature of a shop, consulting room and office are different, and be characterised as follows:
 - » Shop/restaurant – peak periods, typically, from 7am to 10am and again from 12pm to 3pm. Less likely to have an ability to control customer numbers during peak periods and with a high customer turnover rate limiting the practicality of on-site parking.
 - » Consulting room – based on appointment times of 15 minutes, 1 consulting room would generate 4 clients per hour, with 2 consulting rooms (which would reasonable fit within 50m²) generating up to 8 clients per hour. Total clients per day could reasonably range from 32 to 64 clients respectively.

The proposed childcare centre would involve a function which is expected and common within residential areas – caring for children. The intensity of the use would be no greater than would be reasonably expected by a 50m² shop or consulting room in terms of expected number of patrons, vehicular movements and noise and the proposed centre is considerably smaller in scale than a typical childcare centre. Further assessment of the specific impacts relating to childcare centres, namely noise and parking, are expressed below in further detail.

5.1.1 Benefits of Child Care

According to the Best Practice Guideline for the Planning and Development of Child Care Facilities published by the University of Technology Sydney: Centre for Local Government:

- early childhood literature makes close connections between child care and education and ‘the inseparable nature of development and learning’ for children in the 0-5 age group;
- simulating out-of-home care environments contribute to children’s optimal growth and development;
- there is overwhelming evidence for the importance of the early years in shaping longer term outcomes for children;
- Australian research provides strong evidence that family friendly employment practices and access to secure, high-quality child care are key to women’s secure participation in the paid workforce;
- increases in the prices and costs of child care can lead to a reduction in labour supply, particularly in regards to lone parents; and
- child care facilities provide employment opportunities to people in a given locality.

We are of the opinion the proposed child care centre is a suitable land use within the Zone and provides a service to the local community to improve overall accessibility to child care without detrimentally impacting adjoining properties or the locality.

5.2 Built form

The external built form will remain unchanged in relation to building height, setbacks and site coverage. The building will continue to present to the street as a single storey detached dwelling, with the building being sited and designed to complement the height and setbacks of existing buildings within the neighbourhood, satisfying PO 4.1, 5.1, 8.1 and 9.1 of the Zone.



Zone PO 1.4 advises:

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

The proposal involves the adaptive reuse of the existing dwelling, with the built form being synonymous with the character of the locality. The adaptive reuse of the existing dwelling was a deliberate aspect of the proposal to ensure it was complementary to the character and amenity of the neighbourhood in terms of the siting and design of the built form.

The external appearance of the existing dwelling is to be improved by new external finishes and new landscaping to enhance the external appearance of the building and make a positive contribution to the streetscape.

5.3 Interface between Land Uses

PO 2.1 within the Interface between Land Uses module advises that:

PO 2.1 *Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:*

- (a) *the nature of the development;*
- (b) *measures to mitigate off site impacts;*
- (c) *the extent to which the development is desired in the zone;*
- (d) *measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of the land.*

The proposed child care centre operates during daylight hours, is an adaptive reuse of a dwelling, is of a small scale, and manages noise and parking on site. The proposal achieves a, b, c and d, as;

- it is an envisaged form of development within the zone – specifically mentioned in PO 1.3;
- measures have been put in place to mitigate off site impacts including noise management, waste management and carparking;
- the use of the proposed childcare facility is not considered to be compromised by the adjoining residential dwellings.

5.3.1 Overshadowing

As there are no changes to the size of the building, the only additional overshadowing impacts would result from the acoustic fencing, in particular the 2.4m acoustic fence on the southern boundary of the site.

Although the proposed fence may result in some additional overshadowing impacts to the neighbour, when considering the height in relation to the standard 2.1 metre fence height as well as what could reasonably be achieved by a Deemed to Satisfy Outbuilding, the impacts are not considered to be unreasonable.

5.3.2 Noise

DPF 4.1 of the Interface between Land Uses module advises:

DPF 4.1 *Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria.*



The Noise Impact Assessment report prepared by Wongala Consulting Engineers in **Appendix 5** has considered the predicted noise levels from the development against standards established in accordance with the Planning and Design Code, Environment Protection Policy 2023, the World Health Organization's Guidelines for Community Noise, and the Association of Australasian Acoustical consultants (AAAC) Guideline for Child Care Centre Acoustic Assessment Version 3.0 September 2020. The noise assessment determined that the facility can reasonably and practicably achieve the relevant standards by implementing a variety of measures including:

- solid fencing between play areas and nearby dwellings;
- solid fencing between carpark and services and nearby dwellings;
- maintain a noise management plan; and

The applicant is willing to abide by conditions of consent, should it be forthcoming, to implement the measures in accordance with the recommendations in the acoustic report. By adopting the recommended noise attenuation methods, DPF 4.1 is considered to be met.

5.3.3 Lighting

No lighting poles are proposed.

Lighting, in its own right, does not constitute development. Even so, the applicant is willing to abide by a condition of consent, should it be forthcoming, to adhere to the Australian Standards relating to the obtrusive impacts of light spill.

5.3.4 Fencing

Fencing is proposed to assist with the provision of acoustic treatment for the site and in turn reduce noise impacts on neighbouring properties. The fences also provide "privacy and security" to the users, whilst not "*impacting visual amenity and adjoining land's access to sunlight...*" (Design in Urban Areas PO 9.1).

These fence heights when viewed from natural ground level vary throughout the site depending on the need for acoustic treatment and retaining of soil. Proposed boundary fence heights across the site range from 1.8 metres to 2.4 metres and are considered to be conducive to the residential nature of the locality.

5.4 Traffic Management

5.4.1 Access

Wongala Consulting Engineers have undertaken a traffic assessment to confirm that the proposed traffic and access arrangements are feasible, safe and achieve the relevant Australian Standards (refer to **Appendix 4**)

The proposed development satisfies the policies within the Transport, Access and Parking module in the following ways:

- Proposed carparking spaces achieve the vehicle parking rates sought by Table 1;
- Proposed access points having been designed to ensure vehicles can enter and exit in a forward direction as sought by PO 1.4 and PO 3.3.
- No street trees or infrastructure will be removed or impacted as a result of the crossover.
- Access around the site and into the building is designed to be safe and convenient for people with a disability (PO 4.1).



It is worth noting the differences between a child care centre and pre-school/school in relation to traffic demand:

- A child care centre provides long day care facilities for pre-school aged children (typically 0-5 years of age). There is no specific delivery or collection periods for the centre, with children delivered and collected at times convenient to parents or caregivers, generally resulting in pick up/set down times being spread across the day.
- A pre-school/school has a set class period, with all children being delivered at the start of the session and collected on completion of the session, resulting in higher peak times.
- A child care centre typically operates for long hours, with staff working in shifts across the day. Peak staff periods occur during the middle of the day, when staff lunch breaks occur and additional staff (such as chefs) are on site.
- A pre-school/school operates for shorter periods (i.e. 9:00am to 3:00pm).

5.4.2 Parking

The Code designates the following parking rates for a child care centre:

- **Vehicle Parking:** 0.25 spaces per child

Based on the child care centres' capacity of 25 children, the site has a theoretical demand of 6.25 spaces. A total of 6 spaces are provided and is considered to be a minor departure from the Zone provision, which has been accepted and supported by Wongala Consulting Engineers.

The Transport, Access and Parking module also advises the following for vehicle parking:

- PO 6.1** Vehicle parking areas are sited and designed to minimise impact on the operation of public roads by avoiding the use of public roads when moving from one part of a parking area to another.*
- PO 6.2** Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screened fenced and the like.*
- PO 6.4** Pedestrian linkages between parking areas and the development are provided and are safe and convenient.*

The proposed development satisfies the above policies in the following ways:

- staff parking is restricted to the rear of the site and separated by a roller door, minimising visual impact of parking areas when viewed from the street;
- the site is serviced by public transport services and set within a residential area, improving community access to childcare facilities; and
- the parking area has been designed to comply with the requirements of the Australian/New Zealand Standards.

5.5 Stormwater

Notwithstanding, the policies within the Stormwater Management Overlay relate to residential development, the stormwater management plan in **Appendix 3** confirms that the post-development flow rates are designed to not exceed the pre-development flow rates. A pumping system and underground 3,000-litre water detention tank is proposed to assist in detaining water prior to its release. The proposal is not, therefore expected to overload the Council's existing stormwater drainage network.



5.6 Landscaping

Design Module PO 3.1 advises:

PO 3.1 *Soft landscaping and tree planting is incorporated to:*

- (a) minimise heat absorption and reflection*
- (b) maximise shade and shelter*
- (c) maximise stormwater infiltration*
- (d) enhance the appearance of land and streetscapes*
- (e) contribute to biodiversity.*

The landscaping plan in **Appendix 2** displays plantings which will create an aesthetically pleasing environment for the users of the space and passers-by. Diverse plantings throughout the site will create shade and soften the visual impact of the carparking area.

It is acknowledged that the proposal would result in a reduction of front yard landscaping, however, with 34% of the front yard being retained as soft landscaping, and visually permeable fencing being proposed parallel with the street, a meaningful level of level of space for plantings will be retained.

Approximately 28% of the site retained as soft landscaping with landscaping proposed primarily around the perimeter of the site, surrounding both the building and the carpark areas. the landscaping plan has been designed to create a high amenity outcome which stays true to the residential character of the its surroundings when viewed from the street, concealing the carparking area forward of the building line.

A variety of small trees, shrubs and ground covers are proposed to enhance the areas which are to be retained as soft landscaping whilst resulting in a high amenity for children utilising the outdoor play spaces. The large percentage of soft landscaping across the site will contribute to biodiversity, minimise heat absorption and maximise shade and shelter, aligning with PO 3.1 of the Design module.

The plants selected by the landscape architects will:

- be aesthetically pleasing;
- create high amenity play spaces for the users of the centre;
- be suited to the local environment;
- not generate an inordinate amount of leaf litter; and
- require little to no maintenance or supplementary irrigation.

5.7 Waste Management

PO 1.5 of the Design in Urban Areas Module states:

PO 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.*

Waste will be stored in a dedicated service area at the southern side of the building. The service area will be screened from public view and from the adjoining neighbours by 1.8m high fencing and screened from the street by 1.5-metre-high fence and access gate, satisfying PO 1.5 of the Design module.



Waste will be collected on site by the North Adelaide Waste Management Authority utilising their standard weekly and fortnightly pickup frequencies. Two, 240 litre general waste, and two, 240 recycling bins will be used to accommodate the expected waste of the facility.

5.8 Advertisements

The Hills Neighbourhood Zone expresses the following:

PO 13.1 *Advertisements identify the associated business activity, and do not detract from the residential character of the locality.*

The Advertisements general module goes on to state:

PO 1.1 *Advertisements are compatible and integrated with the design of the building and/or land they are located on.*

The proposed advertising is designed in a manner which is sympathetic to the residential streetscape, being fixed to the wall of the building. It clearly identifies the associated business (business name is yet to be selected) and would not be directly visible from any neighbouring residential properties as it addresses the primary street and the perpendicular Luringa Close.

Due to the sympathetic nature of the signage and its ancillary nature to a land use which is envisaged within the zone, the signage is considered to appropriately meet the relevant policies.



6. CONCLUSION

We have concluded from our assessment of the proposal that the proposal is deserving of consent.

In support of our conclusion, we wish to highlight that:

- the land use is an envisaged non-residential land use within the zone;
- the proposed use will offer additional childcare places to serve an under provisioned area;
- the childcare facility will utilise the existing building, retaining the single storey detached dwellings built form;
- the development would have minimal impacts to the natural landform;
- the childcare facility is of a small scale and is compatible with the low-density residential character;
- it will provide a contemporary facility for both children and staff without compromising the amenity of the locality;
- all vehicles will be able to be driven into, and out of, the site in a safe and convenient manner;
- an adequate amount of vehicle parking spaces are provided to service the proposed use;
- acoustic fencing is included to minimise noise impacts toward nearby residential properties and enhance the amenity for users of the centre;
- stormwater and waste will be dealt with in an environmentally sound manner; and
- simple corporate advertising proposed will not distract nearby motorists or be directly visible from any residential sites but will act as a visual aid for persons seeking to utilise the proposed child care centre.



APPENDIX 1. CERTIFICATE OF TITLE



Product Register Search (CT 5302/982)
Date/Time 05/06/2023 04:56PM
Customer Reference ELS 065-23
Order ID 20230605010044



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5302 Folio 982

Parent Title(s) CT 4102/69
Creating Dealing(s) CONVERTED TITLE
Title Issued 26/10/1995 Edition 6 Edition Issued 03/08/2022

Estate Type

FEE SIMPLE

Registered Proprietor

MARINA AZMY
OF UNIT 11 49-50 RAILWAY STREET ROCKDALE NSW 2216

Description of Land

ALLOTMENT 79 DEPOSITED PLAN 10478
IN THE AREA NAMED CRAIGMORE
HUNDRED OF MUNNO PARA

Easements

NIL

Schedule of Dealings

Dealing Number	Description
5206917	ENCUMBRANCE TO SOUTH AUSTRALIAN URBAN PROJECTS AUTHORITY (SINGLE COPY ONLY)
13844739	MORTGAGE TO RESIDENTIAL MORTGAGE GROUP PTY. LTD. (ACN: 152 378 133)

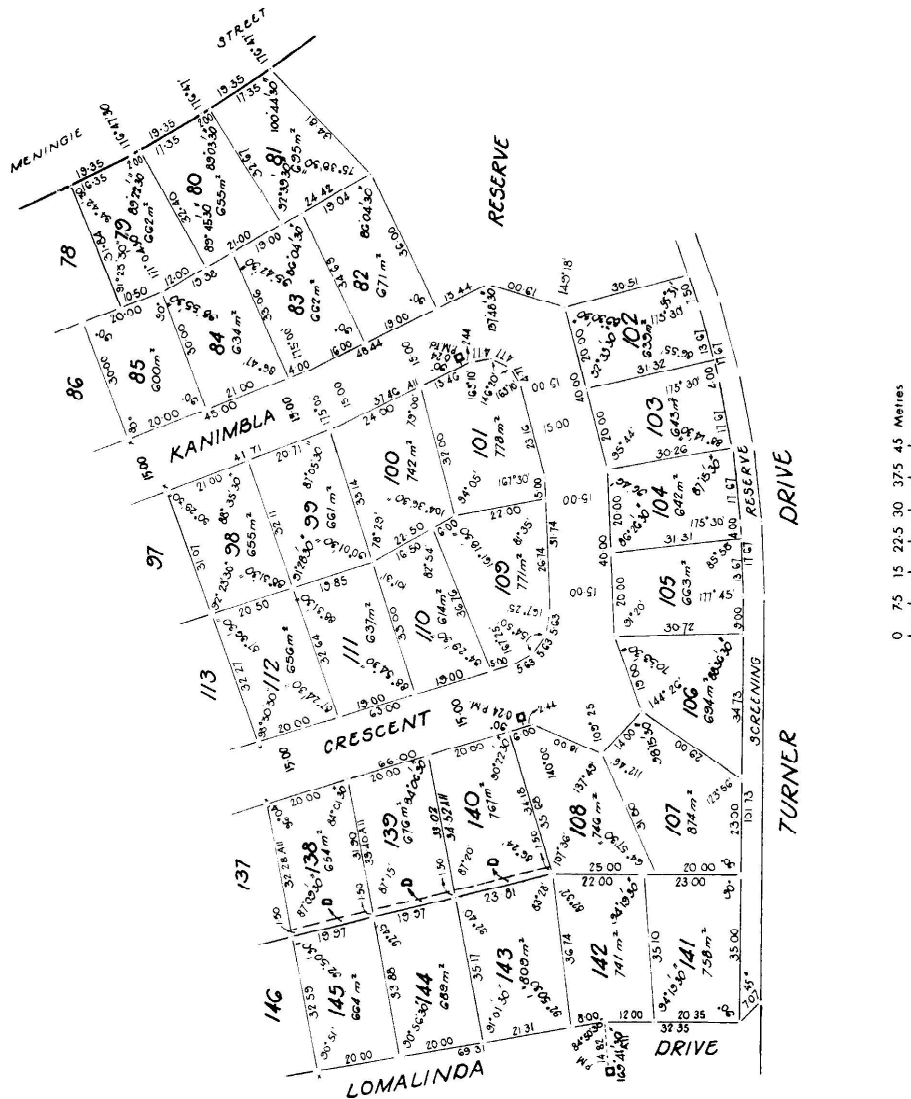
Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



Product
Date/Time
Customer Reference
Order ID

Register Search (CT 5302/982)
05/06/2023 04:56PM
ELS 065-23
20230605010044





Product
Date/Time
Customer Reference
Order ID

Historical Search
05/06/2023 04:56PM
ELS 065-23
20230605010044

Certificate of Title

Title Reference: CT 5302/982
Status: CURRENT
Parent Title(s): CT 4102/69
Dealing(s) Creating Title: CONVERTED TITLE
Title Issued: 26/10/1995
Edition: 6

Dealings

Lodgement Date	Completion Date	Dealing Number	Dealing Type	Dealing Status	Details
29/07/2022	03/08/2022	13844739	MORTGAGE	REGISTERED	RESIDENTIAL MORTGAGE GROUP PTY. LTD. (ACN: 152 378 133)
29/07/2022	03/08/2022	13844738	TRANSFER	REGISTERED	MARINA AZMY
29/07/2022	03/08/2022	13844737	DISCHARGE OF MORTGAGE	REGISTERED	13076312
15/02/2022	22/02/2022	13723995	TRANSMISSION APPLICATION	REGISTERED	LEANNE SUSAN SIMMS (DECD), DANIEL ANTHONY PUDDY (ADMN)
06/03/2019	22/03/2019	13076312	MORTGAGE	REGISTERED	SECURE FUNDING PTY. LTD. (ACN: 081 982 872)
05/10/2016	31/10/2016	12611220	POWER OF SALE	REGISTERED	LEANNE SUSAN SIMMS 11973487
21/04/2016	10/05/2016	12515192	NOTICE OF CHARGE	REGISTERED	ZORAN PROLE
15/07/2013	31/07/2013	11973487	MORTGAGE	REGISTERED	COMMONWEALTH BANK OF AUSTRALIA
15/07/2013	31/07/2013	11973486	TRANSFER	REGISTERED	GRAEME JOHN UFFELMANN
15/07/2013	31/07/2013	11973485	DISCHARGE OF MORTGAGE	REGISTERED	7995906
16/03/2009	19/05/2009	11138514A	VESTING (GLOBAL UPDATE)	REGISTERED	BENDIGO & ADELAIDE BANK LTD. (ACN: 068 049 178) 7995906
21/09/1995	07/11/1995	7995906	MORTGAGE	REGISTERED	ADELAIDE BANK LTD. (ACN: 061 461 550)
21/09/1995	07/11/1995	7995905	TRANSFER	REGISTERED	HAROLD STRASS
21/09/1995	07/11/1995	7995904	DISCHARGE	REGISTERED	5206918



Product
Date/Time
Customer Reference
Order ID

Historical Search
05/06/2023 04:56PM
ELS 065-23
20230605010044

Lodgement Date	Completion Date	Dealing Number	Dealing Type	Dealing Status	Details
			OF MORTGAGE	D	
29/03/1984	05/04/1984	5206918	MORTGAGE	REGISTERED	
29/03/1984	05/04/1984	5206917	ENCUMBRANCE	REGISTERED	



APPENDIX 2. ARCHITECTURAL PLANS

PROPOSED CHILDCARE CENTRE

address
18 MENINGIE STREET, CRAIGMORE, SA 5114

client
MARINA AZMY

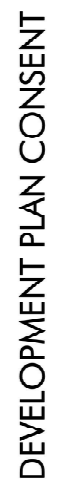
date
NOVEMBER 2023

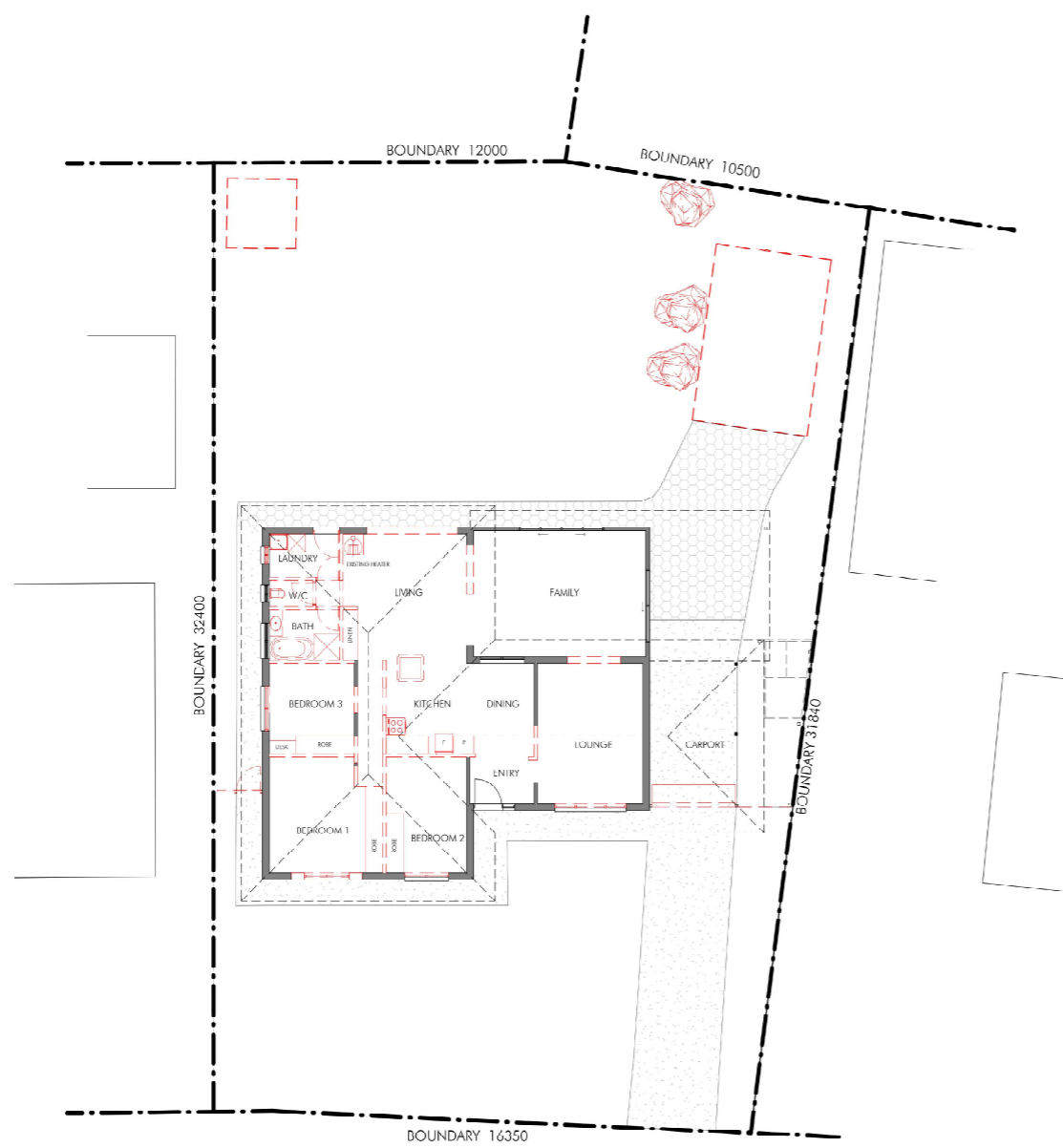


SITE LOCATION

171 Gilles street, Adelaide, SA 5000
piteoarchitects.com.au
+61 8 8225 6056

PITEOARCHITECTS

PITEOARCHITECTS



EXISTING/DEMO FLOOR PLAN
1 : 100



PROPOSED FLOOR PLAN
1 : 100

- LEGEND
- DEMOLITION REFERENCE
INDICATES THE EXISTING OR DEMO
BUILDING FOOTPRINT
 - PROPOSED NEW BUILDING

DEVELOPMENT PLAN CONSENT

project no. 2191	drawing no. A101	amendments

PROPOSED CHILDCARE CENTRE

address: 18 MENINGIE STREET, CRAIGMORE, SA 5114
for: MARINA A/MY

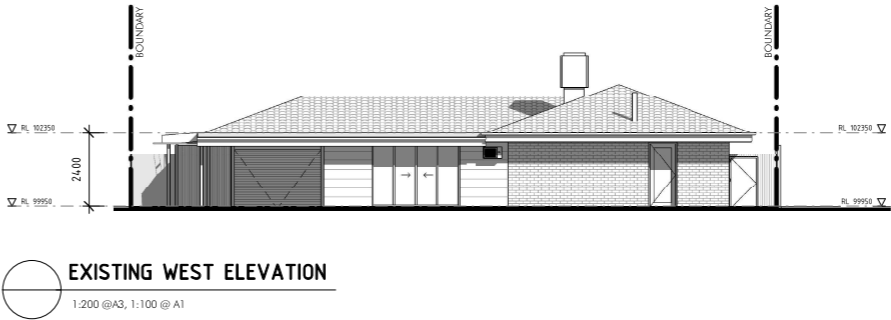
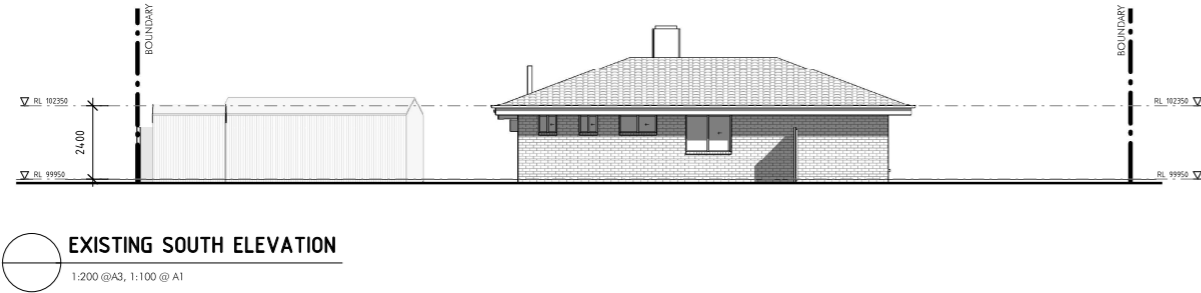
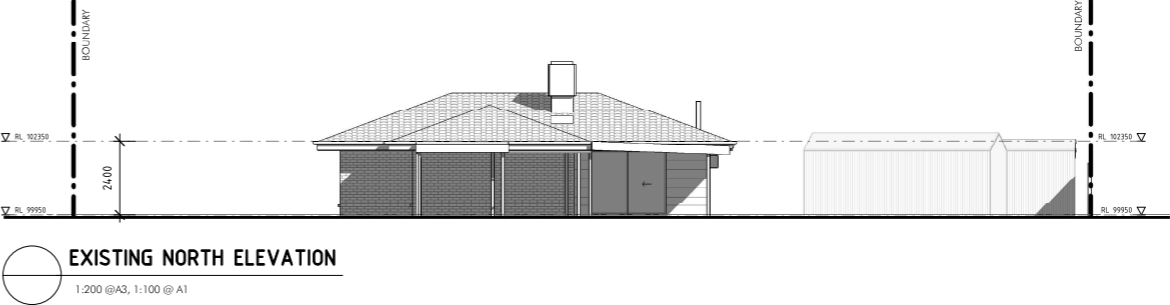
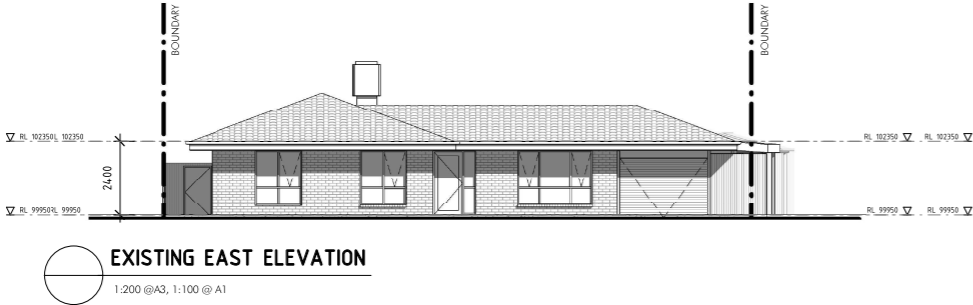
drawn: DP
scale: 1 : 100
issue date: 19.10.23
revision:

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DEVELOPMENT PLAN CONSENT

project no. 2191	drawing no. A102	amendments

PROPOSED CHILDCARE CENTRE
address: 18 MENINGIE STREET, CRAIGMORE, SA 5114
for: MARINA AZMY

drawn: DP
scale: 1:100
issue date: 04/10/2023
revision:

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W	piteoarchitects.com.au	
A	171 Gilles Street, Adelaide, SA 5000	



PROPOSED EAST ELEVATION
1:200 @A3, 1:100 @ A1



PROPOSED NORTH ELEVATION
1:200 @A3, 1:100 @ A1



PROPOSED SOUTH ELEVATION
1:200 @A3, 1:100 @ A1



PROPOSED WEST ELEVATION
1:200 @A3, 1:100 @ A1

ELEVATION LEGEND

- MATERIAL REFERENCE**
R-# MATERIAL TYPE - TYPE NUMBER (REFER TO ABREVIATIONS)
- DOOR REFERENCE**
DB-# DOOR LOCATION - DOOR NUMBER
- WINDOW REFERENCE**
WB-# WINDOW LOCATION - WINDOW NUMBER
- LOUVER REFERENCE**
LB-# LOUVER LOCATION - LOUVER NUMBER
- JOINERY REFERENCE**
JB-# JOINERY LOCATION - JOINERY NUMBER
- GATE REFERENCE**
GA-# GATE LOCATION - GATE NUMBER

MATERIALS & FINISHES SCHEDULE

CODE	PRODUCT	MATERIAL	FINISH
R-01	KNOTWOOD ALUMINIUM SLATS - COLOUR CAMEL TINT AND OR SIMILAR	KNOTWOOD ALUMINIUM SLATS - COLOUR CAMEL TINT AND OR SIMILAR	COLOUR MATCH MATERIAL
DB-01	DOOR FRAME - ALUMINIUM	DOOR FRAME - ALUMINIUM	DOOR FRAME - ALUMINIUM
WB-01	WINDOW FRAME - ALUMINIUM	WINDOW FRAME - ALUMINIUM	WINDOW FRAME - ALUMINIUM
LB-01	LOUVER FRAME - ALUMINIUM	LOUVER FRAME - ALUMINIUM	LOUVER FRAME - ALUMINIUM
JB-01	JOINERY FRAME - ALUMINIUM	JOINERY FRAME - ALUMINIUM	JOINERY FRAME - ALUMINIUM
GA-01	GATE FRAME - ALUMINIUM	GATE FRAME - ALUMINIUM	GATE FRAME - ALUMINIUM

DEVELOPMENT PLAN CONSENT

project no.	drawing no.	amendments
2191	A103	

PROPOSED CHILDCARE CENTRE
address: 18 MENINGIE STREET, CRAIGMORE, SA 5114
for: MARINA AZMY

drawn: DP
scale: As indicated
issue date: 04/10/2023
revision:

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PROPOSED STREET ELEVATION - MENINGIE STREET
1 : 100

DEVELOPMENT PLAN CONSENT

project no. 2191	drawing no. A106	amendments

PROPOSED CHILDCARE CENTRE
address: 14 EDEN TERRACE, PORT WILLUNGA
for: MARINA AZMY

drawn: DP & PL
scale: 1 : 100
issue date: 25/08/2023
revision:

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APPENDIX 3. CIVILS AND STORMWATER MANAGEMENT PLAN

PROPOSED CHILDCARE CENTRE
18 MENINGIE STREET, CRAIGMORE, SA 5114

CIVIL
PREPARED BY



JACK ADCOCK CONSULTING PTY. LTD.
STRUCTURAL & CIVIL ENGINEERING

GENERAL NOTES:

1. THESE DRAWINGS ARE NOT CADASTRAL PLANS AND MUST NOT BE USED IN DETERMINING PRECISE DETAILS WITH RESPECT TO BOUNDARIES.
2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.
3. ALL DIMENSIONS SHALL BE VERIFIED ON SITE.
4. ALL LEVELS ARE EXPRESSED IN METRES.
5. ALL CO-ORDINATES ARE A.M.G. BASED, UNLESS NOTED OTHERWISE.
6. LEVEL DATUM IS A.H.D.
7. ALL SET OUT AND DIMENSIONS TO ARCHITECT'S DRAWINGS. DO NOT SCALE CIVIL DRAWINGS.
8. WHERE A DISCREPANCY OCCURS, THE GREATER COST SHALL BE ALLOWED FOR IN ANY TENDERING OR QUOTING.
9. REFER TO DIMENSIONED ARCHITECTURAL BUILDING DETAILS FOR ALL SET OUT DIMENSIONS OF BUILDINGS, KERBING, PAVING, ETC.
10. JACK ADCOCK CONSULTING PTY LTD TAKES NO RESPONSIBILITY FOR ANY ERRORS IN DIMENSION, SETOUT OR SURVEY.
11. THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE RELEVANT SPECIFICATIONS.
12. REFER TO STRUCTURAL DRAWINGS FOR DETAILS OF CONCRETE FLOOR AND BEAMS BEFORE SETTING OUT.
13. THIS DRAWING AND ANY SUBSEQUENT DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE FOOTING CONSTRUCTION REPORT, SPECIFICATION AND STANDARD DETAILS.
14. REFER TO HYDRAULICS DRAWINGS FOR ALL UNDERGROUND PIPEWORK AND DETAILS.
15. THESE DRAWINGS ARE A SCHEMATIC REPRESENTATION OF SERVICES INFORMATION CONTAINED IN DRAWINGS ISSUED BY THE RELEVANT AUTHORITIES. THE INFORMATION CONTAINED IN THESE DRAWINGS IS INDICATIVE ONLY, AND REFERENCE SHOULD BE MADE TO THE RELEVANT AUTHORITIES DOCUMENTATION TO CONFIRM ACCURACY AND COMPLETENESS. WHERE INFORMATION IS AVAILABLE, THE SUB-SURFACE SERVICES INSTALLED BY CONTRACTORS OTHER THAN THE AUTHORITIES HAVE BEEN SHOWN, BUT ADDITIONAL UNDOCUMENTED SERVICES MAY BE PRESENT. SHOULD THE CONTRACTOR BELIEVE THAT SUB-SURFACE SERVICES ARE AT RISK OF DAMAGE DURING CONSTRUCTION, THE CONTRACTOR SHOULD NOTIFY THE RELEVANT AUTHORITIES AND ESTABLISH THE EXACT LOCATION OF THE SERVICES.
16. THE FINISHED SURFACE SHALL BE EVENLY GRADED BETWEEN DESIGN SURFACE LEVELS.
17. ALL REDUNDANT EXISTING STORMWATER PIPES, PITS, PUMPS AND OTHER RELATED SERVICES SHALL BE DECOMMISSIONED AND REMOVED FROM SITE.
18. CONTRACTOR TO ADJUST LIDS OF EXISTING SERVICE PITS TO MATCH FINISHED SURFACE LEVEL. PROVIDE HEAVY DUTY COVER IF IN PAVED AREA TO THE REQUIREMENTS OF THE RELEVANT AUTHORITY, IF APPLICABLE. RELOCATE SERVICE AS REQUIRED.
19. WORKMANSHIP AND MATERIALS ARE TO BE IN ACCORDANCE WITH THE RELEVANT CURRENT S.A.A. CODES INCLUDING ALL AMENDMENTS, AND THE LOCAL STATUTORY AUTHORITIES, EXCEPT WHERE VARIED BY THE CONTRACT DOCUMENTS.
20. ANY DISCREPANCIES SHALL BE REFERRED TO THIS OFFICE FOR CLARIFICATION.
21. ALL LINEMARKING SHALL BE DONE IN ACCORDANCE WITH THE ARCHITECT'S OR BUILDING DESIGNER'S SPECIFICATION.

EROSION CONTROL:

1. THE CONTRACTOR MUST PROTECT THE SITE, AND OTHER SITES DOWNSTREAM, FROM EROSION DURING CONSTRUCTION.
2. RETAIN AND LEAVE UNDISTURBED ALL VEGETATION WHERE POSSIBLE.
3. PROVIDE SEDIMENT CONTROL IN ACCORDANCE WITH SECTION 5 OF THE STORMWATER POLLUTION PREVENTION CODE OF PRACTICE.
4. SEDIMENT, SILT AND POLLUTION TRAPS SHALL BE CLEARED AND MAINTAINED FOR THE DURATION OF CONSTRUCTION.
5. THE SITE SHALL BE REHABILITATED TO ITS ORIGINAL CONDITION OR IN ACCORDANCE WITH THE CONTRACT DOCUMENTS (WHICHEVER IS APPLICABLE) AT THE COMPLETION OF CONSTRUCTION INCLUDING REMOVAL OF ALL TEMPORARY CONTROL WORKS.

STORMWATER NOTES:

1. INLET PIPES SET 20mm ABOVE PIT INVERT LEVEL (U.N.O.)
2. OUTLET PIPE INVERT LEVELS ARE SET AT PIT INVERT LEVEL (U.N.O.)
3. TOP R.L. FOR SIDE ENTRY PITS IS WATER TABLE LEVEL.
4. TRENCH GRATES TO BE STAINLESS STEEL HEELPROOF AND SLIP-PROOF TYPE BY ACO OR APPROVED EQUIVALENT.
5. ALL STORMWATER PIPES SHALL BE uPVC, PIPES SHALL BE SEWER CLASS (U.N.O.)
6. ALL STORMWATER PITS GREATER THAN 600x600 SHALL BE PROVIDED WITH A SPLIT LID TO ENSURE MAXIMUM LID "LIFT" IS 600x600.
7. ALL STORMWATER PITS ON PLAN DRAWINGS TO HAVE HEELPROOF GRATE OR PAVER INFILL LID WHERE LOCATED ON PAVEMENT OR FOOT TRAFFIC AREA.
8. ALL STORMWATER PITS TO HAVE ACCESS STEP IRONS INSTALLED IN ACCORDANCE WITH AS1657 AND AS4198 WHERE DEPTH IS GREATER THAN 1200mm.
9. AG DRAINS TO BE INSTALLED BEHIND ALL RETAINING WALLS AND LOCATIONS SHOWN ON DRAWINGS.
10. ALL AG DRAINS TO 100Ø. WRAPPED IN 200 MICRON GEOTEXTILE (BIDIM A24 OR SIMILAR) AND MINIMUM 300mm THICKNESS OF 20mm DRAINAGE SCREENINGS (U.N.O.)
11. ALL DOWNPIPE RISERS TO BE AS SHOWN ON ARCHITECTURAL DRAWINGS. CONNECT TO 150Ø UNDERGROUND CONNECTION (U.N.O.)

REUSE OF SITE WON FILLING MATERIALS:

1. THE CONTRACTOR MAY PROPOSE TO REUSE SITE WON FILLING MATERIAL.
2. SITE WON FILLING MATERIAL MUST BE OF LOW MOISTURE REACTIVITY, FREE OF ORGANIC MATTER AND DELETERIOUS MATERIALS, COMPLY WITH SECTION 4 OF AS 3798.
3. SITE WON FILLING MATERIAL MUST BE ABLE TO ACHIEVE THE SPECIFIED COMPACTION.
4. THE CONTRACTOR MUST ALLOW FOR ALL COSTS ASSOCIATED WITH REUSE OF SITE WON MATERIALS INCLUDING POTENTIAL INCREASES IN FOOTING, SLAB AND BASE MATERIAL COSTS, AND DESIGN AND DOCUMENTATION FEES.
5. REUSE OF SITE-WON MATERIAL IS SOLELY AT THE CONTRACTOR'S RISK.
6. JACK ADCOCK CONSULTING PTY. LTD. RESERVES THE RIGHT TO REJECT ANY REQUEST FOR REUSE OF SITE WON MATERIALS.

SURVEY NOTES:

1. THIS IS AN ENGINEERING SURVEY AND SHALL NOT BE TAKEN AS A BOUNDARY IDENTIFICATION. THE BOUNDARY DATA SHOWN IS TO BE TAKEN AS A GUIDE ONLY. TO BE CONFIRMED BY BUILDER PRIOR TO CONSTRUCTION. LEVELS ARE APPROXIMATE.

PAVEMENT NOTES:

1. EXISTING PAVERS THAT ARE INDICATED TO BE RE-LAID ARE TO BE NEATLY STOCKPILED ON SITE TO AVOID DAMAGE DURING CONSTRUCTION.
2. AREAS OF RE-LAID PAVERS SHALL HAVE BASE MATERIAL CUT TO NEW LEVEL WITHIN EXISTING BASE MATERIAL AND NEW 25mm SAND LAYER.
3. PAVER LOC OR SIMILAR PRODUCT SHALL BE USED ON ALL RE-LAID PAVERS.
4. PAVERS RE-LAID SHALL BE CLEANED PRIOR TO RE-INSTALLATION. DAMAGED PAVERS ARE TO BE REPLACED.
5. IN AREAS WHERE ASPHALT PAVEMENT EXISTS AND NEW PAVEMENT IS BEING LAID THE CONTRACTOR SHALL REMOVE THE EXISTING TOP COAT AND PAVEMENT DOWN 100mm FROM SURFACE LEVEL.
6. RE-ASPHALTED AREAS SHALL HAVE EXISTING BASE MATERIAL EXCAVATED (GENERALLY 100mm) REPLACED WITH A DTEI SPEC PM1/20QG AND COMPACTED (98% MODIFIED) TO NEW DESIGN LEVEL AND HOTMIX PLACED TO MATCH NEW LEVELS.
7. ALL PAVERS UPON COMPLETION OF INSTALLATION SHALL BE TREATED WITH A STAIN RESISTANT COATING/SEALANT TO ASSIST WITH CLEANING OF PAVERS. CONTRACTOR TO SUBMIT TREATMENT AND WORK METHOD TO SUPERINTENDENT FOR APPROVAL.

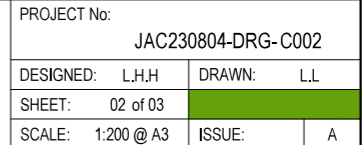
SITE PREPARATION:

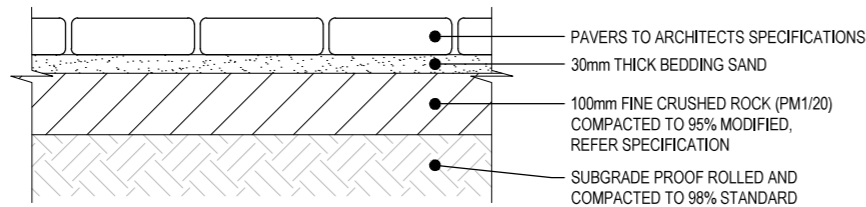
1. STRIP FROM THE PROPOSED PAVING AND BUILDING AREAS ALL EXISTING TOPSOIL, ORGANIC MATERIAL, PAVED SURFACES, BASE AND SUB-BASE COURSES, LOOSE RUBBLE AND ANY NON-ENGINEERED FILL.
2. TOPSOIL TO BE STOCKPILED ON SITE FOR REUSE IN LANDSCAPING AND ANY REMAINDER TO BE DISPOSED OF TO A LICENSED DUMPING FACILITY.
3. OTHER EXCAVATED MATERIAL TO BE STOCKPILED FOR REUSE, RECYCLED OR DISPOSED OF TO A LICENSED DUMPING FACILITY AS REQUIRED OR APPROPRIATE.
4. PROOF ROLL AREAS OF NEW WORKS TO IDENTIFY ANY SOFT SPOTS OR OTHER UNSUITABLE AREAS.
5. ALL SOFT SPOTS TO BE REMOVED AND FILLED WITH APPROPRIATE EXISTING OR IMPORTED MATERIAL TO A MINIMUM COMPACTION OF 98% STANDARD.
6. IMPORTED FILL TO SUB-BASE LEVEL AND BELOW TO BE PM2/QG QUARRY RUBBLE COMPACTED TO 95% MODIFIED.
7. FILLING AND COMPACTION TO BE UNDERTAKEN IN LAYERS UP TO 250 mm LOOSE THICKNESS.
8. ALL FILLING TO BE CLEAN, FREE OF CONTAMINANTS, AND CAPABLE OF ACHIEVING THE REQUIRED COMPACTION LEVELS.
9. PRIOR TO PROOF ROLLING AND COMPACTION ACTIVITIES, THE SUBJECT MATERIAL SHALL BE MOISTURE CONDITIONED TO WITHIN 2% OF ITS OPTIMUM MOISTURE CONTENT.
10. ALL FILLING, COMPACTION AND TESTING SHALL BE TO LEVEL 1 AND SUPERVISED BY AN INDEPENDENT GEOTECHNICAL ENGINEER IN ACCORDANCE WITH AS 3798.
11. THE INDEPENDENT GEOTECHNICAL ENGINEER SHALL ISSUE A SUPERVISION REPORT INCLUDING COMPACTION CERTIFICATES AND A PLAN SHOWING THE EXTENT OF FILL REMOVAL AND REPLACEMENT JACK ADCOCK CONSULTING PTY LTD UPON COMPLETION OF THE EARTHWORKS.

STORMWATER PUMP NOTES:

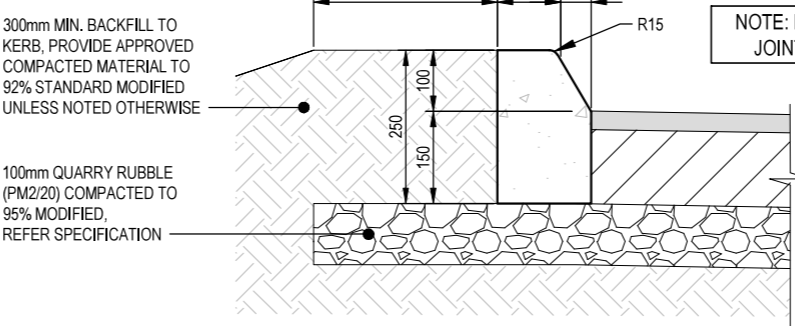
1. PUMP SYSTEM SHALL BE DUAL SUBMERSIBLE PUMPS EACH CAPABLE OF THE DESIGN FLOW RATE
2. PUMPS SHALL BE CONFIGURED TO AUTOMATICALLY ALTERNATE AS THE DUTY PUMP.
3. PUMP SYSTEM SHALL BE CONFIGURED TO AUTOMATICALLY REVERT TO THE ALTERNATE PUMP SHOULD THE DUTY PUMP FAIL.
4. AUDIBLE ALARM WITH FLASHING LIGHT SHALL BE PROVIDED.
5. BACKUP POWER SUPPLY SHALL BE CONNECTED TO THE PUMPS

<div>THIS DRAWING HAS BEEN PRODUCED IN COLOUR AND MUST ONLY BE VIEWED IN COLOUR</div> <div>APPROVAL ISSUE NOT FOR CONSTRUCTION</div>					 <div>JACK ADCOCK CONSULTING PTY. LTD. STRUCTURAL & CIVIL ENGINEERING TELEPHONE: +61 8 7226 2868 WEBSITE: jackadcock.com.au EMAIL: admin@jackadcock.com.au</div>	SHEET TITLE: CIVIL NOTES PROJECT: PROPOSED CHILDCARE CENTRE ADDRESS: 18 MENINGIE STREET, CRAIGMORE, SA 5114 CLIENT: MARINA AZMY	PROJECT No: JAC230804-DRG-C001		
							DESIGNED: L.H.H	DRAWN: L.L	
							SHEET: 01 of 03		
							SCALE: N/A @ A3	ISSUE:	A
	A	16-11-2023	ISSUED FOR APPROVAL						
	ISSUE	DATE	DETAILS	CHECKED					

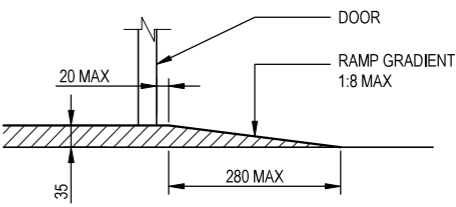




LIGHT DUTY BLOCK PAVEMENT
(PEDESTRIAN TRAFFIC)
SCALE 1:10

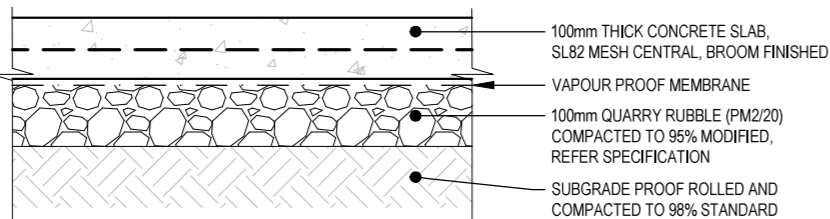


100 HIGH KERB - 100K
SCALE 1:10



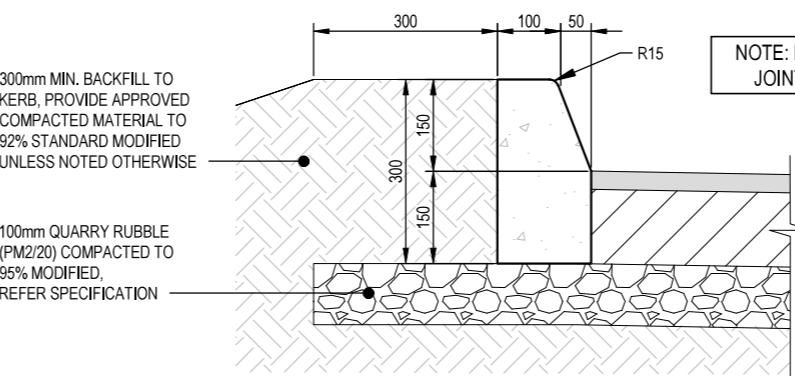
RAMPED THRESHOLD
SCALE 1:10

NOTE:
THE EDGES OF THE THRESHOLD RAMP SHALL BE
TAPERED OR SPLAYED AT A MINIMUM OF 45°
WHERE THE RAMP DOES NOT ABUT A WALL.

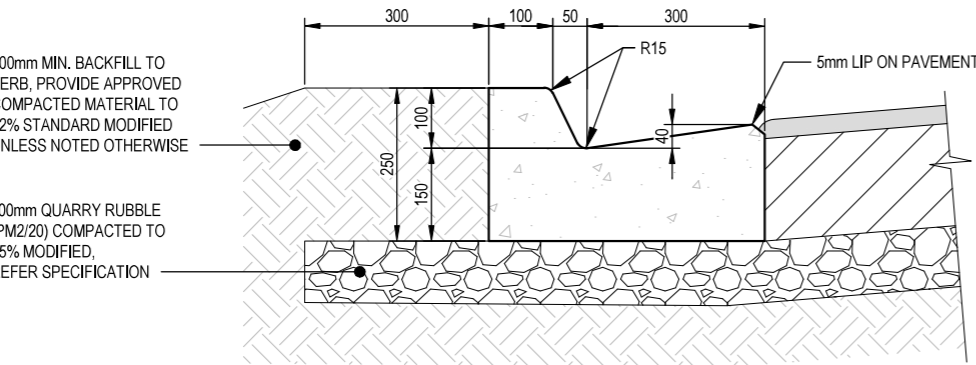


NOTE: REFER PLAN FOR JOINT LAYOUT

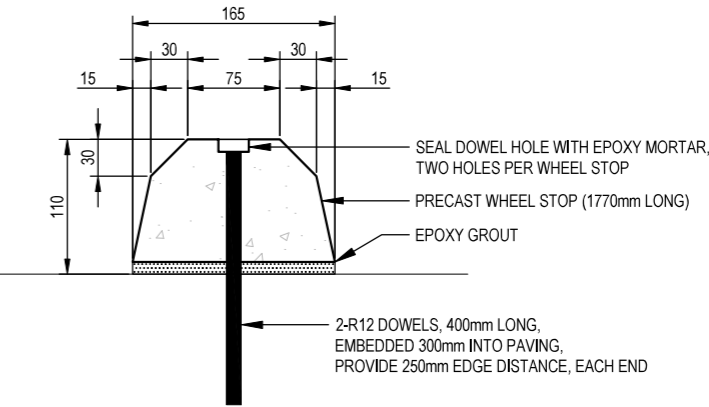
LIGHT DUTY CONCRETE PAVEMENT
(PEDESTRIAN AND RESIDENTIAL VEHICLE TRAFFIC ONLY)
SCALE 1:10



150 HIGH KERB - 150K
SCALE 1:10



100 HIGH KERB & WATER TABLE - 100K&WT
SCALE 1:10



PRECAST WHEEL STOP DETAIL - WS
SCALE 1:5

THIS DRAWING HAS BEEN PRODUCED IN COLOUR
AND MUST ONLY BE VIEWED IN COLOUR

APPROVAL ISSUE
NOT FOR CONSTRUCTION

A	16-11-2023	ISSUED FOR APPROVAL		
ISSUE	DATE	DETAILS		CHECKED



JACK ADCOCK CONSULTING PTY. LTD.
STRUCTURAL & CIVIL ENGINEERING
TELEPHONE: +61 8 7226 2868
WEBSITE: jackadcock.com.au
EMAIL: admin@jackadcock.com.au

SHEET TITLE: CIVIL DETAILS: SHEET 1
PROJECT: PROPOSED CHILDCARE CENTRE
ADDRESS: 18 MENINGIE STREET,
CRAIGMORE, SA 5114
CLIENT: MARINA AZMY

PROJECT No:	JAC230804-DRG-C003
DESIGNED: L.H.H	DRAWN: L.L.
SHEET: 03 of 03	
SCALE: 1:10, 1:20 @ A3	ISSUE: A

Jack Adcock Consulting Pty Ltd
5/186 Main Road BLACKWOOD SA 5051
T +61 8 7226 2868 jackadcock.com.au



STORMWATER MANAGEMENT REPORT

Project No. JAC230804
Project Name PROPOSED CHILDCARE CENTRE
Site Address 18 Meningie Street Craigmore

Architect Piteo Architects

Date 17 Nov 2023
Prepared By LHH

Revisions

No.	Date	Author	Reviewed	Notes
A	17/11/2023	LHH	-	Issued for approval



1. INTRODUCTION

Jack Adcock Consulting Pty Ltd has been engaged by Piteo Architects to prepare a stormwater management plan for the proposed development to be located at 18 Meningie Street Craigmore SA.

The development is within the City of Playford.

This stormwater management plan outlines the design concept for the management of stormwater on the site, for planning approval purposes based on Council's APPENDIX A STORMWATER REQUIREMENTS.

2. SITE DESCRIPTION

The site area is approximately 860 m². The existing building will be remained, and parts of the landscaping area (previous area) will be changed to impervious carpark area.

Refer to the below aerial photo.



Aerial Photo of the Existing Site

3. PROPOSED DEVELOPMENT

With reference to the Architect's planning drawings, the proposed development consists of the following:

- New carpark
- Remove existing shed

4. STORMWATER DESIGN CRITERIA

In order to limit post-development site discharge to a volume acceptable to Council, the following design requirements have been considered:

1. Commercial Development - Post-development peak flow rates for minor (10 year ARI) and major (100 year ARI) storm events must not exceed the pre-development peak flow rate (10 year ARI) for the corresponding storm event.



2. Runoff calculations for pre-development flow calculations have been based on runoff coefficients reflecting the existing site conditions.
3. Runoff from the site must satisfy EPA and DIT quality requirements, and water sensitive urban design (WSUD) measures.
4. The proposed development must not adversely affect the surrounding environment and existing residences after construction is completed.
5. Stormwater runoff shall be managed by detaining water on site to achieve maximum allowable flow rates.
6. The Rational Method of stormwater flow calculations will be used in this case.

5. STORMWATER DESIGN AND OUTCOMES

A time of concentration of 10 minutes has been adopted in the stormwater calculations.

With reference to the attached calculations, the following maximum flows from site are allowed based on the pre-development flow rate (10 year ARI) =13.1 L/s

1. 3,000L detention tank for roof stormwater is designed (major 100 year ARI, 3.4L/s).
2. 2,000L Underground pump chamber detention for surface stormwater is designed (major 100 year ARI, 9.7L/s).
3. Two pumps with design flow rate 10L/s will be provided for surface stormwater. The pump shall be configured to automatically revert to the alternate pump should the duty pump fail. An audible alarm system and back-up power supply must be provided.



6. FINISHED FLOOR LEVEL

Existing Building to remain.

7. WATER SENSITIVE URBAN DESIGN

Water sensitive urban design (WSUD) requirements for this site have been considered. The roof and surface runoff will be treated via various means.

MUSIC modelling has been undertaken by Urban Asset Solutions to verify the results.

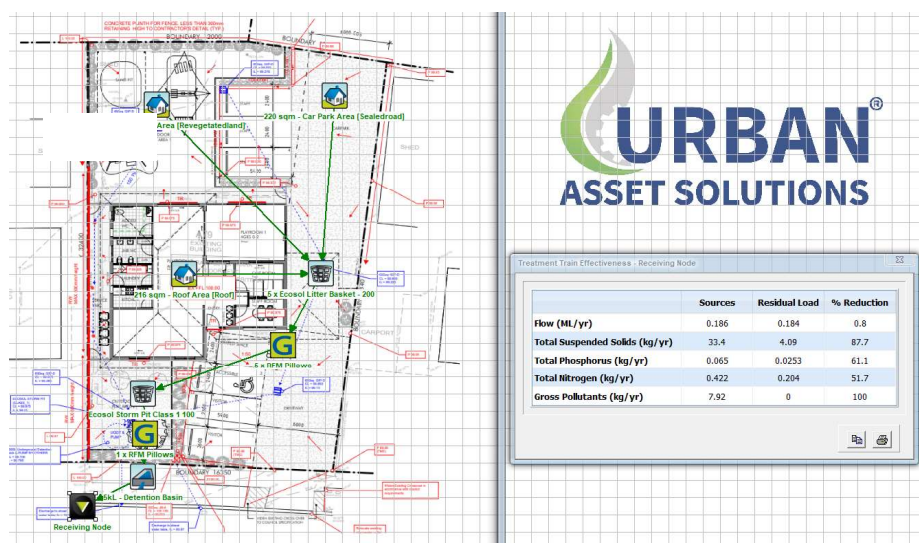
The following solution has been adopted for this site:

- Five (5) - ECOSOL Litter Baskets (200µm) with RFM Pillows
- One (1) – ECOSOL Storm Pit (Class_1) with RFM Pillows

A summary of the targets and results are provided in the below table.

	WQOs	Achieved Results
Gross Pollutants (GP)	90%	100.00%
Total Suspended Solids (TSS)	80%	87.70%
Total Phosphorus (TP)	60%	61.10%
Total Nitrogen (TN)	45%	51.70%

MUSIC model output is shown below. The model file is available upon request.



MUSIC Model Output



8. CIVIL DOCUMENTATION

- JAC230804-DRG-C001 Title Page and General Notes
- JAC230804-DRG-C002 Siteworks and Drainage Plan

9. CALCULATIONS

Refer to the following pages for the stormwater calculations.



PROJECT NO. 220392

DATE 17/11/2023

AUTHOR JS

STORMWATER DETENTION DESIGN

A. Design Rainfall Data System 2016 from Bureau of Meteorology

Suburb = Craigmore

Latitude = -34.71096707

Longitude = 138.702

Duration (mins)	Annual Exceedance Probability AEP (%)						
	63.2	50	20	10	5	2	1
5	48.8	55.7	79.6	97.6	117	145	168
10	35.4	40.5	58	71.3	85.3	106	123
15	28.5	32.7	46.8	57.5	68.8	85.3	99.1
20	24.2	27.8	39.7	48.8	58.4	72.4	84.1
25	21.3	24.3	34.8	42.7	51.1	63.4	73.6
30	19.1	21.8	31.1	38.2	45.7	56.7	65.8
45	14.8	16.9	24.1	29.6	35.4	43.8	50.9
60	12.4	14.1	20	24.5	29.3	36.3	42.2

B. Pre-development and Post-development Area

	Pre-development	Post-development
A_{Lr} Land (m ²)	860.0	860.0
A_{rr} Roof (m ²)	240.0	240.0
A_{ir} impervious (m ²)	60.0	260.0
A_{pv} pervious (m ²)	560.0	360.0

PROJECT NO. 200174

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C. Equivalent Impervious Area

Run-off coefficients	Pre-development	Post-development
C_{rr} roof	1.0	1.0
C_{ir} impervious	0.9	0.9
C_{pr} pervious	0.3	0.3
Equivalent run-off coefficient	0.56	0.68
ΣCA , Equivalent Impervious Area (m ²)	484.4	582.0

D. Design Flows and Detention Volume*Pre-development - $Q_R = \Sigma CA * I_R / 3600$*

Design ARI =	1	in	10	year
Design AEP =	10	%		
Design Duration =	5	minutes		
Rainfall Intensity, I_R =	97.6	mm/hr		
Calculated flow rate, Q_R =	13.1	L/s		
Design restricted flow rate, Q_D =	13.1	L/s		

ARI	AEP (%)
1	63.2
1.4	50
5	20
10	10
20	5
50	2
100	1

ARI = 1/(-log_e(1-AEP))

**PROJECT NO. 220392****DATE** 17/11/2023**AUTHOR** JS

page C - 2 *Post-development : separate into roof stormwater and surface stormwater detention*

Design ARI = 1 in 10 year

Design AEP = 10 %

Post development - roof stormwater detention

Restricted flow = 3.4 L/s

Duration (min)	Rain intensity (mm/hr)	Flow rate (L/s)	Flow to detain (L/s)	Detention (L)
5	97.6	6.5	3.1	932
10	71.3	4.8	1.4	812
15	57.5	3.8	0.4	390
20	48.8	3.3	-0.1	-176
25	42.7	2.8	-0.6	-830
30	38.2	2.5	-0.9	-1536
45	29.6	2.0	-1.4	-3852
60	24.5	1.6	-1.8	-6360
			TOTAL	932

Post development - surface stormwater detention

Restricted flow = 9.7 L/s

Duration (min)	Rain intensity (mm/hr)	Flow rate (L/s)	Flow to detain (L/s)	Detention (L)
5	97.6	9.3	0.0	0
10	71.3	6.8	0.0	0
15	57.5	5.5	0.0	0
20	48.8	4.6	0.0	0
25	42.7	4.1	0.0	0
30	38.2	3.6	0.0	0
45	29.6	2.8	0.0	0
60	24.5	2.3	0.0	0
			TOTAL	0



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STORMWATER DETENTION DESIGN

A. Design Rainfall Data System 2016 from Bureau of Meteorology

Suburb = Craigmore

Latitude = -34.71096707

Longitude = 138.702

Duration (mins)	Annual Exceedance Probability AEP (%)						
	63.2	50	20	10	5	2	1
5	48.8	55.7	79.6	97.6	117	145	168
10	35.4	40.5	58	71.3	85.3	106	123
15	28.5	32.7	46.8	57.5	68.8	85.3	99.1
20	24.2	27.8	39.7	48.8	58.4	72.4	84.1
25	21.3	24.3	34.8	42.7	51.1	63.4	73.6
30	19.1	21.8	31.1	38.2	45.7	56.7	65.8
45	14.8	16.9	24.1	29.6	35.4	43.8	50.9
60	12.4	14.1	20	24.5	29.3	36.3	42.2

B. Pre-development and Post-development Area

	Pre-development	Post-development
A_{Lr} Land (m ²)	860.0	860.0
A_{rr} Roof (m ²)	240.0	240.0
A_{ir} impervious (m ²)	60.0	260.0
A_{pv} pervious (m ²)	560.0	360.0

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C. Equivalent Impervious Area

Run-off coefficients	Pre-development	Post-development
C_{rr} roof	1.0	1.0
C_{ir} impervious	0.9	0.9
C_{pr} pervious	0.3	0.3
Equivalent run-off coefficient	0.56	0.68
ΣCA , Equivalent Impervious Area (m ²)	484.4	582.0

D. Design Flows and Detention Volume*Pre-development - $Q_R = \Sigma CA * I_R / 3600$*

Design ARI = 1 in 10 year

Design AEP = 10 %

Design Duration = 5 minutes

Rainfall Intensity, I_R = 97.6 mm/hr

Calculated flow rate, Q_R = 13.1 L/s

Design restricted flow rate, Q_D = 13.1 L/s

ARI	AEP (%)
1	63.2
1.4	50
5	20
10	10
20	5
50	2
100	1

ARI = 1/(-loge(1-AEP))



PROJECT NO. 220392

DATE 17/11/2023

AUTHOR JS

page C - 2 *Post-development : separate into roof stormwater and surface stormwater detention*

Design ARI = 1 in 100 year

Design AEP = 1 %

Post development - roof stormwater detention

Restricted flow = 3.4 L/s

Duration (min)	Rain intensity (mm/hr)	Flow rate (L/s)	Flow to detain (L/s)	Detention (L)
5	168.0	11.2	7.8	2340
10	123.0	8.2	4.8	2880
15	99.1	6.6	3.2	2886
20	84.1	5.6	2.2	2648
25	73.6	4.9	1.5	2260
30	65.8	4.4	1.0	1776
45	50.9	3.4	0.0	-18
60	42.2	2.8	-0.6	-2112
			TOTAL	2886

Post development - surface stormwater detention

Restricted flow = 9.7 L/s

Duration (min)	Rain intensity (mm/hr)	Flow rate (L/s)	Flow to detain (L/s)	Detention (L)
5	168.0	16.0	6.2	1868
10	123.0	11.7	2.0	1171
15	99.1	9.4	0.0	0
20	84.1	8.0	0.0	0
25	73.6	7.0	0.0	0
30	65.8	6.3	0.0	0
45	50.9	4.8	0.0	0
60	42.2	4.0	0.0	0
			TOTAL	1868.213333

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Tank orifice

Number of dwellings on block, n =	1	
Water head to orifice, h =	1.60	m
Discharge loss coefficient, C_d =	0.60	(circular orifice)
Flow through orifice plate, Q_o =	3.4	L/s
Orifice area, $A_o = Q_o / (C_d * \sqrt{2gh})$ =	1011	mm ²
Orifice diameter, $d = \sqrt{4 * A_o / \pi}$	35.9	mm



APPENDIX 4. TRAFFIC AND PARKING ASSESSMENT



TRAFFIC & PARKING ASSESSMENT

Proposed Child Care Centre

18 Meningie Street

CRAIGMORE

NOVEMBER 2023

Ref: TR385_1

Prepared For: Marina Azmy

TRAFFIC & PARKING ASSESSMENT
18 MENINGIE STREET, CRAIGMORE



Ref: TR385_1

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No.	Author	Description	Date
A	J.Glanville	Draft report	23/10/2023
0	J.Glanville	Issued to Client	07/11/2023
1	J.Glanville	Client Amendment	08/11/2023

1. Introduction

Wongala Consulting Engineers was engaged by Marina Azmy to carry out a traffic and parking assessment to support a development application for the conversion of an existing dwelling house to a proposed child care centre located at 18 Meningie Street, Craigmore that is to be submitted to the City of Playford.

The subject property at 18 Meningie Street, Craigmore fronts a local road which acts as a carrier for residential properties to reach Turner Drive. This report assesses the traffic and parking implications of the proposed development at the subject property. The report will also determine whether the parking areas comply with Australian Standards. Reference shall be made to the *Planning and Design Code Version 2023.14*, the *RTA Guide to Traffic Generating Developments 2002*, and *AS2890.1:2004 Parking – Off Street Car Parking*.

2. Existing Use

The existing site consists of a residential dwelling, with residential dwellings surrounding the site. Figure 1 presents an aerial of the proposed development site.



Figure 1: Aerial Photo of Subject Site (Nearmap)

TRAFFIC & PARKING ASSESSMENT
18 MENINGIE STREET, CRAIGMORE



Ref: TR385_1

3. Proposed Development

The proposal seeks to utilise the existing residential dwelling at 18 Meningie Street, Craigmore as a child care centre which aims to house the following number of children and respective ages:

Table 1: Number of Children

Age	No. of Children
0 – 2 year olds	8
3+ year olds	17
TOTAL	25

The child care centre will require 6 staff members. Figure 2 presents the proposed child care centre and associated car parking area.



Figure 2: Proposed Child Care Centre at 18 Meningie Street, Craigmore

TRAFFIC & PARKING ASSESSMENT
18 MENINGIE STREET, CRAIGMORE



Ref: TR385_1

4. Car Parking Demands

Reference is made to the *Planning and Design Code Version 2023.14* which provides parking rates for child care centres throughout South Australia:

- 0.25 spaces per child

The following table summarises the parking requirement and the provision that the development is proposing:

Table 2: Parking Rates

Land Use	Parking Rate	Number of	Spaces Required	Spaces Provided
Child Care Centre	0.25 spaces per child	25	6	6

Based on the proposed land use, the minimum required parking spaces for the development is 6 car spaces. The proposed development will provide 6 car spaces, therefore complying with the *Planning and Design Code's* minimum parking requirements.

The following breakdown of car spaces provided are as follows:

- 3 staff parking spaces
- 3 visitor parking spaces (including 1 accessible parking space)

5. Service Vehicles

Deliveries are expected throughout the week in order to restock the child care centre. Deliveries to the centre would be assumed to be outside the peak drop off/pick up times of 7:00am – 9:00am, 4:00pm – 6:00pm Monday to Friday. A small delivery vehicle would utilise the plentiful supply of visitor car spaces within the parking area that would be vacant outside of peak hour times, whilst parents are not occupying the spaces. The deliveries would be infrequent and managed under a plan of management that would be created for the centre.

6. Surrounding Road Network

6.1 Meningie Street

Meningie Street is a local road with one lane of traffic permissible each way providing access from Lomalinda Drive to Turner Drive. The speed limit is signposted as 50km/hr, with unrestricted parking permissible on both sides of the road. The width of the carriageway is 8 metres.

7. Public Transport Opportunities

7.1 Local Bus Network

The site is located within walking distance (160 metres) to a bus stop on Turner Drive which is serviced by Bus Route 442 and 443 providing access to surrounding suburbs of Munno Para, Blakeview, Craigmore, Elizabeth Downs, Elizabeth Park, Elizabeth North and Elizabeth City Centre.

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18 MENINGIE STREET, CRAIGMORE



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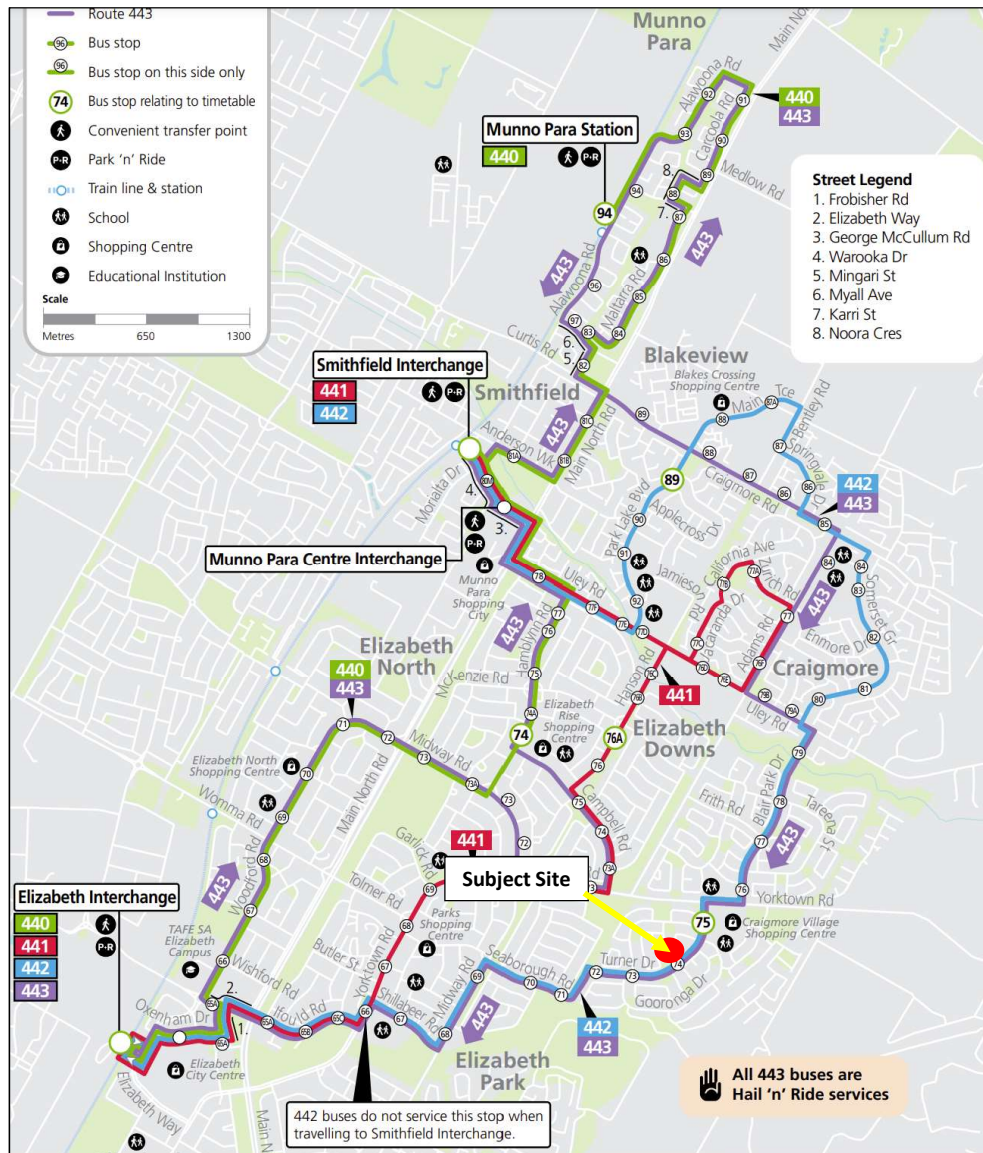


Figure 3: Local Bus Services (U-Go Mobility)

It is concluded that the site has accessibility to public transport services.

8. Traffic Generation

Reference is made to *RTA Guide to Traffic Generating Developments 2002* which provides expected traffic rates that will be generated from a long-day care centre:

- 0.8 peak vehicle trips/child (7am – 9am)
- 0.7 peak vehicle trips/child (4pm – 6pm)

Based on the proposed maximum care of 25 children, the proposed development is expected to generate 20 peak vehicle trips in the morning (10 vehicles entering, 10 vehicles exiting) and 18 peak vehicle trips in the afternoon (9 vehicles entering, 9 vehicles exiting).

Vehicles travelling from the North and the East are expected to utilise Yorktown Road and Turner Drive, vehicles from the South and West are expected to utilise Seaborough Road and Turner Drive. For vehicles exiting the site, vehicles will either turn right onto Meningie Street to reach Turner Drive to travel South or East, or turn left onto Meningie Street to travel North or West. Therefore, it is anticipated that the spread of trips will be evenly distributed in all directions.

The development may result in a minor increase in peak hour flows along Meningie Street, however it is deemed that the additional traffic movements will not hinder the traffic flows of the street with sufficient capacity currently available. It is noteworthy that the proposed child care centre will be located near in an existing residential area, therefore it is expected that some parents will be walking their child to the child care centre instead of utilising private vehicular transportation. Nevertheless, any increase in traffic flow in the locality are expected to be pre-existing diverted trips with residual new trips not hindering the capacity of the local road network and therefore the traffic demands of the proposed development are deemed to have a minor impact and deemed acceptable.

9. Impact of Development Proposal

The proposed development will not pose an impact to the local traffic. Meningie Street will comfortably be able to absorb the additional 10 vehicles expected to be generated with vehicles having the option to either turn left or right onto Meningie Street to continue their journey towards all directions. It can also be deduced that residents in the surrounding residential houses would utilise the proposed child care centre, without needing to utilise private vehicle transportation. The current traffic flows in the area are deemed to be free flowing with spare capacity ensuring there is no queuing of traffic. Meningie Street and surrounding local roads will be able to comfortably take on the low increase in vehicular movements. It is deemed that the proposed use will not unfavourably impact the flow of traffic.

The site is serviced by public transport services, thereby reducing the need for staff members to utilise private transportation to reach the site. Parents in surrounding streets will have the ability and option to safely walk to the child care, rather than drop their children off in a private vehicle due to the urban nature of the area. There will be no impact to on-street parking on Meningie

TRAFFIC & PARKING ASSESSMENT
18 MENINGIE STREET, CRAIGMORE



Ref: TR385_1

Street, as the proposal provides sufficient car parking spaces with the premises in accordance with the *Planning and Design Code Version 2023.14*.

10. Compliance with AS2890

10.1 Access to Parking Areas

Access to the parking area is proposed via a minimum 6 metre wide (at the property boundary) vehicular crossover, providing access from Meningie Street to the parking areas that houses 6 car spaces. The access ramp maintains a minimum 6 metre width throughout the visitor car parking spaces.

The rear staff parking areas will be accessible through a minimum 3.8 metre accessway that will be restricted to staff only through the use of a roller door. The roller door will only be operable by staff through the provision of a remote controller which will prevent visitors from entering the rear parking area.

The proposed access gradients comply with AS2890.1, with no gradients exceeding 5%.

10.2 Parking Spaces

As per Table 1.1 of AS2890.1, the User Class of the proposed visitor car spaces are deemed to be 3 (short term visitor parking). The minimum requirements for the visitor parking areas as stipulated by AS2890 are as follows:

- 90 degree parking spaces are to be a minimum 2.6m wide and 5.4m in length
- Aisle width is to be a minimum 5.8m wide
- Accessible parking spaces are to be a minimum 2.4m wide and 5.4m in length with an adjacent shared zone with identical measurements provided

The parking area proposed for visitors to the proposed childcare centre possesses the following characteristics:

- Parking spaces are a minimum 2.6m wide x 5.4m in length
- Minimum aisle width of 5.8m is achieved
- All parking spaces allow for vehicles to enter and exit the property in a forward direction (see Section 10.3 for swept path analysis of a B99 vehicle utilising selected car spaces)
- An accessible car space has been provided at the front entry of the centre, with minimum dimensions of 2.4m x 5.4m in length with an adjacent shared zone with identical measurements

As per Table 1.1 of AS2890.1, the User Class of the proposed staff car spaces are deemed to be 1A (employee parking). The minimum requirements for staff parking areas as stipulated by AS2890 are as follows:

- 90 degree parking spaces are to be a minimum 2.4m wide and 5.4m in length

- Aisle width is to be a minimum 5.8m wide

The parking area proposed for staff for the proposed childcare centre possesses the following characteristics:

- Staff parking spaces are a minimum 2.4m wide x 5.4m in length
- The minimum aisle width of 5.8m is achieved
- All parking spaces allow for vehicles to enter and exit the property in a forward direction (see Section 10.3 for swept path analysis of a B99 vehicle utilising selected car spaces)

10.3 Swept Path Analysis

Swept path analysis has been undertaken utilising a B99 vehicle template, as set by AS2890.1, to ensure that vehicle movements in the parking areas will be acceptable. Four car spaces have been selected, ensuring that a forward in and forward out manoeuvre out of the selected parking areas is possible. The following swept paths have been provided, to showcase that movements into and out of car spaces in the parking areas are acceptable and to provide sufficient justification that the parking areas comply with AS2890.1:

- B99 vehicle entering and exiting Car Space 1
- B99 vehicle entering and exiting Car Space 3
- B99 vehicle entering and exiting Car Space 4
- B99 vehicle entering and exiting Car Space 6

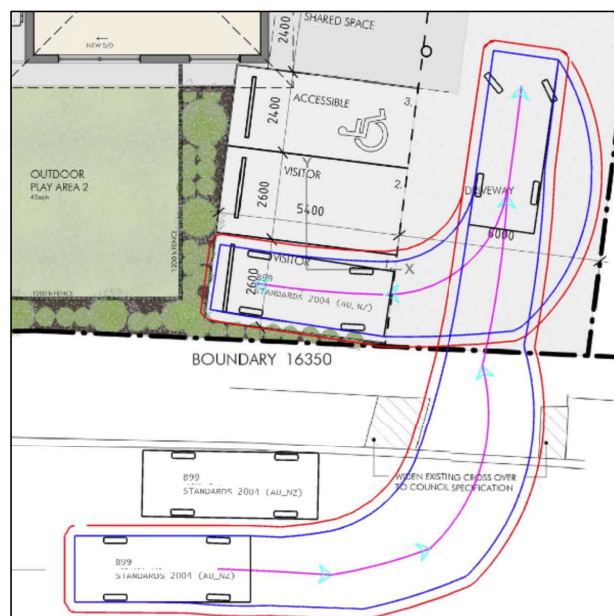


Figure 4: B99 Vehicle Entry into Car Space 1

TRAFFIC & PARKING ASSESSMENT
18 MENINGIE STREET, CRAIGMORE



Ref: TR385_1



Figure 5: B99 Vehicle Exit out of Car Space 1

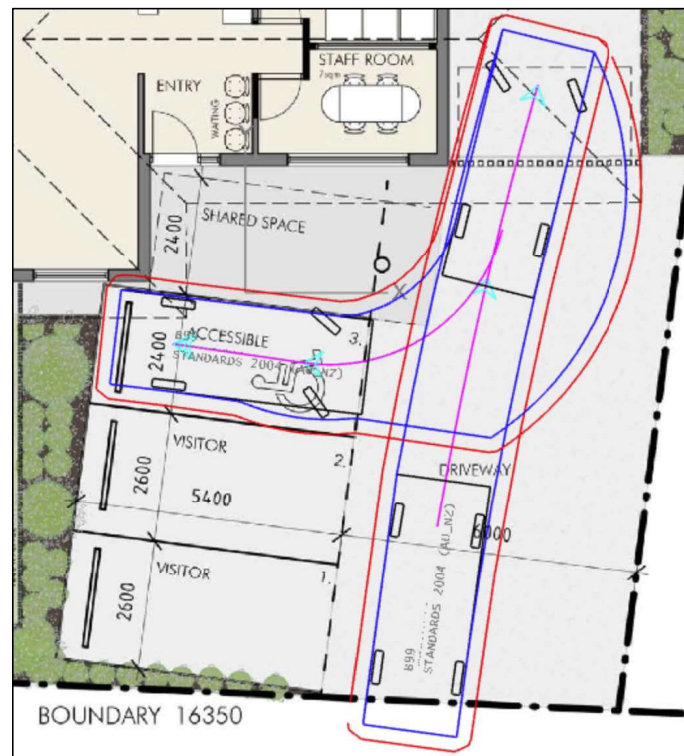


Figure 6: B99 Vehicle Entry into Car Space 3

TRAFFIC & PARKING ASSESSMENT
18 MENINGIE STREET, CRAIGMORE



Ref: TR385_1

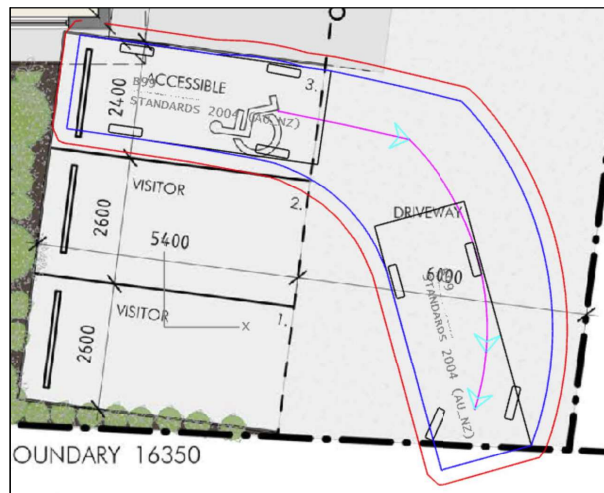


Figure 7: B99 Vehicle Exit out of Car Space 3

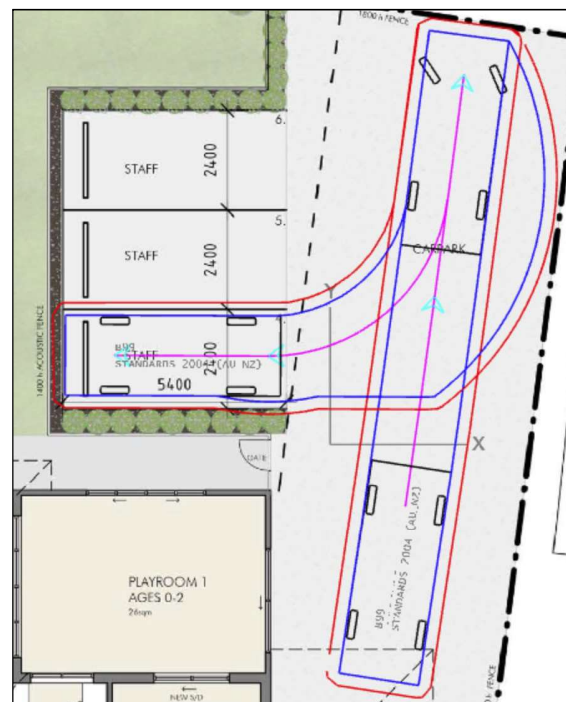


Figure 8: B99 Vehicle Entry into Car Space 4

TRAFFIC & PARKING ASSESSMENT
18 MENINGIE STREET, CRAIGMORE



Ref: TR385_1

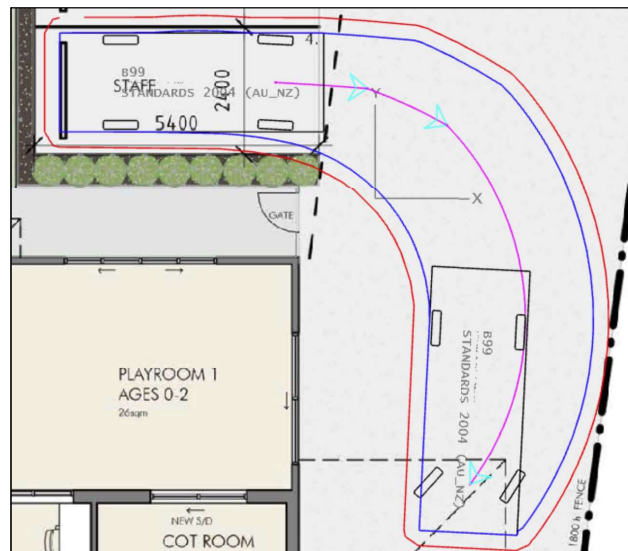


Figure 9: B99 Vehicle Exit out of Car Space 4

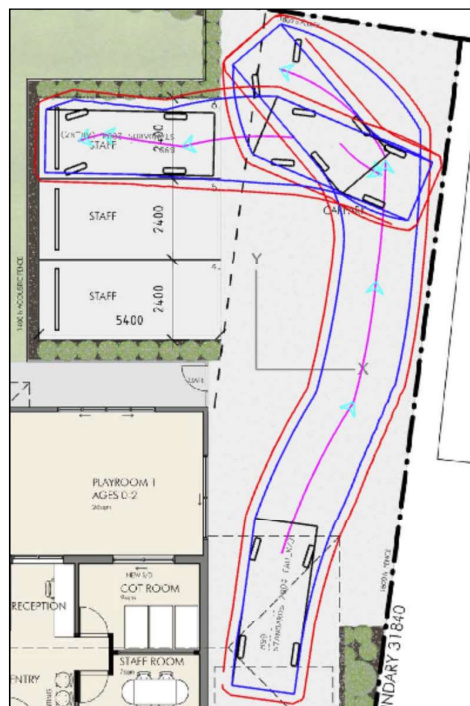


Figure 10: B99 Vehicle Entry into Car Space 6

TRAFFIC & PARKING ASSESSMENT
18 MENINGIE STREET, CRAIGMORE



Ref: TR385_1

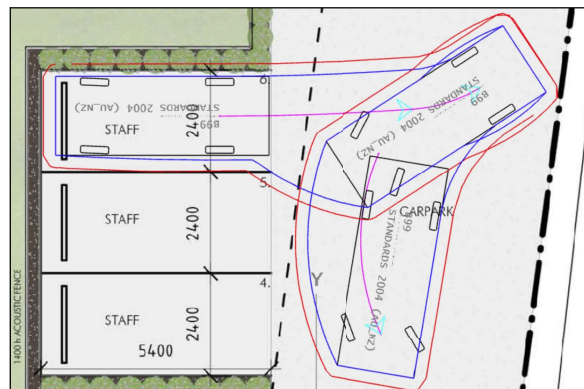


Figure 11: B99 Vehicle Exit out of Car Space 6

10.4 Sight Distance

Figure 3.3 of AS2890.1 presents minimum sight lines for pedestrian safety. For compliance there is to be a 2.5m x 2.0m sight triangle at the property boundary which is to be clear of obstructions to visibility. Figure 3.2 states that when checking sight distances, the driver's eye height and the height of the object are to be taken as 1.15m above the road surface. With reference to the architectural drawings provided by *Piteo Architects*, minimum sight distances will be met on Meningie Street, with no permanent obstructions limiting sight distances within the designated site triangle at the property boundaries at a height of 1.15m.

11. Conclusion

A traffic and parking assessment has been undertaken to support a proposed child care centre located at 18 Meningie Street, Craigmore. Reference has been made to the *Planning and Design Code Version 2023.14*, the *RTA Guide to Traffic Generating Developments 2002* and *AS2890.1:2004 Parking – Off Street Car Parking* to ensure compliance. The traffic and parking assessment has concluded that the proposed development will pose no impact to the local area regarding parking and traffic, with an adequate provision of parking spaces, and that all parking areas comply with Australian Standards. Therefore, the proposal can be supported by the City of Playford from a traffic perspective.

Joshua Glanville

Principal Traffic Engineer (B.Eng, MIEAust)

Date: 07/11/2023

NOVEMBER 2023

Wongala Consulting Engineers

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NOISE IMPACT ASSESSMENT

Proposed Child Care Centre

18 Meningie Street

CRAIGMORE

JANURAY 2024

Ref: NA386_2

Prepared for: Marina Azmy

NOISE IMPACT ASSESSMENT
18 MENINGIE STREET, CRAIGMORE



Ref: NA386_2

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No.	Author	Description	Date
A	J.Glanville	Draft report	27/10/2023
0	J.Glanville	Issued to Client	07/11/2023
1	J.Glanville	Client Amendment	08/11/2023
2	J.Glanville	Response to Council RFI	25/01/2024

NOISE IMPACT ASSESSMENT
18 MENINGIE STREET, CRAIGMORE



Ref: NA386_2

1. Introduction

Wongala Consulting Engineers was engaged by Marina Azmy to carry out a noise impact assessment in support of a development application for the conversion of an existing dwelling to a proposed child care centre located at 18 Meningie Street, Craigmore that is to be submitted to the City of Playford.

The subject property at 18 Meningie Street, Craigmore fronts a local road which acts as a carrier for residential properties to reach Turner Drive. This report assesses noise levels associated with the change in land use from a residential property to a child care centre and its effect on neighbouring properties that surround the site.

Results and findings of a detailed acoustic assessment will be presented, with suggested acoustic treatments and noise controls to be provided within the confines of the report to satisfy the *Planning and Design Code Version 2023.14, Environment Protection (Commercial and Industrial Noise) Policy 2023, World Health Organisation Guidelines and the Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment Version 3.0 September 2020*.

The assessment will include the determination of relevant noise criteria and will provide recommendations to control noise emanating from mechanical services, noise emissions from vehicular movements in the car parking area and outdoor play.

2. Existing Use of Site

The existing site consists of a residential dwelling, with residential dwellings surrounding the site. Figure 1 presents an aerial of the proposed development site. The site is zoned Hills Neighbourhood as designated by the *Planning and Design Code*.

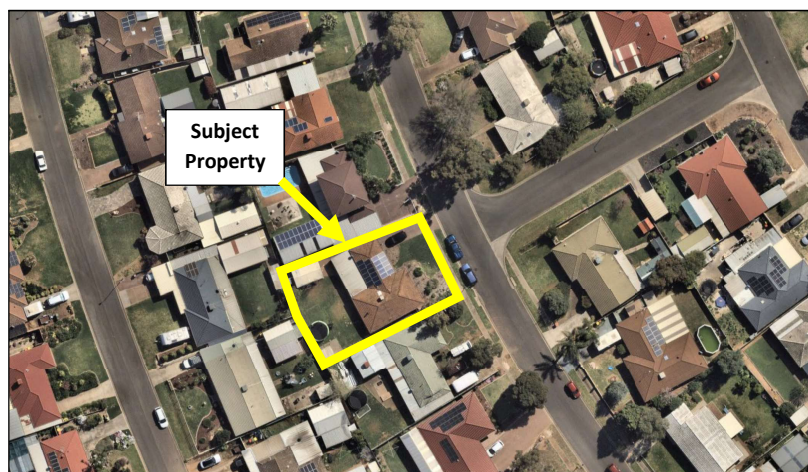


Figure 1: Aerial Photo of Subject Site (Nearmap)

3. Development Proposal

Piteo Architects has drafted architectural plans of the proposed childcare centre proposed at the subject property. The proposal seeks to utilise the existing residential dwelling at 18 Meningie Street, Craigmore as a child care centre which aims to house the following number of children and respective ages:

Table 1: Number of Children

Age	No. of Children
0 – 2 year olds	8
2 – 3 year olds	8
3+ year olds	8
TOTAL	24

The architectural plans indicate 6 at-grade parking spaces at the front and rear of the dwelling, with differing internal play rooms based on age groups, kitchen, laundry, staff room, reception and cot room housed within the existing structures, surrounded by outdoor play area. There is proposed to be approximately 155m² of outdoor play area that will be utilised by the differing age groups at various times during the day. There is proposed to be two separate outdoor playing areas:

- outdoor play area at the front of the dwelling facing Meningie Street
- outdoor play area at the rear of the dwelling

The operating hours of the proposed childcare centre is 7:00am – 6:00pm Monday to Friday. The childcare centre will require 6 staff members.

Access to the parking areas is proposed via a 5.8m wide driveway into the at grade parking area accessed from Meningie Street.



Figure 2: Proposed Child Care Centre at 18 Meningie Street, Craigmore

NOISE IMPACT ASSESSMENT
18 MENINGIE STREET, CRAIGMORE

WONGALA
CONSULTING ENGINEERS
Ref: NA386_2

4. Assessment Criteria

4.1 Planning and Design Code Version 2023.14

Relevant acoustic related requirements as stated in the *Planning and Design Code* regarding interface between land uses is as follows:

- *Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses*
- *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*
- *Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:*
 - (a) the nature of the development*
 - (b) measures to mitigate off-site impacts*
 - (c) the extent to which the development is desired in the zone*
 - (d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land*
- *Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers). Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria*

4.2 Environment Protection (Commercial and Industrial Noise) Policy 2023

Schedule 1 of the *Environment Protection (Commercial and Industrial Noise) Policy 2023* states that child care centres are exempt from the application of the *Environment Protection (Commercial and Industrial Noise) Policy 2023*. The *Guidelines for the use of the Environment Protection (Commercial and Industrial Noise) Policy 2023* states the following:

Child-care centres, schools, kindergartens, places of workshops and playgrounds are often located immediately adjacent to sensitive land uses. Activities carried on in the 'ordinary courses' of the operation normally include people noise (such as noise from school activities) and worship activities (such as music and church bells).

However, other noise sources that can be assessed under the noise policy from these areas are mechanical noise sources that may be utilised on site (such as noise from an air conditioner plants, or pumps).

As per the *Environment Protection (Commercial and Industrial Noise) Policy 2023*, noise associated with vehicles and mechanical plant equipment are not to exceed the Indicative Noise Level less 5dB(A). For a residential area, the Indicative Noise Levels for the daytime (7:00am – 10:00pm) is 52 dB (A).

NOISE IMPACT ASSESSMENT
18 MENINGIE STREET, CRAIGMORE



4.3 World Health Organisation Guidelines

The World Health Organisation has published guidelines for appropriate sound pressure levels for residential dwellings. The guideline recommends that the outdoor sound pressure level in a residential setting should not exceed 50 dB(A) L_{Aeq} . The guideline states that this level will:

“protect the majority of people from being seriously annoyed during the daytime”.

4.4 Association of Australasian Acoustical Consultants (AAAC) Guideline for Child Care Centre Acoustic Assessment Version 3.0 September 2020

The guideline prepared by the AAAC states the following relevant criteria:

- **Other Noise Emission** – The cumulative $L_{eq, 15min}$ noise emission level resulting from the use and operation of the child care centre, with the exception of noise emission from outdoor play discussed above, shall not exceed the background noise level by more than 5 dB at the assessment location as defined above. This includes the noise emission resulting from:
 - Mechanical Plant
 - Drop off and pick up
 - Other activities/operations that doesn't include outdoor play

5. Relevant Noise Criteria Determination

As there are no noise levels stated within the *Planning and Design Code*, or the *Environment Protection (Commercial and Industrial Noise) Policy 2023 for outdoor play*, the World Health Organisation Guidelines requirement of 50 dB(A) will be utilised for the assessment of outdoor play on neighbouring receivers.

Noise associated with mechanical plant equipment and vehicles will meet the criteria as stated within the *Environment Protection (Commercial and Industrial Noise) Policy 2023*, with the cumulative noise level taken as per the *Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment Version 3.0 September 2020*.

A summary of the noise criteria for each noise generating activity are provided as below:

Table 2: Project Noise Trigger Levels

	Noise Criteria
Outdoor Play	50 dB (A)
Mechanical Plant Equipment	47 dB (A) (cumulative)
General Conversations	
Vehicular Noise	

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6. Assessment of Noise on Sensitive Receivers

6.1 Noise Sensitive Receivers

The nearest noise sensitive receivers are described below and presented in Figure 3 below:

- **R1:** 16 Meningie Street (Residential) approx. 5m north of property boundary
- **R2:** 11 Meningie Street (Residential) approx. 22m south-east of property boundary
- **R3:** 20 Meningie Street (Residential) approx. 2m south of property boundary
- **R4:** 48 Kanimbla Crescent (Residential) approx. 10m west of property boundary
- **R5:** 50 Kanimbla Crescent (Residential) approx. 11m west of property boundary

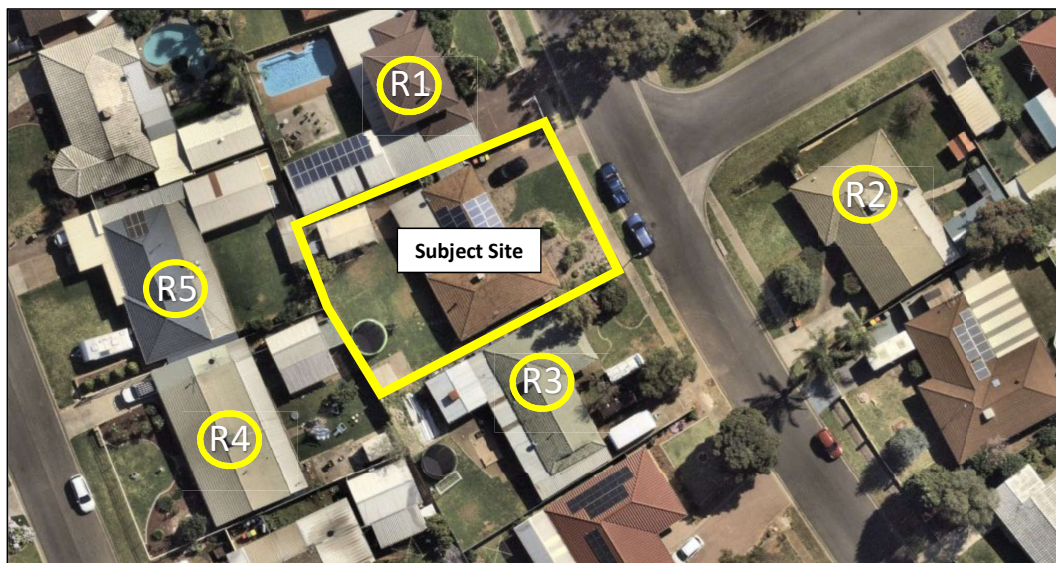


Figure 3: Noise Sensitive Receivers

It is deemed that if compliance with the noise criteria stated in Section 5 of this report is met at all noise receivers listed above, compliance will be achieved at all other noise sensitive receivers in the area.

6.2 Noise Source Levels

Noise source levels associated with expected activities of a child care centre are listed below, along with assumptions that will be utilised for analysis purposes. The noise source levels have been collected from investigations at similar activity sites with all measurements generally conducted in accordance with Australian Standard AS1055.

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- **Vehicle Movements (5 cars bypassing @ 10km/hr) – 69 dB(A)**
 - o Based on a trip generation of 0.8 peak vehicle trips per child during the AM peak hour period, and a capacity of 24 children, there is expected to be a maximum traffic generation rate of 19 vehicles per hour. For analysis purposes, there will be a maximum (worst-case scenario) of 5 vehicles per 15 minute period.
- **Vehicle Ignition (5 events) – 72 dB(A)**
 - o Based on a trip generation of 0.8 peak vehicle trips per child during the AM peak hour period, and a capacity of 24 children, there is expected to be a maximum traffic generation rate of 19 vehicles per hour. For analysis purposes, there will be a maximum (worst-case scenario) of 5 vehicles per 15 minute period. Includes a 5dB (A) adjustment to account for impulsiveness of noise source.
- **Car Door Closure (10 events of car doors closing) – 78 dB(A)**
 - o Based on a trip generation of 0.8 peak vehicle trips per child during the AM peak hour period, and a capacity of 24 children, there is expected to be a maximum traffic generation rate of 19 vehicles per hour. For analysis purposes, there will be a maximum (worst-case scenario) of 5 vehicles per 15 minute period, with 2 door closes expected per vehicle (driver and passenger doors).
- **General Conversations (external) – 66 dB(A)**
 - o Noise level of human voice has been obtained from Table 16.1 in the *Handbook of Acoustical Measurements and Noise Control, Third Edition, by Cyril M. Harris*. Noise from a maximum (worst-case) of 5 adults talking at the entrance has been calculated.
- **Children Playing within Front Setback – 77 dB(A)**
 - o Based on Sound Power Levels provided in the *Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment* with the appropriate age ranges reflected in the predicted noise levels.
- **Children Playing at the Rear – 86 dB(A)**
 - o Based on Sound Power Levels provided in the *Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment* with the appropriate age ranges reflected in the predicted noise levels.

6.3 Predicted Noise Levels

The below table showcases the predicted noise levels at sensitive noise receivers as presented in Figure 3 in comparison to the noise criteria set in Section 5 of this report without any acoustic treatment applied to identify if there is a need for acoustic treatments and noise controls to be provided. The predictions have been calculated based on a worst-case situation with the noise levels based on noise source levels as showcased in Section 6.2, the distance from the noise generating activity whilst also taking into account any noise reduction eventuating from dominant structures in the pathway of noise transmission.

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Table 3: Predicted Noise Levels at Sensitive Receivers without Acoustic Treatments

Receiver	Noise Source	Predicted Noise Level	Compliance with 47 dB(A)	Compliance with 50 dB(A)
R1	Car bypass	42	Yes	N/A
	Car door closure			N/A
	Car engine ignition			N/A
	Conversations			N/A
	Children playing within frontage	50	N/A	Yes
	Children playing at the rear	58	N/A	No
R2	Car bypass	36	Yes	N/A
	Car door closure			N/A
	Car engine ignition			N/A
	Conversations			N/A
	Children playing within frontage	48	N/A	Yes
	Children playing at the rear	38	N/A	Yes
R3	Car bypass	45	Yes	N/A
	Car door closure			N/A
	Car engine ignition			N/A
	Conversations			N/A
	Children playing within frontage	60	N/A	No
	Children playing at the rear	66	N/A	No
R4	Car bypass	40	Yes	N/A
	Car door closure			N/A
	Car engine ignition			N/A
	Conversations			N/A
	Children playing within frontage	31	N/A	Yes
	Children playing at the rear	61	N/A	No
R5	Car bypass	41	Yes	N/A
	Car door closure			N/A
	Car engine ignition			N/A
	Conversations			N/A
	Children playing within frontage	31	N/A	Yes
	Children playing at the rear	60	N/A	No

Noise levels due to the development are predicted to exceed noise criteria set out in Section 5 of this report at all residential receivers due to children playing. In order to reach compliance with appropriate noise criteria, acoustic treatments will need to be implemented. Predicted noise levels at sensitive noise receivers with the implementation of a 1.8 metre high acoustic barrier on the southern boundary next to the front outdoor play area and on the western boundary next to the rear outdoor play area, in conjunction with a 2.1 metre high acoustic barrier on the southern boundary next to the rear outdoor play area, with a 1.2 metre high acoustic barrier separating the rear outdoor play area from the rear car park are presented in Table 4 below:

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Table 4: Predicted Noise Levels at Sensitive Receivers with Acoustic Treatments

Receiver	Noise Source	Predicted Noise Level	Compliance with 47 dB(A)	Compliance with 50 dB(A)
R1	Car bypass	42	Yes	N/A
	Car door closure			N/A
	Car engine ignition			N/A
	Conversations			N/A
	Children playing within frontage	50	N/A	Yes
	Children playing at the rear	47	N/A	Yes
R2	Car bypass	36	Yes	N/A
	Car door closure			N/A
	Car engine ignition			N/A
	Conversations			N/A
	Children playing within frontage	48	N/A	Yes
	Children playing at the rear	32	N/A	Yes
R3	Car bypass	45	Yes	N/A
	Car door closure			N/A
	Car engine ignition			N/A
	Conversations			N/A
	Children playing within frontage	50	N/A	Yes
	Children playing at the rear	50	N/A	Yes
R4	Car bypass	40	Yes	N/A
	Car door closure			N/A
	Car engine ignition			N/A
	Conversations			N/A
	Children playing within frontage	31	N/A	Yes
	Children playing at the rear	47	N/A	Yes
R5	Car bypass	41	Yes	N/A
	Car door closure			N/A
	Car engine ignition			N/A
	Conversations			N/A
	Children playing within frontage	31	N/A	Yes
	Children playing at the rear	46	N/A	Yes

Based on predicted noise levels, the following is concluded:

- Noise associated with the outdoor play is predicted to comply with noise criteria with the implementation of a 1.8 metre high acoustic barrier on the southern boundary next to the front outdoor play area and on the western boundary next to the rear outdoor play area, in conjunction with a 2.1 metre high acoustic barrier on the southern boundary next to the rear outdoor play area, with a 1.2 metre high acoustic barrier separating the rear outdoor play area from the rear car park

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- The rear outdoor play area is to be strictly limited to 8 children at any one given time. Differing age groups will alternate throughout the day (2 – 3 year olds & 3+ year olds)
- The rear outdoor play area is proposed to be restricted to passive play. As per the *Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment*, an adjustment of – 6dB to sound power levels can be applied if outdoor play is restricted to passive play. Passive play is defined as outdoor activities that involve reading, garden exploration, painting, block play, drawing or reading.

6.4 Mechanical Plant

Mechanical plant equipment for the proposed child care centre is expected to consist of air conditioning outdoor air condenser units. A detailed acoustic assessment of mechanical plant equipment noise emissions is not usually undertaken at the Development Application stage as there is insufficient information regarding plant locations, equipment sizing and the selection of the mechanical plant equipment. As the proposal is yet to be approved, mechanical plant equipment is yet to be finalised.

A detailed acoustic assessment of mechanical plant equipment shall be undertaken, prepared by a suitably qualified acoustic engineer at the Construction Certificate stage, once further details regarding selected mechanical plant equipment and their locations are finalised.

The following considerations will be implemented during the mechanical plant equipment selection process:

- Rated sound power/pressure levels of mechanical plant are not to exceed a $L_{Aeq, 15 \text{ min}}$ dB(A) of 47 at the boundaries of all neighbouring residential properties (It is recommended that Council impose a Condition of Consent that this requirement is strictly enforced within the prior to Construction Certificate conditions and within the conditions for the ongoing use of the development)
- Allowance for acoustic attenuation treatments (e.g, installation of silencers within the equipment)
- Selection of equipment that are specifically designed to operate at a reduced noise level
- Support points for mechanical plant equipment to be fixed securely
- Mechanical plant equipment to be located away from neighbouring properties (i.e. to be placed away from the eastern boundary)
- If required, provide enclosures/specific barriers around mechanical plant that are solid and gap free

The detailed acoustic assessment is to be prepared or reviewed and certified by a suitably qualified acoustic consultant who is a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

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7. Recommendations

The following noise control/noise management strategies are recommended to be incorporated into the proposed development:

- Acoustic barriers/fences are to be erected surrounding the outdoor play area as illustrated in Figure 6 below. The acoustic barrier/fence is to be constructed of a lightweight masonry, fibre cement sheet, perspex, concrete, plywood or timber fence. Acoustic barrier surrounding the ground floor outdoor play area is to be a minimum height of 1.8 metre high acoustic barrier on the southern boundary next to the front outdoor play area and on the western boundary next to the rear outdoor play area, in conjunction with a 2.1 metre high acoustic barrier on the southern boundary next to the rear outdoor play area, with a 1.2 metre high acoustic barrier separating the rear outdoor play area from the rear car park

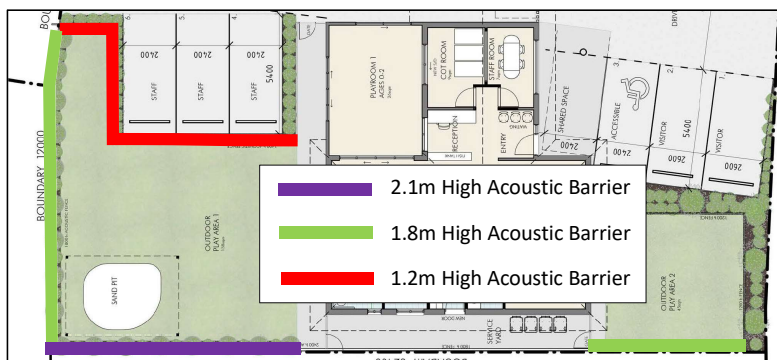


Figure 4: Acoustic Barrier Detail and Location

- A maximum of 8 children are to be playing in the rear outdoor play area with the differing age groups to alternate throughout the day (2 – 3 year olds & 3+ year olds)
- The rear outdoor play area on the ground floor is to consist of reading, garden exploration, painting, block play, drawing or reading (passive play).
- All windows and doors shall be closed when music is played
- Informing all parents to keep noise to a minimum when dropping off/collecting
- No slamming of doors on the premises nor of private vehicles
- A site specific plan of management is to be devised and implemented at all times which will incorporate all recommendations listed here ensuring that the acoustic amenity of the surrounding residential dwellings is not compromised
- Vehicles are not to idle outside the premises
- Implementation of a complaint handling system which records all complaints received regarding noise. A phone number shall be clearly visible at the entry point of the premises, so that any complaints can be heard and noted. All complaints are to be investigated, with a

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18 MENINGIE STREET, CRAIGMORE



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summary of the results to be provided. Any required remedial actions shall be put into place. A log of all complaints and how they were dealt with shall be easily accessible to interested parties/statutory authorities upon request

- Visitors to the site are to ensure that they do not gather near residential properties and are to be considerate of all surrounding properties when arriving/departing
- Staff are to be mindful of the level of their voices while outside
- External windows of the proposed structure are to be minimum 6.38mm glazing with acoustic seals
- Speakers and musical instruments are not to be used outside
- Signage shall be installed in the parking areas, advising parents and their children to enter the building quickly/quietly and to be respectful of neighbours
- Screaming of children will not be tolerated, with perpetrators to be either moved indoors or moved away from the situation that is causing the screaming
- Gates throughout the outdoor play area are to have soft close mechanisms installed
- Musical instruments are not to be played in the outdoor play area
- Distressed or crying children are to be comforted where necessary
- Continual maintenance of outdoor play equipment
- Speed limit in the car park shall be limited to 10km/hr (i.e. signposted speed limit to be displayed in the car park in a clearly visible location)

Implementation of the above mentioned shall ensure that the proposed development does not emit noise that would breach regulatory criteria and will ensure that neighbouring areas are not negatively impacted.

8. Conclusion

A noise impact assessment has been provided in support of a proposed child care centre at 18 Meningie Street, Craigmore. Recommended acoustic treatments and noise controls have been clearly provided, satisfying requirements as stated in the *Planning and Design Code Version 2023.14, Environment Protection (Commercial and Industrial Noise) Policy 2023, World Health Organisation Guidelines and the Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment Version 3.0 September 2020*.

A handwritten signature in black ink, appearing to read 'Joshua Glanville'.

Joshua Glanville

Principal Acoustic Engineer (B.Eng, MIEAust, MAAS)

Australian Acoustical Society Membership Number: 4101

Date: 25/01/2024

JANUARY 2024

Wongala Consulting Engineers

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APPENDIX 6. CORRESPONDENCE FROM URA

From: Otto, Jason (Renewal SA) <Jason.Otto@sa.gov.au>
Sent: Tuesday, July 4, 2023 4:34 PM
To: Sandy Rollison <sandy.k@sandykconveyancing.com.au>
Subject: FW: Encumbrance 5206917

OFFICIAL

Good afternoon Sandy,

Thank you for your email. I confirm Urban Renewal Authority (URA) is entitled to be registered as encumbrancee as successor to South Australian Urban Projects Authority.

Urban Renewal Authority, trading as Renewal SA, and its predecessor organisations (including South Australian Land Commission and South Australian Urban Projects Authority) have been involved in a number of residential developments in which encumbrances guiding the initial development of the areas remain in place.

The intention of the encumbrances attached to the title of the properties in these developments was to 'establish' the character of the area during the life of the developments. It was never the intention of URA to act as the administrator of the encumbrances in perpetuity once the developments had been completed.

URA considers that once a project reaches maturity it is a matter for the local Council (through its Development Plan) and the community to determine the nature of development allowed in the area. Therefore, it is URA policy, in relation to all its completed projects where residential encumbrances remain in place, that URA no longer actively administers the encumbrances. That is, URA approval is no longer required for any building works nor will URA take action in relation to breaches of encumbrances.

It is also URA policy to leave registered encumbrances in place for the benefit of other encumbrancers within the particular development zone, i.e., any person who is the owner of property within the Development Area specified in the particular encumbrance, is able to take action in their own right if the property owner whose property is subject to the encumbrance, is in breach of any of the substantive covenants of the encumbrance. Consequently, encumbrances are not discharged from property titles and land is transferred subject to the registered encumbrances.

As the encumbrancee, URA has a legal registered interest in the land and as a consequence some dealings will require its consent. The most common examples of such dealings are land divisions (either

creating new Torrens titles, or Community Plan lots) and granting or extinguishment of easements for services or rights-of-way. URA would not withhold consent for such dealings provided the necessary planning approvals have been granted.

Please let me know if you have any further query in relation to this matter.

Kind regards,

JASON OTTO

Land Manager, Asset Management

M 0478 949 594

E Jason.Otto@sa.gov.au

Full-time, WFH Wednesday

Level 16, 11 Waymouth Street, Adelaide SA 5000, Kaurna Country
Postal address: GPO Box 698, Adelaide SA 5001

Renewal SA's vision for reconciliation is one where Culture and Country are respected and embraced through our people and projects, enabling South Australia's First Nations truth and history to connect us to place and be an enduring source of pride.

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Think before you print – consider the environment

From: Sandy Rollison <sandy.k@sandykconveyancing.com.au>

Sent: Tuesday, 4 July 2023 11:12 AM

To: Otto, Jason (Renewal SA) <jason.otto@sa.gov.au>

Subject: Encumbrance 5206917

Good Morning Jason

Re: Encumbrance 5206917

**Property Address: 18 Meningie Street Craigmore SA
CT 5302/982**

With reference to the aforementioned encumbrance to South Australian Urban Projects Authority we wish to confirm firstly, if this is a lodgement that you manage on behalf of Renew SA?

Secondly, our client, the current owner, has engaged us to seek removal of this encumbrance and we hereby request your consideration.

It would be appreciated if you could please review and advise accordingly.

We look forward to hearing from you in due course.

Warm regards, Sandy

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Plan of Management

[18 Meningie Street, Craigmore, SA 5114]

1 EXECUTIVE SUMMARY

This Plan of Management (POM) forms an essential part of the ongoing management requirements for the Child Care Centre prepared by Marina Azmy at 18 Meningie Street, Craigmore. This Plan of Management is to be read in conjunction with the acoustic report and traffic report prepared by Josh Glanville and the architectural drawings prepared by Piteo Architects. This Plan seeks to minimise adverse impacts upon neighbours and ensure a high standard of child care provision for the City of Playford Council.

2 CAPACITY OF CENTRE

The Centre's capacity is for a total of 24 Children as follows:

0-2 – 8

2-6 – 16

This capacity is based upon the design provided by the architect and is subject to licensing approval.

3 HOURS OF OPERATION

The centre opens daily Monday to Friday from 7:00am to 6:00pm, fifty-two (52) weeks a year and closes for Public Holidays.

4 STAFFING

The centre (with 24 Children) will be operated by a minimum of four (4 educators) (including the primary contact staff and Nominated Supervisor) at any one time.

There will be a structured routine where the children will be divided between their age groups of 0-2 years (Babies), 2-3 years (Toddlers) and 3-6 years (Pre-schoolers). A daily programme will be based on their needs and individual development/progress. Each group will be required to maintain staff to children ratios in accordance with the Childcare Regulations.

Our analysis of Arrival and Departure times across our existing centres supports the staffing requirements and is in accordance with the requirements of the *Children's Services Regulations*.

Education and Care Services National Regulations –Chapter 7, Part 7.1, Division 2.

5 STAFF ARRIVAL

Not all staff arrive at the same time but generally staggered between the hours of 7.00am to 9.30am. Full-time staff work 8 hours a day. Part-time or casual staff work shifts as required.

6 PARENTS/CHILDREN ARRIVAL AND DEPARTURE

Typically, peak drop off times are between the hours of 7:00am-10:00am. Peak pickup times typically occur between 3:30pm to 5:30pm. The trends of arrival and departure times are based upon analysis across a number of existing centres.

Education and Care Services National Regulations – Regulation 99.

INDOOR ACTIVITIES

All indoor as well as outdoor activities are supervised by the regulated number of trained staff. Our routines are flexible based on children's needs and interests and the weather conditions. Typically, the daily routine for all age groups is as below:

Age 0-2 Daily Routine

7.00am	Centre opens Childcare Centre work cycle
9:00am.	Group time, with activities such as: <ul style="list-style-type: none"> - Language - Art/craft - Movement
9:30am	Morning tea
10:00am	Outdoor physical play session
11:00am	Transition time – varied activities
11:30am	Lunch time
12:00pm	Sleep/Rest time
2:30pm	Afternoon tea
3:00pm	Outdoor physical play session
4.30pm	Indoor activities Late afternoon tea
6:00pm	Centre closes

Age 2-3 Daily Routine

7.00am	Centre opens Childcare Centre work cycle
9:00am.	Transition time – varied activities Group time commences: <ul style="list-style-type: none"> - Walking on the line - Grace and Courtesy - Language - Art/craft - Movement - Storytelling
9:30am	Childcare Centre work cycle ongoing Progressive morning tea
10:00am	Outdoor physical play session
11:00am	Indoor play activities
12:00pm	Lunch time
12:30pm	Sleep/Rest time
2:30pm	Afternoon tea

3:00pm	Outdoor physical play session
5:00pm	Late afternoon activities Indoor activities
6:00pm	Centre closes

3-6 Daily Routine

7.00am	Centre opens Childcare Centre work cycle
9:00am.	Transition time – varied activities Group time commences: <ul style="list-style-type: none">- Walking on the line- Grace and Courtesy- Language- Art/craft- Movement- Storytelling
9:30am	Childcare Centre work cycle ongoing Progressive morning tea
10:00am	Outdoor physical play session
11:00am	Indoor activities
12:00pm	Lunch time
12:30pm	Sleep/Rest time Pre-school program
2:30pm	Afternoon tea
3:00pm	Outdoor physical play session
5:00pm	late afternoon tea Indoor activities
6:00pm	Centre closes

7 OUTDOOR ACTIVITIES AND SUPERVISION

Aligned with SunSmart Recommendations by Cancer Council South Australia and the Noise Impact Assessment, our outdoor play schedule integrates sun protection and noise management practices. No more than 8 children to use the rear outdoor play space at any given time.

October – March:

Minimise outdoor activity between 11am and 3pm (daylight saving time).
Sun protection required at all times outside.

April- September:

Outdoor activity permitted any time of the day.
Sun protection necessary between 10am-2pm, except June and July.

General Outdoor Play Schedule:

Mornings: 8:00am to 11:00am

Maximum of 8 children outdoors simultaneously, either 8 babies (0-2 years) or 8 toddlers (2-3 years) or 8 preschoolers (3-6 years), for optimal supervision and to ensure minimal noise.

Afternoons: 3:00pm to 5:00pm

Same staggered approach as mornings, with a maximum of 8 children outdoors at any one time.

The monitoring process for outdoor play is the same as for indoor play as follows:

Age Group	Monitoring Ratio – 2016
0-2 Years	1 Staff: 4 Children
2-3 Years	1 Staff: 5 Children
3-6 Years	1 Staff: 10 Children

Noise Management Strategies:

- Erect acoustic barriers around outdoor play areas.
- Designate rear outdoor area for passive play.
- Minimise noise during drop-off/collection.
- Implement a complaint handling system for noise issues.
- Manage staff voice levels outdoors.
- Prohibit musical instruments outside.
- Outdoor play area operational only during centre hours.
- Fully supervised outdoor activities with an emphasis on quiet play.

By adhering to these guidelines, we ensure a balance between children's outdoor activity needs and the acoustic comfort of the Craigmare community.

8 AFTER HOURS EVENTS

The Centre may conduct the following events after 6.00pm and until 8.00pm:

- (a) Parent/Teacher's Information Evening (maximum 4 per year);
- (b) Teacher Training (maximum 4 per year).

Items (a), (b) are held inside of the centre with doors and windows closed.

9 ENROLMENT AND TERMS AND CONDITIONS

The proposed childcare centre will establish an enrolment procedure and terms and conditions which parents sign. The centre will operate approved childcare software.

Education and Care Services National Regulations – Regulation 160, Regulation 168.

10 FAMILY INVOLVEMENT AND GRIEVANCE

The proposed childcare centre will encourage family involvement and communication relating to the centre, children, curriculum and activities. In addition, they will establish policies to properly manage any grievances: Parents should receive an outline, which provides an overview the company, philosophy, curriculum and policies.

Education and Care Services National Regulations – Regulation 160, 168, 172, 174, 175.

11 INSURANCES

In order to be licenced, the operator will take out the following insurances:

- 1 Childcare Insurance which covers all aspects of a childcare centre and includes Public Liability Insurance of \$20 Million
- 2 Workers Compensation Insurance

Education and Care Services National Regulations – Regulation 29.

12 CENTRE POLICIES and PROCEDURES

The centres operations will be documented in their Policies and Procedures. A listing of these policies and procedures is attached to this Plan of Management as Annexure "A". A carparking procedure/policy is also included – Attached as Annexure "C".

All staff must read the Policies and Procedures and confirm in writing that they have done so. The Policies and Procedures should be discussed at Staff Meetings and continually updated and redistributed as they are amended to retain relevance and compliance.

Education and Care Services National Regulations – Regulation 168, 170, 171, 172.

13 CENTRE CLEANLINESS, WASTE MANAGEMENT and MAINTENANCE

Centres are kept clean by both staff and external professional cleaners and gardeners. The centre has a designated WH & S officer who maintains a schedule of required maintenance. As the Centre educates children on environmental issues, it is a core objective to recycle our waste. Waste Management Policy 7.30 is attached as Annexure "B".

Education and Care Services National Regulations – Regulation 103 – Regulation 115.

14 FIRE SAFETY and EMERGENCY

The centre must carry certified fire equipment commensurate with the standards. All equipment is recertified as required by the law. The centre will have documented Emergency Evacuation Plans as well as Evacuation diagrams on display throughout the centre. The staff and children will have regular training sessions on how to proceed in cases of emergency.

Education and Care Services National Regulations – Regulation 97.

Refer to "Annexure D"

15 COMMUNITY and NEIGHBOURS

Our car parking policy, encourages parents, visitors and staff to minimise inconveniences caused by parking outside designated parking spaces. Please see Annexure "C" for our Car Park Policy. The childcare centre supports requests from local schools and other associations to present opportunities to families and involvement in their activities.

Noise Management

The childcare centre will follow recommendations by the Association of Australian Acoustical Consultants as prescribed within the AAAC Guideline For Child Care Centre Acoustic Assessment 2010.

The childcare centre will –

- Implement a separate daily program for both the warmer and cooler months should be established to regulate the total time spent outdoors and indoors (as detailed above).
- Display the outdoor play program and ensure that this is made publicly available to parents and neighbours.
- Ensure that a contact phone number for the Centre's Management is made available to neighbours to facilitate communication and to resolve any neighbourhood issues which may arise due to operation of the Centre.
- Ensure that staff are made aware of the need to minimise noise to the neighbouring residences.
- Ensure that children who are or become unsettled and are crying whilst outdoors will be comforted immediately and if still crying will be encouraged to go inside with an educator to be comforted.

- Ensure the supervision of children playing in the outdoor areas and make every attempt to encourage children not to make unreasonable noise.
- Follow the supervision plans established by Centre Management to ensure that the children are effectively and efficiently supervised and monitored at all time.
- Ensure that parents and guardians are informed of the importance of noise minimisation when entering the site, dropping off or picking up children.
- Ensure that where safe, possible, and appropriate, the windows and doors of indoor playrooms remain closed during use.

16 SECURITY and SAFETY

The centre will have the following security measures in place:

- Surrounding child-proof fences and gates
- Security cameras and CCTV – external and internal
- Back to base alarms.
- Swipe card access to all staff and parents to the centre.

Education and Care Services National Regulations – Part 4.1, Division 1, Regulations 77 – 96.

Annexure “A” – Section 2, lists the policies relating to the safety and security of childcare centres, including Supervision of Children. Annexure “D” shows the policies for Emergency Evacuation and Lockdown.

ANNEXURE "A"

Quality Area 1 – Educational Program and Practice Contents

1.1 - Philosophy

1.2 – Education and Curriculum Policy

1.3 – Transitions Policy

1.3A – Transitioning between rooms form

1.4 – NQF Overview

1-5- Excursion policy

Daily Routine: 0-2 room

Daily Routine: 2-3 room

Daily Routine: 3-6 room

Quality Area 2 – Children’s Health and Safety

2.1 – Child Protection Policy

2.2 - Medication Policy

2.2A – Medication Register

2.2B – Monthly Medication Checklist

2.3 – Medical Conditions Policy

2.3A – Risk Minimisation and Communication Plan

2.3B – Epilepsy Management Plan

2.3C – Anaphylaxis Epipen Personal Action Plan

2.3D – Allergic Reactions Action Plan

2.3E – Anaphylaxis Epipen General Action Plan Poster

2.4 – Dealing with Infectious Diseases Policy

2.4A – Disease Notification advised by NSW Health

2.5 – Food Safety Policy

2.5A – Receiving food safely guide

2.5B – KGF Receivables checklist template

2.6 - Gloves Policy

- 2.7 – Nutrition Policy
- 2.8 – Clothing and footwear Policy
- 2.9 – Dental Health Policy
- 2.10 – Safe Sleep and Rest Time Policy
- 2.11 – Nappy Change Policy and Procedure
- 2.11A- Nappy Change Compliance
- 2.11B – Nappy Change Poster
- 2.12 – Hygiene and Infection Control Policy
- 2.13 – Safe Storage of Dangerous Goods Policy
- 2.13A – First Aid Action Plan on Dangerous Products
- 2.14 – Incident, Injury, Trauma and Illness Policy
- 2.14A – Incident, Injury, Trauma and Illness Record
- 2.14B – Internal Report Template
- 2.14C – Witness Statement Template
- 2.15 – Toileting Procedure
- 2.16 – Supervision of Children Policy
- 2.17 – Emergency Evacuation Policy
- 2.17A – Emergency Evacuation Procedure
- 2.17B – Emergency Evacuation Record Form
- 2.17C – Lockdown Policy
- 2.17D – Lockdown Practice Form
- 2.17E – Lockdown Procedure
- 2.18 – Child Arrival, Departure and Access Policy
- 2.19 – Sun Protection Policy
- 2.20 – Late and Non-Collection of Children Policy
- 2.21 – Tobacco, Drug and Alcohol Policy
- 2.22 – Water Safety Policy
- 2.23 – Providing a Child Safe Environment Policy
- 2.24 – Death of a Child Policy
- 2.25 – Head Lice Policy

2.26 – Bottle Safety and Preparation Policy

2.26A – Bottle Preparation Procedure

2.27 – Dummy Policy

2.28 – Excursion Risk Management Plan Template

KGF Food Safety Certificate

KGF HACCP

Cot Room Check

Quality Area 3 – Physical Environment Policy Contents

3.1 - Sustainability Statement

3.2 - Environmental Sustainability Policy

3.3- Cleaning and Maintaining the Environment Policy

3.4 – The Indoor and Outdoor Environment

3.4A – Poisonous Plants to Avoid fact sheet

3.5 – Guidelines for ordering equipment

3.5A – Purchase Request Spreadsheet

3.6 – Animals in the Environment Policy

3.7 – Sandpit Policy

3.8 – Maintenance Policy

3.9 – Waste Management Plan

Quality Area 4 – Staffing Arrangements Contents

4.1 – Staff Handbook

4.2 – Student Volunteer Policy

4.2A – Student Volunteer Handbook

4.3 – ECA Code of Ethics (2016)

4.4 – Code of Conduct Policy

4.5 – Staffing Requirements Checklist

4.6 – Ratio and Qualification Requirements

4.7 – Staff Dress Code Policy

- 4.8 – Staff Sick Leave and Carers Policy
- 4.9 – Harassment and Bullying Policy
- 4.10 – Privacy Policy
- 4.11 – Staff WH&S Policy
- 4.11(a) – Procedure for reporting staff injuries or incidents
- 4.12 – Opening and Closing the Centre Policy
- 4.13 – Job Descriptions

Quality Area 5 – Relationships with Children Contents

- 5.1 – Interactions with Children Policy
- 5.2 – Behaviour Guidance Policy
- 5.3 – Extreme Behaviour Policy
- 5.4 – Inclusion and Equity Policy
- 5.5 – Convention on the rights of the child

Quality Area 6 – Collaborative Partnerships with Families and Communities

- 6.1 - Enrolment and Orientation Policy
- 6.2 - Family Participation and Communication Policy
- 6.3 - Dealing with Complaints Policy
- 6.4 - Parent Code of Conduct
- 6.5 - Acceptance and Refusal of Authorisation
- 6.6 - Insurance Policy
- 6.7 - Parent Handbook
- 6.8 – Car Park Policy
- Breastfeeding Support Plan

Quality Area 7 – Leadership and service management

- 7.9 – Written Communication Policy
- 7.10 – Dealing with Complaints Policy
- 7.10A – Grievance Complaints Register

7.12 – Attachment - Management Structure Template

7.13- Childcare centrework based Child Care Policy

7.14 – Privacy Policy

7.15 – Harassment and Bullying Policy 2016 update

7.16 – Acceptable use of computers, internet and email policy

7.32 - CCTV Policy and procedure

7.38 - New Staff Checklist

Convention on the rights of the child

Student volunteer handbook

ANNEXURE “B”**3.9 – Waste Management Plan**

Aim: To ensure that centre waste is properly and safely disposed of in accordance with local government regulations, workplace health and safety policies, environmental guidelines, and the specific requirements of the Design in Urban Areas Module (PO 1.5).

Reason: Effective waste management is crucial for the safety of children, staff, families, and the community, and it contributes to environmental conservation. Our practices comply with relevant local government regulations, centre policies, and workplace health and safety guidelines.

Internal Rubbish Bins:

- Separate garbage containers in nappy change areas, bathrooms, kitchens, and play areas.
- Waterproof containers with tightly fitting lids.
- Daily emptying and weekly cleaning.

Nappy Disposal:

- Immediate disposal of disposable nappies.
- Placement in covered bins, then transferred to external waste bins.

External Waste Management:

- Dedicated service area on the southern side, screened from public and neighbour view by 1.8m high fencing.
- Waste collection by North Adelaide Waste Management Authority with standard frequencies.
- Use of two 240 litre general waste and two 240 litre recycling bins.

Practice, Cleanliness, and Hygiene:

- Break down boxes before bin placement.
- Tie or seal decomposable rubbish.
- Clean outdoor garbage area regularly.
- Monitoring for pests, rodents, and odours.

Environmental Sustainability:

- Embed sustainable practices in daily operations.
- Recycling, minimizing waste, using environmentally friendly cleaning substances, composting, maintaining a worm farm, and implementing water-wise strategies.

Specific Centre Requirements:

- Adapting policies as needed for specific centre requirements.

This plan ensures waste is managed efficiently, maintaining both environmental integrity and community standards, in line with the Design in Urban Areas Module (PO 1.5).

ANNEXURE “C”**6.8 - Car Park Policy**

Aim: To ensure the safety and well-being of children, their families, staff, and visitors when using the childcare centre’s car parking facilities.

Procedures for Families and Visitors:

- Park only in allocated bays (3 visitor spaces available, including 1 accessible space).
- Adhere to all signage and markings.
- Vehicle must be completely stopped for safe entry/exit of adults and children.
- Observe a strict 10 kph speed limit.
- Utilise correct entry and exit points.
- Be vigilant of pedestrians, especially children.
- Never leave children unattended in vehicles.
- Efficient drop-off and pickup and collection times are encouraged.
- Comply with legal child car seat requirements.
- Dangerous driving may result in exclusion from using the car park.
- Be aware, when entering or exiting the car park and parking the vehicle, of pedestrians (especially children) using the car park, entering and exiting their vehicles and/or the centre.
- At all times, ensure that child/ren are supervised (preferably by holding the child’s hand) when in the parking area.
- Be mindful of residents when arriving or leaving the centre by keeping noise to a minimum.

Procedures for Staff:

- Park in designated staff spaces (3 staff parking spaces provided).
- Do not occupy spaces for families or visitors.
- Be mindful of residents when arriving or leaving the centre by keeping noise to a minimum.

These procedures align with the parking requirements of 6 car spaces as per the Planning and Design Code, ensuring the facility operates safely and efficiently.

Source:

- For detailed information on their programs, activities, and more, you can visit the SA Police Road Safety Centre website: [SAPOL Road Safety Education](#)

Details of Representations

Application Summary

Application ID	23034644
Proposal	Convert existing dwelling to a childcare centre for up to 25 children , together with associated acoustic boundary fencing, carparking, landscaping and advertising signage.
Location	18 MENINGIE ST CRAIGMORE SA 5114

Representations

Representor 1 - Karen Halls

Name	Karen Halls
Address	9 meningie St c CRAIGMORE SA, 5114 Australia
Submission Date	11/12/2023 06:06 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

This is a residential area not commercial zoned it is a quiet neighbourhood with elderly residents. Concerns are car parking street access and re sale value of property, as a child care centre would greatly diminish sale . I fully oppose this development Additional information provided via email 4th Jan 2021 - document also attached below: To the assessment panel City of Playford I am writing this email to voice my displeasure at the proposed development at 18 Meningie st Craigmore. I, along with many of the residents of this street and adjoining neighbourhood have many concerns about the effect that this will have. These are, and not limited to; Parking-this affects the street behind as will obstruct their exit/entry Congestion of the roads Noise-drop off and pick up at all hours Safety-narrow street can cause accidents Hours-this will affect shift workers Visual impact This is a matter that is not taken lightly and will affect all residents in the whole area, not just the adjacent properties Some representatives of the street will be attending the planning meeting to put our views across Yours Karen Halls

Attached Documents

Representation230346444thJan2024-7258568.pdf

Proposed development 23034644



khalls@iprimus.com.au
To: Duty Planner

⚠️ **EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe. ⚠️

To the assessment panel City of Playford

I am writing this email to voice my displeasure at the proposed development at 18 Meningie st Craigmore.
I, along with many of the residents of this street and adjoining neighbourhood have many concerns about the effect that this will have.
These are, and not limited to;
Parking-this affects the street behind as will obstruct their exit/entry
Congestion of the roads
Noise-drop off and pick up at all hours
Safety-narrow street can cause accidents
Hours-this will affect shift workers
Visual impact
This is a matter that is not taken lightly and will affect all residents in the whole area, not just the adjacent properties
Some representatives of the street will be attending the planning meeting to put our views across
Yours
Karen Halls

Representations**Representor 2** - Sarah Mcmillan

Name	Sarah Mcmillan
Address	16 Meningie Street CRAIGMORE SA, 5114 Australia
Submission Date	12/12/2023 05:48 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons The property at the top of a T intersection will not have adequate parking throughout the day and will fill the streets with cars, making the intersection dangerous	

Attached Documents

Representations

Representor 3 - Michael Golding

Name	Michael Golding
Address	34 Iuringa close CRAIGMORE SA, 5114 Australia
Submission Date	12/12/2023 06:50 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons This should be refused. It's a residential area, the proposed is a business, I am opposed to any zoning or encumbrance change. The block is too small for proposed plans. A large noise barrier fence would be visible from the street hindering the streetscape. Not all cars will be able to exit forwards. The childcare would be too small for 25 children and staff if half of it is carpark. The house is not suited to 25 children. Noise during the day would be loud, 25 screaming children. Also they will not stop at 25, this is just the entree. The road is a small non arterial road, and should remain so, there is really only one direction to exit as turning any other way goes to more housing and roads not connected to arterial roads. The side street next to our house would become a parking area as no houses have front on it and it views the front of number 18 Meningie. I also don't support a non south Australian owner changing the zoning in a suburb they don't live in. Maybe I'd like to propose a sewerage treatment plant across from their house. The document was only delivered by mail on the 12/12/23 not giving 30 days notice. Our property values will be decreased as a business is operating within 20metres. I strongly believe this should be refused and ask viewing of the property by council, owner of land and a representative from the childcare regulatory board. As this site is plain stupid. I wish to be contacted 0448 763 665	

Attached Documents

IMG_20231212_184331621-1314092.jpg

IMG_20231212_184348758-1314093.jpg





Representations

Representor 4 - Shanan Leyland

Name	Shanan Leyland
Address	34 Luringa Close CRAIGMORE SA, 5114 Australia
Submission Date	14/12/2023 06:41 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons I strongly oppose this development. This is a residential area. Not a commercial area. The proposed plans for car parking on the property and saying people can exit both ways down Meningie St is absurd. There is only one exit to a main road and that is by turning right. We know that using the side street and ONLY ENTRANCE/EXIT into Luringa Close will be used as parking, blocking the residents from entering / exiting their own street. I have spoken with many of our neighbours who were also very unhappy, not only about the proposed plan, but also at not being notified of this plan by the council. This will affect every single property on Luringa Close as well as the surrounding streets and all residents deserve to be notified and have their chance to be heard. Again, this is a residential area. If a noisy, high traffic childcare centre opens, then what else is this opening the door to? I strongly oppose the development.	

Attached Documents

Representations**Representor 5** - Linda Coulson

Name	Linda Coulson
Address	32 Iuringa close CRAIGMORE SA, 5114 Australia
Submission Date	15/12/2023 09:56 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons There is no need for childcare in the area addressed, this area is an ageing community no need for childcare, extra traffic will be a major concern and hinderance at that address.	

Attached Documents

Representations

Representor 6 - Lauraine Burrows

Name	Lauraine Burrows
Address	50 KANIMBLA CRESCENT CRAIGMORE SA, 5114 Australia
Submission Date	15/12/2023 02:00 PM
Submission Source	Over Counter
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons I work from home and I think the noise would be an issue. I also don't see a need in an area of older people for a childcare centre. I don't believe there would be adequate parking or site size to accommodate the development	

Attached Documents

Rpengilly_scan_2023-12-1513-59-10-024-7180609.pdf

REPRESENTATION ON APPLICATION – PERFORMANCE ASSESSED DEVELOPMENT

Planning, Development and Infrastructure Act 2016

Development Number:	23034644 <i>[development application number]</i>
Nature of Development:	Childcare Centre – 18 Meningie Street Craigmores SA 5114 <i>[development description of performance assessed elements]</i>
Zone/Sub-zone/Overlay:	Hills Neighbourhood <i>[zone/sub-zone/overlay of subject land]</i>
Subject Land:	18 Meningie Street CRAIGMORE SA 5114 <i>[street number, street name, suburb, postcode]</i> <i>[lot number, plan number, certificate of title number, volume & folio]</i>
Contact Officer:	City of Playford <i>[relevant authority name]</i>
Phone Number:	08256 0331 <i>[authority phone]</i>
Close Date:	08 Jan 2024 <i>[closing date for submissions]</i>

My name*: Lauraine J Burrows

My phone number: 0403 599 844

My postal address*: 50 Kanimbla Crescent
CRAIGMORE SA 5114

My email: lauraineburrows@hotmail.com

** Indicates mandatory information*

My position is:

☐ I support the development

☐ I support the development with some concerns (detail below)

☒ I oppose the development



Government of South Australia

Department for Trade
and Investment

The specific reasons I believe that planning consent should be granted/refused are:

I work from home and I think the noise would be an issue. I also don't see a need in an area of older people for a childcare centre.

I don't believe there would be adequate parking or site size to accommodate the development

[attach additional pages as needed]

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why planning consent should be granted or refused; and
- comment only on the performance-based elements of the proposal, which does not include the:
 - Click here to enter text. *[list any accepted or deemed-to-satisfy elements of the development]*.

I: ☐ wish to be heard in support of my submission*
☒ do not wish to be heard in support of my submission

By: ☐ appearing personally
☐ being represented by the following person: Click here to enter text.

**You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission*

Signature:



Date: 15th December 2023

Return Address: 10 Playford Blvd ELIZABETH SA 5112 *[relevant authority postal address]* or

Email: plan@playford.sa.gov.au *[relevant authority email address]* or

Complete online submission:

plan.sa.gov.au/have_your_say/notified_developments/current_notified_developments

Representations

Representor 7 - amanda french

Name	amanda french
Address	2 meningie street CRAIGMORE SA, 5114 Australia
Submission Date	15/12/2023 03:43 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons I strongly disagree with the proposed plan of placing a child care centre on my street. -the street is already busy and crowded with on street parking of the residents that live on this street. -adding a daycare, will cause chaos and congestion. and fruition to the residents who live in.I the area -we are surrounded with plenty of schools and local child care facilities of the craigmore area. -disrespectful to take a established residential property that can be someone's home, in this age of housing crisis and turn it into a day care.	

Attached Documents

Representations

Representor 8 - Shaun Truscott

Name	Shaun Truscott
Address	4 Luringa Close CRAIGMORE SA, 5114 Australia
Submission Date	17/12/2023 11:05 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons I do not want this development to go ahead for various reasons. This is a residential area and has not been developed to have a residential home developed into a child care area. There is going to be a massive increase in traffic in this area and there are already sufficient child care centres in the area that provide for the area. They say it is going to be for up to 25 children but we all know that this would need to be monitored very closely.	

Attached Documents

Representations

Representor 9 - Raelene Kennedy

Name	Raelene Kennedy
Address	7 Luringa Close CRAIGMORE SA, 5114 Australia
Submission Date	18/12/2023 02:51 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons Because it will affect the current ambient surroundings that we currently live in at Luringa Close and it will create more traffic, noise and disruption at early and evening hours. This is a residential area and should remain as such.	

Attached Documents

Representations**Representor 10** - George Lemieszewski

Name	George Lemieszewski
Address	7 Luringa Close CRAIGMORE SA, 5114 Australia
Submission Date	18/12/2023 04:32 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons I live at the opposite " T" Junction of the proposed child care centre . This will certainly be a popular spot to do a "U" turn at pick up and drop off's.. Luringa has mostly quiet elderly residents. Therefore I oppose the development.	

Attached Documents

Representations**Representor 11** - hayley sterry

Name	hayley sterry
Address	20 Meningie Street CRAIGMORE SA, 5114 Australia
Submission Date	03/01/2024 10:15 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons	

Attached Documents

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REPRESENTATION ON APPLICATION – PERFORMANCE ASSESSED DEVELOPMENT

Planning, Development and Infrastructure Act 2016

Development Number:	23034644
Nature of Development:	Convert existing dwelling to a childcare centre
Zone/Sub-zone/Overlay:	Hills Neighbourhood [zone/sub-zone/overlay of subject land]
Subject Land:	18 Meningie Street Craigmore SA 5114 CT 5302/982 D10478 A179
Contact Officer:	
Phone Number:	
Close Date:	8 January 2024

My name*: Hayley Sterry	My phone number: 0414997803
My postal address*: 20 Meningie Street Craigmore SA 5114	My email: hayleysterry@hotmail.com

* Indicates mandatory information

My position is: ☐ I support the development:
 ☐ I support the development: with some concerns (detail below)
 ☒ I oppose the development

The specific reasons I believe that planning consent should be refused are:

- Increase in traffic and congestion
- Not enough or appropriate parking facilities
- Cost of fencing
- Noise pollution
- Advertising and signage on property frontage in a residential area.

There is not enough room for parking on the property with staff and customers introducing additional vehicles overflowing into surrounding streets.

The increase in traffic will cause unreasonable congestion potentially blocking driveway access and interruption of rubbish, hard waste and recycle collections.

This area is zoned as residential housing, advertising and commercial signage for the child care centre on the property's frontage or along the street is not appropriate and changes the land use.

I have concerns regarding noise with increased traffic and I realise that the fencing would possibly reduce some of the noise however the cost of the new fencing will be a financial burden on myself and other neighbours surrounding this property.



Government of South Australia
Department for Trade
and Investment

PERFORMANCE ASSESSED DEVELOPMENT REPRESENTATION ON APPLICATION -

[attach additional pages as needed]

NOTE: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why planning consent should be granted or refused; and
- comment only on the performance-based elements of the proposal, which does not include the:
[list any accepted or deemed-to-satisfy elements of the development].

Name of Development: Planning Development and Infrastructure Act 2018

Zone/Sub-Zone/Overlay: Hills Neighbourhood Zone/Sub-Zone/Overlay of subject land

Subject Land: CT 2302083, 20 Meningie Street, 5114

Contact Officer: I: ☒ wish to be heard in support of my submission*
☐ do not wish to be heard in support of my submission

By: ☐ appearing personally
☐ being represented by the following person:

Close Date: 8 January 2024

Phone Number:

My name: HAYLEY STERRY
My postal address: 20 Meningie Street, Craigmore SA 5114
My phone number: 0413632303
My email: hsterry@hotmail.com

Date: Click here to enter text.

Signature:

Return Address: 20 Meningie Street, Craigmore SA 5114
Email: hsterry@hotmail.com

Complete online submission:
plan.sa.gov.au/have-your-say/notified-developments/current-notified-developments

The specific reasons I believe the planning consent should be refused are:

- Adversely affecting and signage on property frontage in a residential area
- Noise pollution
- Cost of fencing
- Not enough or appropriate parking facilities
- Increase in traffic and congestion

There is not enough room for parking on the property with staff and customers introducing additional vehicles overflowing into surrounding streets.

The increase in traffic will cause unreasonable congestion potentially blocking driveway access and the property's frontage or along the street is not appropriate and changes the character of the area.

This area is zoned as residential housing, advertising and commercial signage for the intervention of supply, hard waste and recycle collection.

The increase in traffic will cause unreasonable congestion potentially blocking driveway access and the property's frontage or along the street is not appropriate and changes the character of the area.

I have concerns regarding noise with increased traffic and I believe the proposed development will be a detriment to the area.

Representations

Representor 12 - Jarred Foater

Name	Jarred Foater
Address	28 Luringa Close CRAIGMORE SA, 5114 Australia
Submission Date	03/01/2024 03:32 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons Safety concern are the main issue regarding traffic and parking. Only 3 car parks for 4 staff? Only 2 drop off and pick up for 25 kids? 25 children = 25 cars. Already a busy and unsafe at times intersection at Meningie and Luringa as it is.	

Attached Documents

Representations

Representor 13 - Graham Fowler

Name	Graham Fowler
Address	21 Luringa Close CRAIGMORE SA, 5114 Australia
Submission Date	05/01/2024 01:44 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons While I have no objections to the development of another child care center in Craigmore I do object to the one proposed a 18 Meningie Street due to its proximity to the exit of Luringa Close. Any cars parked on or near the exit of Luringa Close and Meningie Street make it awkward to enter or exit Luringa Close without weaving in and out of parked cars. On such occasions when it is congested vehicles with trailers have exited Luringa Close via the verge crossing over adjacent to my property. This has occurred on dozens of occasions over the last 44 years I have lived here. I have asked for bollards placed and vegetation to be planted but my requests have been denied. I fear that regular congestion at the Meningie Rd Luringa Close intersection will exacerbate this problem.	

Attached Documents

Representations

Representor 14 - Alejandra Gonzalez Duron

Name	Alejandra Gonzalez Duron
Address	4 Luringa Close CRAIGMORE SA, 5114 Australia
Submission Date	05/01/2024 04:19 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons There are only going to be 4 staff members for 25 children and only 3 car parks provided for 4 staff are there going to be staggered shifts. There are only 2 drop off/pick up car parks for 25 children also. This is going to cause traffic congestion in and out of Meningie Street and also Luringa Close. There are already sufficient Dey care centres without trying to integrate them in a residential area	

Attached Documents

Representations

Representor 15 - Jenny Fowler

Name	Jenny Fowler
Address	21 Luringa Close CRAIGMORE SA, 5114 Australia
Submission Date	05/01/2024 06:59 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons I do not agree with the proposed development of a childcare centre at 18 Meningie Rd Craigmore 5114. This development is directly opposite the entry/exit point for Luringa Close. This is a difficult intersection at the best of times with up to 3 or 4 cars parked on Meningie Street. When trying to exit the intersection we have to weave in and out of the parked cars and have come close to being hit several times by cars not proceeding with caution through the intersection. Meningie St is a local street giving the residents of Luringa Close and Kanimbla Cres access to Turner Drive or Lomalinda Drive. It is not a major road designed to accommodate extra traffic or parked cars. In the proposal itself it states they require 6 staff members, but only 3 staff carparks are provided...so straight away without any parents being considered we have three extra cars parked by the intersection of Luringa Cl and Meningie St. At certain times of the day that number could multiple considerably and also impact the intersection of Turner Drive and Meningie St. With a congested intersection it could make it difficult for service vehicles and emergency services to access Luringa Close. Also we live in a fire zone and easy access to exit Luringa Cl would be essential in an emergency. I realise that only the houses within 60 metres of the proposed development have to be informed/considered, however I feel that all the residents of Luringa close will be inconvenienced by the extra traffic and parking that will occur with this development. There was no consultation with these residents, even though the only entry and exit point is clearly within that 60 metres. A tiny little sign placed by their letterbox is not adequate notification. Most people wouldn't have seen it. We have a lovely commercial /community area just a little bit further along Turner Drive that would be a much more suitable area for a childcare centre with adequate parking. When reading through the proposal, section 6 of the Noise impact assessment 6.1 Noise sensitive receivers is not relevant to this development at all, The street names and the distances bear no correlation to those surrounding 18 Meningie St.	

Attached Documents

Representations

Representor 16 - James Schwirse

Name	James Schwirse
Address	8 Iuringa close CRAIGMORE SA, 5114 Australia
Submission Date	05/01/2024 08:15 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons There's not enough space for car parking it will create dangerous traffic conditions coming in and out of Iuringa close on a T junction and just create too much traffic in general	

Attached Documents

Representations

Representor 17 - Shaun Brennan

Name	Shaun Brennan
Address	16 meningie street CRAIGMORE SA, 5114 Australia
Submission Date	07/01/2024 02:04 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons <p>I strongly believe that this development should be refused because: :meningie st is NOT & never was ment to be a collector road. It's designed for residents only. : car's parked on either side of meningie st will reduce traffic to one central lane. Therefore suffocating entry & exit to luringa st residents. :car parks. 6 in total. 3 which is reserved for 4 staff?= at least one extra car on the road(providing there is only 4 staff present for 25 children) :1 car park disabled :which leaves only 2 car parks for 25 children to be dropped off! This is a matter of saftey for all concerened in the street & children running out from behind parked cars to get to the child care center. :size of car park. Has been formulated on a car b99 2.5mtr's in length. This is a minimal length of car & an unrealistic expectation that only this size of car will be frequenting the car park. I expect major & frequent damage to the property's boundry fence. Hence the two guard dogs that i regulary baby sit will have a means of escape. :how do people reverse in this car park when it's full? :smokers within 10mtrs of a child care center incur a fine..even within their own homes? :has anyone from council checked the sex offenders register? :no acoustic fencing propesed on the nth side?. My spouse & fellow rate payer works shift work. Has this been considered by council? :how does meningie st residents get their bins emptied when cars are filling the streets at the time of this service. :property devaluation due to excess traffic. It's common knowledge that know one wants to live next to a school or child care center due to traffic congestion. Is council prepared to compensate residents?. :personally i have business along our boundry fence line. My concerns are someone pressing the accelerator instead of the brake while reversing & causing major physical damage to myself or some of my family. These concerns are real & therefore i oppose this vehemently. I would like a face to face meeting between council , myself & other concerned resident's on this subject please.</p>	

Attached Documents

Representations

Representor 18 - Ben Halls

Name	Ben Halls
Address	6 scoular rd BLAKEVIEW SA, 5114 Australia
Submission Date	07/01/2024 05:48 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons - No elevation plans of the proposed shade sail to ensure no part of the sail will be more than 3m above ground or floor level. - Acoustic fencing is not appropriate in a residential neighbourhood. The Hills Neighbourhood Zone does not identify a fence as an expected form of development, noting that in most residential settings a fence would not be of a height over 2.1m. The zone also identifies that commercial development should be of a scale and type to maintain residential amenity. In order to maintain residential amenity, the development requires acoustic fencing, which is not anticipated in a residential setting. Acoustic fencing is proposed around the outdoor play areas, ranging in height from 1.4m to 2.4m which will have a visual and overshadowing impacts. - There is no acoustic treatment provided for the driveway and carpark to maintain residential amenity on the northern side. Whilst driveways and vehicle movements exist in residential settings, the intensity and frequency of vehicle movements will increase from that of the existing residential use, especially at drop off and pick up times. - Hours of operation are listed as 7.00am to 6.00pm Monday to Friday but from my experience, that is when children are being cared for and staff will be present before 7.00am and after 6.00pm. What times will this be? - Vehicles will have to cross onto the right-hand side of the driveway to enter the first visitor carpark on the left, creating traffic issues and congestion. - Whilst the number of carparks provided meets the requirement stipulated in the code, there will not be sufficient on site car parking spaces for 25 children to be dropped off and collected at the same times. The centre cannot control how many children get dropped off and picked up at specific times. This will result in numerous vehicles parking on the street, creating traffic congestion for residents of Meningie Street and the surrounding streets and an increase in vehicle volume for the neighbourhood. - No lighting poles are proposed but there are no details of the location of lights for the carpark or access to the building and how the impact on neighbouring properties will be managed, other than the Applicant will adhere to Australian Standards.	

Attached Documents

Representations

Representor 19 - Colin Renton

Name	Colin Renton
Address	12 Meningie Street CRAIGMORE SA, 5114 Australia
Submission Date	08/01/2024 09:41 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons An extra 50 cars in a quiet street - concerned about parking and traffic. What are the hours of business? Would like to propose a different location	

Attached Documents



Level 1, 74 Pirie Street
Adelaide SA 5000
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E: info@futureurban.com.au
ABN: 76 651 171 630

February 26, 2024

Michael Song
City of Playford
Via the PlanSA Portal

Dear Michael,

RE: RESPONSE TO REPRESENTATIONS (DA 23034644)

I refer to the proposed development application for a childcare centre at 18 Meningie Street, Craigmore.

This letter comprises the response to the representations received from public notification, and is accompanied by:

- an amended set of architectural plans (**Appendix 1**);
- an updated traffic statement prepared by Josh Glandville (Wongala Consulting Engineers) (**Appendix 2**); and
- an updated acoustic report prepared by Josh Glandville (Wongala Consulting Engineers) (**Appendix 3**);
- a plan of management for the operation of the centre (**Appendix 4**).

The amendments to the architectural plans include:

- reduction from 25 places to 24 places to ensure that the theoretic carparking demand is met;
- reduced acoustic fence heights (considering no more than 8 children using play space at any given time);
- reduction in the size of the signage;
- implementation of stop line in carpark; and
- a handbasin and dishwasher to address Councils Environmental Health concerns.



RESPONSE TO REPRESENTORS

Public notification has been undertaken and completed, with nineteen representations received during the public notification period, all of which were in opposition to the development. Five of the representors wish to be heard. The representors provided commentary in relation to an array of matters which have been consolidated into the key topics listed below:

- land use;
- character and scale
- intensity
 - » traffic and parking;
 - » noise;
- demand/community benefit; and
- other (impact on property values, hours of operation, lighting, safety, no elevations of shade sails, advertising in residential area, error in traffic report)

Our response to each is set out below under the aforementioned headings.

Land Use

Multiple representors stated that the proposed childcare land use is inappropriate and assert that the zoning is for residential development only. Although the proposed land use is different from the predominant residential character of the locality, it is important to acknowledge the following policies of the Hills Neighbourhood Zone (**the Zone**), namely:

PO 1.1 *Predominantly low density residential development with complementary non-residential uses compatible with natural landforms and a low density residential character.*

PO 1.2 *Commercial activities improve community access to services are of a scale and type to maintain residential amenity.*

PO 1.3 *Non-residential development located and designed to improve community accessibility to services, primarily in the form of:*

- a) *small scale commercial uses such as offices, shops and consulting rooms*
- b) *community services such as educational facilities, community centres, places of worship, child care facilities and other health and welfare services*
- c) *services and facilities ancillary to the function or operation of supported accommodation or retirement facilities*
- d) *open space and recreation facilities.*

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

Having considered the above policies, it is plainly evident that the Zone envisages non-residential uses of land, including child care centres which are specifically identified in Zone PO 1.3.

What is also evident to our reading of the above policies is that whilst the land use POs for the Zone envisage various classes and forms of non-residential development, non-residential development must demonstrate that factors such as scale and intensity, siting and design, and other impacts (e.g., traffic



and noise) are managed to maintain the reasonable amenity of nearby residents. As such, we consider these particular matters to be central to the overall planning merits of this proposal.

In support of our above opinion is the recent judgement by Commissioner Dyer (DEVELOPMENT HOLDINGS PTY LTD v CITY OF SALISBURY ASSESSMENT PANEL & ANOR [2024] SAERDC 6) which saw the Council Assessment Panel's decision to refuse a childcare centre within Hills Neighbourhood Zone (HNZ) overturned. The findings within this judgment establishes judicial authority on whether a childcare centre is an appropriate land use class within the Hills Neighbourhood Zone.

The judgement held that:

"134. Just because HNZ DPF1.1 does not specifically identify a pre-school and HNZ PO1.3 does not reference a scale nor intensity, does not mean at first instance a pre-school is an inappropriate land use. The suitability of the Proposal will be ascertained by assessing it against the other relevant provisions."

"135. Pre-schools, and indeed schools and places of worship are all land uses that support a residential community and within the doctrines of good town planning are exactly the type of non-residential land uses that should be encouraged to locate within residential areas."

"136. There was some conjecture, on the part of the Panel, that the Proposal would constitute the first intrusion of non-residential development into the otherwise intact and well maintained low density residential neighbourhood."

"137. This is true. However, first intrusion of itself is not grounds to refuse an application. As Bowering J decided in Nadebaum v City of Mitcham [1995] EDLR 589[60] (Nadebaum):"

To add to the above, in the decision of *ABC Developmental Learning Centres v Regional Council of Port Pirie [2005] SAERDC 104*, the full Court of the ERD Court considered an application for, and eventually approved a childcare centre in a residential zone. Most pertinently the Court held:

"We also note that community facilities (including the proposed use) are envisaged and form part of the desired character and intent of the Residential Zone..."

There are also justifiable town planning reasons as well as, we accept business reasons for dispersing the location of childcare centres (or schools) within an urban area or regional township. These include greater convenience and shorter trips (vehicles or on foot) for parents and their children; a separation or spread of like facilities (the only other existing childcare centre being located approximately 3kms to the north of the proposed site and to the west of the main central regional centre location); and within close proximity to schools with benefit for the children and families. Assimilation for children, convenience and shared travel arrangements for parents are all relevant factors. Sometimes a location may fall within a designed Centre or Public Purpose Zone. At other times it may not."

As we have previously outlined, based on our detailed review of the Zone policies coupled with consideration of directly relevant judicial authority (i.e., same land use class in the same zone) we are firmly of the opinion that the nature of the development, a childcare centre (as a basic premise), is envisaged and thereby appropriate in the Hills Neighbourhood Zone.

Noting that the planning merits of the land use will be largely based on scale, intensity and impacts, we further conclude that the relevant noise and traffic related policies have been satisfied through the design of the centre and through implementation of advice provide by acoustic and traffic engineers. Both traffic and noise are explored in more detail later in this response under the appropriate headings.



Finally, it is noted the Hills Neighbourhood is not a “strictly residential” and neither was the case under the now revoked Development Plan. Non-residential land uses are clearly envisaged by the Zone under the new planning regime and with this policy context comes an expectation there will be some impacts on surrounding residential land uses. With those impacts comes benefits of walkable and connected neighbourhoods, a clearly sought-after planning outcome.

Character and Scale

Regarding the ‘scale’, scale is a common planning term used to reflect size, including tests of height, length, width, bulk and massing. In the case of this proposal, the low-rise scale of the building is remaining the same, with the external appearance of the building retaining its form and setbacks, presenting to the street as a dwelling. In this context, the scale of the proposed childcare facility is considered to maintain low density residential character and amenity.

In reference to character, the proposal would result in a built form outcome which largely resembles that of a single storey detached dwelling, with the only discernible difference being the increased level of hardstand area in the front yard, and small advertising display. The increased hardstand area in the front yard to accommodate car parking is largely screened by landscaping, with 33% of the area between the building line and the primary street retained as soft landscaping.

Intensity

It is important to acknowledge that childcare facilities will inherently attract increased trip generation and noise levels when compared with a typical residential dwelling. Given that childcare facilities are specifically envisaged by PO 1.3 of the Zone, we consider it is reasonable to conclude that the Zone anticipates the nature and characteristics of impacts generally attributed to childcare facilities. The relevant tests will obviously be whether the impacts can be managed to not unreasonably impact the amenity of sensitive receivers. Accordingly, these types of impacts are dealt with in more detail with the updated traffic statement (Appendix 2) and acoustic report (Appendix 3).

The proposed centre has been carefully configured to limit its scale and intensity, and to minimise impacts to neighbours to complement and be compatible with the existing low-rise and low-density residential context. We highlight that the childcare centre is of a very small scale and intensity with a 24child maximum capacity. For comparison, typical childcare centres accommodate approximately 100 children. Considering the aforementioned court judgment, and a detailed review of the relevant zone policies, it is our contention that scale and intensity of the proposed childcare centre is appropriate in the context of the locality and the Zone more generally. Intensity related impacts in relation to vehicle manoeuvring and noise are explored in more detail below.

Vehicular Parking / Manoeuvring

In response to the concerns raised relating to vehicular parking, the capacity of the centre has been reduced from 25 places to 24 places to ensure that the proposal satisfies the theoretical parking demand for a childcare facility (0.25 spaces per child) as provided in *Table 1 – General Off-Street Car Parking Requirements*.

Additionally, an updated traffic statement (**Appendix 2**) has been provided to address the concerns raised. The updated traffic statement provides a detailed assessment of the anticipated movements into and out of the site on any given day as well as the expected traffic generation rates during peak times. Below is a summary of the traffic findings.

- The anticipated peak traffic generation is 10 vehicles per hour;



- The anticipated length of stay for vehicles is 6.8 minutes;
- The carpark design and vehicle turn paths have been calculated using B99 vehicles, which have a length of 5.2 metres, for context a Toyota land cruiser has a length of approximately 5 metres;
- There is a probability of 1.63% that there will be more than 4 visitor cars at any given time; and
- All vehicles will enter and exit the site safely and in a forward direction, resulting in safe functionality of the T-junction.

With peak drop off times anticipated to be between 7:00am and 10:00am and peak pick-up times between 3:30pm and 5:30pm, vehicles are anticipated to arrive and depart the site over a relatively long period of time, with ample spaces provided on site to accommodate this relatively slow rate of movement. The centre will not rely on on-street parking for staff or visitors, with the carpark satisfying the relevant policy requirements and Australian Standards.

Noise

Several representors have raised concerns with the noise impacts resulting from children and vehicles. Having established that the land use is envisaged by the Zone, the key question here is whether the proposal includes suitable noise attenuation to prevent unreasonable noise related impacts on the amenity of nearby sensitive receivers.

In this regard, we note that DTS/DPF 4.1 of the Interface between Land Uses module includes the following standard outcome in relation to noise:

"noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria."

We are pleased to confirm that the proposed childcare centre will include a number of noise mitigation methods (**Appendix 4**) to ensure that the Environment Protection (Noise) Policy (**the EPNP**) is met, including but not limited to:

- 2.1m tall acoustic fencing surrounding outdoor play spaces;
- a maximum of 8 children will utilise the rear outdoor play area at any given time;
- the rear outdoor play area is to consist of reading, garden exploration, painting, block play, drawing and reading; and
- all windows and doors shall be closed when music is played.

It is acknowledged that the proposal may result in a change in noise levels from what the representors are used to, however, the empirical evidence, provided by a qualified acoustic engineer, demonstrates that the proposed development will comply with all relevant noise policies and will therefore not cause unreasonable adverse impacts due to noise nuisance.

Lastly, Representor 15 noted some inconsistencies within part 6 of the Noise impact assessment, these have now been addressed, with the updated report rectifying these inconsistencies.

Demand and Community Benefit

Multiple representors stated that there is no need for a childcare centre as the area is sufficiently serviced with childcare centres.



Firstly, the question of need is an irrelevant planning consideration. The ERD Court decision of *Hanna v Yorke Peninsula District Council & Virgin [1999] SAERDC 36* is most instructive in this regard where the Court, in that instance, was asked to determine whether the development of a new tavern, in competition with another was a relevant consideration for a planning authority. The Court held that it was not, more particularly paragraph 28 of that decision the Court held:

"This Court is not required to assess the need for the proposed facility in the same way that the Licensing Court is required to address that issue, in respect of an application for a liquor licence. In this matter, we had to consider whether the proposed development fell within the kinds of development envisaged for the zone. In other words, we were required to address the question as to whether the proposed development was one which would supply basic needs and facilities for holiday-makers and visitors, or in the words of PDC 4, whether it was one supplying essential goods and services to meet the day-to-day needs of the settlement's residents and visitors. We have been satisfied that it would be such a development. It is not our role to go further. Lane v Duxsel & District Council of Stirling (1988) 143 LSJS 454." (my emphasis)

We firmly reject the assertions relating to the need of the centre as the judicial authority makes it clear that it is not the role of a planning authority to determine need. Rather, the question for the planning authority is whether the development is "envisaged for the zone" with the only further consideration being whether it will "improve community accessibility to services" as per Zone PO 1.3. As a matter of first principles, the mere existence of something must improve community access to it.

It is also important to acknowledge the significant benefits of childcare which are sometimes not obvious to the general public. As an example, the Government of New South Wales identifies child care as a critical piece of social infrastructure providing 47,000 new places "ensuring women can return to the workplace".

A prime example of this is the Royal Commission which was established 16 October, 2022 to propose solutions into Early Childhood Education and Care, inquiring into:

- The extent to which South Australian families are supported in the first 1,000 days of a child's life, focused on opportunities to further leverage early childhood education and care to enable equitable and improved outcomes for South Australian children.
- How universal quality preschool programs for three and four year olds can be delivered in South Australia, including addressing considerations of accessibility, affordability, quality and how to achieve universality for both age cohorts. Consideration of universal three-year old preschool should be undertaken with a view to achieving this commencing in 2026.
- How all families can have access to out of school hours care at both preschool and primary school ages, including considerations of accessibility in all parts of the state, affordability and quality in public and private settings.

There is clearly a very real need for childcare centres throughout South Australia and Australia more generally, and the Planning and Design Code has been designed to service and facilitate this need which includes zones that envisage predominantly residential uses.

Other

A number of other concerns were raised by representors which didn't specifically fit in into the key matters responded to above, these matters are listed and responded to below:

**Impact on property values**

Property values are not an aspect which are considered in a development assessment against the Planning and Design Code.

Hours of operation

The proposed hours of operation are from 7:00am to 6:00pm Monday to Friday. The code specifies hours of operation for non-residential land uses which range from 7am to 9pm Monday to Friday. The proposed hours of operation are within the desired operating hours and are therefore not considered to unreasonably impact the amenity of nearby sensitive receivers.

Lighting

Representor 18 raised concerns about light spill. It is reiterated that lighting in its own right does not constitute development, and there are Australian Standards which manage obstructive impacts of light spill. Furthermore, the operation of the centre is typically during daylight hours with minimal reliance on lighting.

Safety

Safety was raised by several representors. The proposal satisfies safety requirements by maximising opportunities for passive surveillance and visually permeable fencing at the front of the property, whilst also differentiating the public and private land.

Shade sails

Representor 18 raised concern that no elevation of the shade sail was provided. The shade sail does not constitute development as it is less than 3m in height and less than 20 square metres in footprint. Therefore it is not an element of the application subject to assessment.

Advertising in residential area

The advertising display has been reduced in size to limit its impact to the streetscape and surrounding residents. The signage remains non illuminated and affixed to the front wall of the building.

Boundary fence height

The maximum boundary fence height has been reduced from 2.4 metres to 2.1 metres, a height typical in residential areas and otherwise exempt from the definition of development.

I trust this adequately responds to the written representations received by Council.

We look forward to seeing the application be heard by the Council Assessment Panel at the March meeting.

Yours sincerely,

Harry Keramidas
Consultant

Signed by AustLII

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT OF SOUTH AUSTRALIA

DISCLAIMER - Every effort has been made to comply with suppression orders or statutory provisions prohibiting publication that may apply to this judgment. The onus remains on any person using material in the judgment to ensure that the intended use of that material does not breach any such order or provision. Further enquiries may be directed to the Registry of the Court in which it was generated.

DEVELOPMENT HOLDINGS PTY LTD v CITY OF SALISBURY ASSESSMENT PANEL & ANOR

[2024] SAERDC 6

Judgment of Commissioner Dyer

1 February 2024

ENVIRONMENT AND PLANNING - ENVIRONMENTAL PLANNING - DEVELOPMENT CONTROL

Appeal against a decision of the City of Salisbury Assessment Panel to refuse planning consent to an application for a pre-school. Land use considered, intent of Hills Neighbourhood Zone considered, generic and specific characters considered, commercial or community activity considered, intensity and scale considered, impacts of land use on character and amenity, whether meeting Noise Policy guidelines is sufficient for purposes of amenity, intersecting role of general development policies and zone provisions.

Held: Appeal allowed. The Council Assessment Panel's decision is reversed and planning consent, subject to conditions is granted.

Planning, Development and Infrastructure Act 2016 (SA); Planning, Development and Infrastructure (General) Regulations 2017 (SA); Planning and Design Code v2023.2, referred to; Geber Super Pty Ltd v The Barossa Assessment Panel [2023] SASC 154; Adelaide Hills Council Assessment Manager v Parkins & Anor [2023] SASCA 66; Emali Early Learning Centre Inc v City of Mitcham and Ors [2015] SAERDC 36; Jakk Enterprises Pty Ltd ATF Jakk Trust v Assessment Panel of the Corporation of the City of Campbelltown [2023] SAERDC 6; PC Infrastructure Pty Ltd v City of Mitcham Council Assessment Panel [2023] SAERDC 14; Vikhlyayev v City of West Torrens Assessment Manager [2023] SAERDC 1; Rymill Park Apartments Pty Ltd v Rymill House Foundation Pty Ltd & Anor [2023] SASC 107; Nadebaum v City of Mitcham [1995] EDLR 589, considered.

Appellant: DEVELOPMENT HOLDINGS PTY LTD **Counsel:** MR T GAME AND MS L DILLON -
Solicitor: BOTTEN LEVINSON
First Respondent: CITY OF SALISBURY ASSESSMENT PANEL **Counsel:** MR A MIEGEL -
Solicitor: NORMAN WATERHOUSE
Second Respondent: BERENDINA JENZEN **Advocate:** MR T JENZEN
Hearing Date/s: 20/09/2023 to 22/09/2023
File No/s: ERD-23-000053
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**DEVELOPMENT HOLDINGS PTY LTD v CITY OF SALISBURY
ASSESSMENT PANEL & ANOR
[2024] SAERDC 6**

THE COURT DELIVERED THE FOLLOWING JUDGMENT:

Introduction

1 Citing reasons of incompatibility with the character and amenity of the locality, the City of Salisbury Assessment Panel (the **Panel**) refused an application by Development Holdings Pty Ltd (the **Appellant**) for a 118 place child care centre at 61 Stanford Road, Salisbury Heights (the **Land**).

2 The Appellant, aggrieved by the Panel's decision has appealed to this Court.

3 Ms Berendina Jenzen, a neighbour, applied and was joined as a party (the **Second Respondent**). She was represented by her son Mr Trevor Jenzen.

4 Mr T Game, of counsel, appeared on behalf of the Appellant and called Mr M Osborn,¹ to provide written and oral evidence. Mr Miegel, of counsel, appeared on behalf of the Panel. Written and oral evidence for the Panel was provided by Mrs E Barnes.² The Second Respondent gave lay evidence but did not adduce any expert evidence.

5 The Court and parties viewed the site and locality.

The proposed development

6 The proposed development³ (the **Proposal**) was revised and now comprises a 108 place pre-school, together with car parking for 27 vehicles, retaining walls, fencing, landscaping and advertising.⁴

7 Proposed hours of operation will be 6.30am to 6.30pm Monday to Friday. Children will remain indoors prior to 7.00am and servicing will occur outside of peak operating hours.

¹ Mr Osborn is a qualified town planner and a level 1, 2 and 4 Accredited Professional with 30 years' experience.

² Mrs Barnes is a qualified town planner with 26 years' experience.

³ Following the commencement of these proceedings the Appellant revised the Proposal. The amendments have the effect of reducing the capacity, reconfiguring the building design, amending boundary setbacks, reconfiguring the car park, adjusting retaining wall and fence heights, setting the building down and varying landscaping. The development remains essentially the same as the original.

⁴ The advertisement is not in contention between the parties Pursuant to Schedule 4(1)(c) of the *Planning, Development and Infrastructure (General) Regulations 2017 (SA)* (PDI Regs) the advertisement may be exempt from the definition of development.

Signed by AustLII

File Number

ERD-23-000053

2

8 A landscape buffer, grading in width between 5.9m - 5.0m, is proposed across the front of the Land behind which a proprietary Norwood batten fence 1.5m high is to be located.

9 The single storey, 745m² building is proposed with a maximum height of 5.1m. The design is reflective of the land use and also exhibits a somewhat residential vernacular with significant articulation. A sign is proposed for the face gable above the main entry.

10 Earth and white coloured materials are proposed encompassing a Colorbond roof and weatherboard walls to the front and front side along with decorative vertical battens and brick planter boxes. Aerated concrete panels with a textured and painted finish are proposed to the balance of the side walls and rear.

11 The building is proposed to be sited approximately 43m - 48.5m from the western (front) boundary of the Land and some 900mm from the southern boundary for a distance of 15.6m, beyond which it will step away to allow for an outdoor play space 8.5m wide. This play space will wrap around the eastern side (rear) of the building where the south eastern corner, at 3.3m, will form the closest rear setback.⁵ Forward of the building on the southern side an area of open space, a formal play space, a screened bin enclosure, store and rainwater tanks are proposed.

12 The 27 space car park positioned behind the landscape buffer will be setback 900mm off the northern boundary. Vehicle access will be via a proposed dual direction driveway located 6m from the northern boundary. A pedestrian access path will run along the car park's southern edge.

13 East of the car park the building will be variously setback from the northern boundary. For 9.2m the setback is proposed at 1m, beyond which it will increase to provide for play space. The setback will be 8.2m wide for a length of 7.7m, stepping in to 7m with the building ending 5m from the rear boundary.

14 To assist with noise abatement, the site will be excavated and fenced. Side and rear boundary fencing will be constructed of Colorbond sheeting. In part, fences will be constructed above retaining walls that will vary in height up to 1.5m. When viewed from surrounding properties fence heights will be approximately 2.4m to the north, 2.5m to the south, and 2.2m to the east.

The Land and locality

The Land

15 The Land is located within the Hills Neighbourhood Zone (**HNZ**) at a boundary with the General Neighbourhood Zone (**GNZ**). It is 2760m² in area,

⁵ There was some conjecture as to whether the setback was 3.1m (as shown on the site plan) or 3.3m (as shown on the floor plan). The evidence provided was the setback from the boundary was 3.3m and the 200mm variance was due to the 3.1m measurement having been taken from the inward edge of the retaining wall.

Signed by AustLII

File Number

ERD-23-000053

3

roughly rectangular and grades 3% to 4% west to east and just under 1% north to south.

- 16 A detached dwelling is setback roughly 13-16m from the front boundary behind a mature front garden accessed via two driveway crossovers. The northern driveway provides access to the rear yard and specifically a substantial shed sited 2.8m from the rear boundary. The rear of the dwelling opens onto a covered outdoor area separated from the balance of the Land by a retaining wall.

The locality

- 17 Both experts defined similar, but somewhat circumscribed localities. Mrs Barnes also referenced an undefined “*broader locality*.”⁶

- 18 Mr Osborn based his locality on the area he considered most directly affected by the Proposal and relevant to determining the pattern and character of development. Mrs Barnes said she considered the area from where the sphere of influence would be noticeable.

- 19 Both experts’ localities took in all the properties along Stanford Road and Birt Avenue, between Nos. 45 and 69 and the western edge of Nos. 14 and 15 respectively,⁷ along with Nos. 7, 9 and 11 Scott Avenue.

- 20 Mr Osborn’s locality extended west into the GNZ incorporating Nos. 37 and 40 St Albans Drive along with all of the properties abutting the western side of Stanford Road between No. 4 Featherstone Place and the reserve abutting 4 Sandalwood Court.

- 21 Mrs Barnes’ locality terminated at the western boundary of Stanford Road but extended north to include a further six allotments. She also extended the locality to include all of the properties in the area bound by the northern side of Birt Avenue, the eastern side of Scott Avenue and the northern side of Taylor Avenue between No. 20 and Stanford Road.

- 22 The parties walked the Court, beyond the experts’ localities taking in both sides of Taylor Avenue and invited the Court, in its own time, to view the Salisbury Heights pre-school,⁸ and the Salisbury Heights Primary School. All of which the parties relied upon in Court.

- 23 The experts agreed that the locality comprises low density residential development, typically setback 10-15m from the front boundary. Mr Osborn noted dwellings (including some of two storeys) varied in age, and determined that from east to west allotment sizes reduce and built form is more compact. Mrs Barnes emphasised the solely intact residential nature of the area and generous

⁶ Exhibit R2 at [42].

⁷ Mr Osborn only included the front section of Nos. 10-12 Birt Avenue.

⁸ The pre-school is located 500m south of the land along Stanford Road and is within the HNZ.

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spacing between dwellings.⁹ She also noted the broader locality displays numerous culs-de-sac connecting to relatively few local and connector roads.

24 Beyond their respective localities both acknowledged infill development is occurring comprising smaller allotments, greater site cover and more retaining.

25 To understand the prevailing character and amenity of the HNZ within Salisbury Heights a locality larger than those identified by the experts is required.

26 I agree with Mr Osborn that the properties abutting Stanford Road to the west should be included in the locality, predominantly because the rear and side fences form an integral part of the interface character of Stanford Road and they rely, at least in part, on Stanford Road for access.

27 I would modify the experts' combined locality to include all the properties on the southern side of Taylor Avenue up to and including No 19 Taylor Avenue along with No 14 Birt Avenue and would remove the area north of the northern boundary of No 73 Stanford Road.

28 The topography of the locality grades moderately up towards the west. Localised sites along the minor creek line are steeper.

29 Stanford Road is a connector road that carries some 3415 vehicles per day connecting The Grove Way and Target Hill Road.¹⁰ It is a physical and visual barrier softened by the scrubby aesthetic along the western side. Vehicles are funnelled to Stanford Road from culs-de-sac and dead end streets both from within and beyond the locality and continued traffic increases are expected as evidenced by the future road widening reservation.

30 Re-division is resulting in smaller allotments consistent with the policy change introduced through HNZ predecessor zones that reduced the minimum site area from 1800m² to 650m².¹¹ Notwithstanding, most allotments remain typically large. Residential density is increasing slightly.

31 Re-division and re-development is particularly evident in and around Taylor Road although there are scattered incidents of infill in close proximity to the Land notably Nos 51, 53, and 59A Stanford Road and No 6 Taylor Avenue. This newer development exhibits more visible retaining walls, smaller sites (both site areas and frontages), increased site cover, modern built form and more manicured landscaping.

32 Dwellings are relatively uniformly positioned between 12m-15m¹² from the front boundary, especially along Stanford Road, and are frequently positioned close to one boundary. Double and single width and multiple driveways are

⁹ T126,26-28 and Exhibit R2 at [38-48].

¹⁰ Trips in front of the land as per Cirqa Exhibit R1 p67 of 748 at [2.2].

¹¹ Exhibit A7.

¹² Exhibit A10.

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prevalent, with many leading to double garages. There are few front fences and the older front gardens on the eastern side of Stanford Road tend to merge with the road reserve.

- 33 Overall the locality can be characterised as a residential area comprising largely (although not exclusively) single storey detached dwellings on individual allotments. There is increasing evidence of recent redevelopment and slight increases in density; notwithstanding density remains low. It is suburban, as distinct from urban or rural. It is relatively quiet. Dwellings are typically set back behind established gardens with both dwellings and gardens generally well maintained. Driveways lead to carports or garages. Stanford Road provides for through traffic and traffic collected from the surrounding local road network. The amenity is pleasant. It is typical of what one would expect of a residential area influenced by a collector road at the edge of a zone.

The legislative Framework

- 34 A change in the use of land and building work both comprise development for the purposes of s 3 of the *Planning Development and Infrastructure Act 2016* (SA) (the **PDI Act**).

- 35 Section 101 provides that development may not be undertaken unless the development is an approved development.

- 36 Section 102 provides a development is only an approved development if and only if, the relevant authority has assessed the development against, and granted a consent in respect to, amongst other matters which are not relevant, the relevant planning rules (s 102 (1)(a)). The Planning Rules are defined to include the Planning and Design Code (the **Code**), design standards¹³ and any other instrument prescribed by the regulations.

- 37 Section 103 provides three assessment pathways; accepted development (s104), code assessed development (ss105-107) and impact assessed development (s108).

- 38 The proposed development falls within the category of code assessed development and within this, performance assessed development (s107(1)). Section 107(2)(b) provides that the Proposal must be assessed on its merits against the Code.¹⁴

- 39 The Code is established under s 65 of the PDI Act and incorporates a scheme that includes the use of zones, sub-zones and overlays that are applied spatially. The spatial location is determined from the South Australian Property and Planning Atlas (**SAPPA**), the on-line atlas and search facility as established by s50 of the PDI Act and which must include a council based zoning map or set

¹³ Applicable under Part 5 Division 2 Subdivision 4.

¹⁴ The Code v2023.2 "Part 1 – Classification of Development" p2.

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of maps and any other mapping required by the Commission.¹⁵ The Code also includes general development policies (**General policy**) that apply to all development within the State.

40 The applicable policies identified as part of a Policy 24 Enquiry (the Code as accessed via the portal¹⁶) issued at the time the application was lodged include all of the HNZ Performance Outcomes (**PO**), the Desired Outcome (**DO**) and Designated Performance Features (**DPF**), all of the General policy and all overlay policies (DOs, POs and DPFs) as follows:

Hills Neighbourhood Zone¹⁷

DO1

POs1.1, 1.2, 1.3, 1.4, 1.5, 2.1, 2.2, 3.1, 4.1, 5.1, 6.1, 7.1, 7.2, 8.1, 9.1, 10.1, 10.2, 11.1, 11.2, 11.3, 12.1, 12.2, and 13.1

DPFs1.1, 1.2, 1.5, 2.1, 2.2, 3.1, 4.1, 5.1, 6.1, 7.1, 7.2, 8.1, 9.1, 11.3, 12.1, 12.2, and 13.1.

41 A series of Technical Numerical Variations (TNV) (**Local Variations**) also apply. Specifically the local variations that apply are:

- Maximum Building height is 9 metres, 2 levels.
- Concept Plan 81 - Edinburgh Defence Airfield Lighting Constraints
- The Minimum future local road widening setback is 10.5m.
- Site areas and frontage are applicable to dwellings.

Overlays

*Airport Building Heights (Regulated) (All structures over 15 metres)*¹⁸;

DO1

POs1.1 and 1.2

DPFs1.1 and 1.2

¹⁵ See the Code v2023.2 page 5 "Spatial Information and Electronic Databases and Files," which says "The Code and the SA Planning Database in turn operate in conjunction with the South Australian Property and Planning Atlas (SAPPA) and other... The data in SAPPA defines the spatial extent and boundaries of the zones, subzones and overlays established by the Code."

¹⁶ The SA Planning Portal established pursuant to s 48 of the *PDI Act*.

¹⁷ Only HNZ DO1, PO11.3 and DPF11.3 were returned by the portal as applicable for the purposes of the retaining wall and only HNZ DO1 was returned by the portal as applicable in respect of the fence.

¹⁸ Only DO1, and PO1.1 and DPF1.1 were returned as applicable in respect of the fence.

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Affordable Housing;

DOs1 and 2

POs1.1, 1.2, 1.3, 2.1, 3.1, 3.2, and 4.1

DPFs1.1, 1.2, 3.1,3.2, 4.1

Building Near Airfields

DO1

POs1.1, 1.2 and1.3

DPFs1.1.12 and 1.3

Defence Aviation Area (all structures over 45 metres)¹⁹

DO1

POs1.1 and 1.2

DPFs1.1 and 1.2

Future Local Road Widening

DO1

PO1.1

DTS1.1

Future Road Widening²⁰

DO1

PO1.1

DPF1.1

Hazards (Bushfire – Urban Interface)

DO1.1

POs1.1, 1.2, 1.3, 1.4, 1.5, 1.6 and 2.1

DPFs1.1, 1.2, 1.3, 1.4, 1.5, 1.6 and 2.1

Figures and Diagrams 1- 4

¹⁹ Only DO1, and PO1.1 and DPF1.1 were returned as applicable in respect of the fence.

²⁰ This Overlay was not included in the list of applicable Overlays on the Policy 24 Enquiry Cover Sheet but was included in the applicable policies in the body of the Policy 24 Enquiry curation.

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Prescribed Wells Area

DO1

PO1.1

DPF1.1

Regulated and Significant Tree

DO1

POs1.1, 1.2, 1.3, 1.4, 2.1, and 3.1

DPF3.1

Stormwater Management

DO1

PO1.1

DPF1.1

Urban Tree Canopy

DO1

PO1.1

DPF1.1

Water Resources²¹

DO1 and 2

POs1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8 and 1.9

DPF1.5

General Development Policies

42 All provisions of all of the General policy are applicable to the pre-school.

43 Only General policy Design in Urban Areas (**Design**) DO1 and POs9.1 and 9.2 and DPF9.2 were returned via the portal as applicable in respect of the retaining wall and only General policy Clearance from Overhead Powerlines DO1, PO1.1 and DPF1.1, General policy Design DO1 and PO9.1 were returned via the portal as applicable to the fence.

²¹ For the purposes of Table 3, in respect of the retaining wall only DO1 and 2, and POs1.1, 1.5, 1.7 and 1.8 and DPF1.5 were returned via the portal as applicable and in respect of the fence only DO1 and 2, and POs1.1, 1.4, 1.7 were returned via the portal as applicable.

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44 The portal is intended to curate those provisions most directly relevant to an assessment, however, the PDI Act nonetheless requires an assessment against the relevant provisions of the Planning Rules. His Honour Blue J, addressed this issue in *Geber Super Pty Ltd v The Barossa Assessment Panel* [2023] SASC 154 (*Geber*) concluding assessment of a development pursuant to the PDI Act requires all of the relevant provisions to be considered including those which may be indirectly relevant; not just those produced by the portal.²²

45 In addition to the provisions curated by the portal, the Panel drew attention to the provisions of the GNZ and the Suburban Neighbourhood Zone (**SNZ**). I have had consideration to all of these provisions along with other 'neighbourhood type zones'²³ and in particular the Hills Face Zone (**HFZ**).

46 In *Adelaide Hills Council Assessment Manager v Parkins & Anor* [2023] SASCA 66 (*Parkins*) the Court found a DO is not to be used as a separate and independent standard against which a development is to be assessed, and that a DPF is a guide.²⁴ HH Blue, J succinctly saying the latter are "...not policies in themselves and are merely a guide".²⁵

47 Together these decisions are the authority for the proposition that the POs are the primary assessment policy when undertaking an assessment of a performance assessed development.

48 Having considered all of the relevant provisions, I determine those most critical in determining the matter at bar to include HNZ POs 1.1, 1.3, 1.4, 1.5, 3.1, 4.1, 5.1, 8.1, 9.1, 11.1-11.3 along with general policies Interface between Land Uses (**Interface**) POs 1.2, 2.1, 3.1-3.2, 4.1-4.2, 6.1-6.2, 7.1, Design PO2 1.3-1.5, 3.1, 7.2, 7.4-7.6, 8.1, 9.1-9.2, 11.2 -11.3, and Traffic, Parking and Access (**Traffic**) PO3.4-3.5, 5.1, 6.2, and Table 1 along with the respective DOs and related DPFs for all of the above.

The case for the Appellant

49 Relying on HNZ PO1.3(b) Mr Game submitted that the land use (pre-school) is a land use expressly contemplated within the zone to improve community accessibility to services. That HNZ DPF1.1 does not specifically reference a pre-school is not an obstacle given it is PO1.1 that is the applicable and relevant test.

50 Mr Osborn described the Proposal as a mid-sized child care centre,²⁶ which he opined is a land use anticipated in the HNZ generally by PO1.1

²² *Geber Super Pty Ltd v The Barossa Assessment Panel* [2023] SASC 154 at [123-124].

²³ Part 8 of the Code defines neighbourhood type zones.

²⁴ *Adelaide Hills Council Assessment Manager v Parkins & Anor* [2023] SASCA 66 at [122] and [144].

²⁵ [2023] SASC 154 at [149].

²⁶ Since this application was lodged the definitions in Part 7 of the Code have been amended. At the time this application was lodged a "Child care centre" was included in the definition "Pre-school - Means a place primarily for the care or instruction of children of less than primary school age not

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“complementary non-residential uses compatible” and specifically by PO1.3(b) *“non-residential development located and designed to improve community accessibility to services primarily in the form ofchild-care facilities [sic].”*²⁷ The latter purely contemplating the land use without reference to scale or intensity.

51 Unlike commercial activities to which HNZ POs1.2 and 1.3(a) apply, Mr Osborn could not identify any such policy directly referencing scale or intensity in respect of community services leaving the question of intensity, he opined, to other Code provisions,²⁸ and a test of impacts.

52 In terms of character, the Code cannot contemplate nor expect non-residential development to replicate the built form of a dwelling because the inherent nature of the land uses contemplated by PO1.3(b) vary in scale, include car parks, have larger floor areas and non-residential design forms.

53 He acknowledged the front setback of the building would exceed the typical setback to Stanford Road but would satisfy the terms of HNZ DPF5.1(a) and in accord with the usual approach to setback minimums the proposed building would not project forward nor create a visual intrusion along the south-eastern side of Stanford Road.²⁹

54 The building footprint, although larger than a dwelling, nonetheless would maintain a low site cover (27.4%) compatible with the existing low density residential character.³⁰ The associated long roof form would be partly visible from the properties to the north and south, however the impact would be mitigated via the varied [side] setbacks of the building, landscaping and fencing.

55 Overall he opined the single storey form, design and setbacks would provide a complementary built form and scale that sufficiently accords with the Code.

56 Proposed soft and permeable landscaping would comprise approximately 40% of the Land and substantively screen the building, car park and front fence, sufficient to obscure it from almost all views. Landscaping would also enhance

resident on the site.” This is now reversed such that a “Pre-school” is now included in the definition “Child care centre - Means a place primarily for the care or instruction of children of less than primary school age, children with special needs or out-of-school-hours care (including vacation care) and not resident on the site.” Mr Osborn used the terms somewhat interchangeably.

²⁷ Exhibit A3 at [71]-[72].

²⁸ T94.37-38, T95.1-8, T97.6.

²⁹ Exhibit A3 at [87]

³⁰ Mr Osborn calculated site cover (Exhibit A3 at [84]) to be between 11% and 29% in the HNZ. He noted it was higher at around 40% in the GNZ. He considered even, if for reasons of consistency with these calculations the site cover calculation was undertaken based on a roofed area of 945m², the site cover would continue to meet DPF 3.1(b).

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the visual amenity of the Land, assist with natural stormwater infiltration, provide shelter and shade, absorb heat and reduce reflection.³¹

57 He observed little slope is required to result in 1.5m retaining walls which are not uncommon in the locality and, although not stepped, nonetheless, will meet HNZ DPF11.3. The combined retaining wall and fence to the rear rising to 3.3m would not be unreasonable when viewed internal to the Land. It would be “noticeable but not uncharacteristic.”³² Importantly, he opined when viewed from neighbouring properties the combined fences and retaining walls would appear typical in terms of heights and materials to those in the locality.

58 Mr Osborn maintained the opinion that the Proposal would sufficiently complement existing character.

59 Mr Game pointed to the fact the Panel did not dispute the Sonus report which found noise from the Proposal would be compliant with both the Environment Protection (Noise) Policy 2007 (where relevant), and the World Health Organisation Guidelines for Community Noise 1999.³³ Nonetheless, he submitted, the Panel without providing evidence and with seemingly misplaced reliance on *Emali Early Learning Centre Inc v City of Mitcham and Ors* [2015] SAERDC 36 (*Emali*) suggested the amenity of neighbouring residents would not be complemented; the Proposal failing the amenity test in HNZ PO1.4.³⁴

60 The Appellant disputed the Panel’s stance. It relied on *Jahk Enterprises Pty Ltd ATF Jahk Trust v Assessment Panel for the Corporation of the City of Campbelltown* [2023] SAERDC 6 (*Jahk*) to submit there is a tangible link between meeting the amenity provisions in the General policy Interface module and meeting Zone amenity provisions.³⁵ It submitted Sonus, in coming to its conclusion that noise from the Proposal would not impact the amenity of nearby sensitive receivers, had specifically assessed and considered the Proposal in the context of the Code. By satisfying General policy Interface POs4.1 and 4.2, which clearly speak to development not resulting in unreasonable impacts upon the amenity of sensitive receivers, the Appellant said the Proposal must also satisfy the amenity test in HNZ PO1.4. Mr Osborn opined that the amenity test in HNZ PO1.4 is met.

61 The Panel, the Appellant contended, took a similar approach to traffic. It said the Panel did not dispute the assessment undertaken by Cirqa³⁶ and provided no evidence to the contrary but nonetheless, concluded traffic would be inappropriate in the context of amenity and character.

³¹ General policy Design POs3.1, 7.4, 7.5 and 7.6, and HNZ PO3.1

³² T37.17-18.

³³ Sonus Pty Ltd – an acoustic engineering company based at 17 Ruthven Avenue, Adelaide.

³⁴ *Emali Early Learning Centre Inc v City of Mitcham and Ors* [2015] SAERDC 36 at [81]-[82].

³⁵ *Jahk Enterprises Pty Ltd ATF Jahk Trust v Assessment Panel of the Corporation of the City of Campbelltown* [2023] SAERDC 6 at [107].

³⁶ Cirqa Pty Ltd – a traffic engineering company based at 150 Halifax Street, Adelaide.

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62 Mr Osborn relied upon the Cirqa assessment to conclude the Proposal would provide safe and convenient access, could accommodate the type and volume of traffic anticipated, would not interfere with street trees or street furniture, and would enable access suitable to accommodate the anticipated vehicles including 8.8m medium rigid vehicles (refuse trucks).³⁷ The 27 space car park he assessed would achieve the prescribed off street car parking rate in the Code.³⁸

63 He concluded the Proposal would not unreasonably impact the amenity of nearby land uses or the locality by way of traffic, noise, overshadowing, car park layout, built form, landscaping or fencing.

64 The Appellant's case was the Proposal is acceptable when considered against the Code and suggested it would be appropriate for the Court to approve the Proposal and seek submissions regarding conditions.

The case for the Panel

65 It was the Panel's case that the child care centre by virtue of its size, design, siting and intensity could not complement nor be compatible with the residential character and amenity of the locality.

66 The words of HNZ DOI "Development provides a complementary transition to adjacent³⁹ natural and rural landscapes....Low density housing....." the Panel argued provide no express contemplation of non-residential development within the zone.

67 The Panel further submitted that the absence of pre-school from the list of uses in HNZ DPF1.1 was significant. It contrasted this HNZ provision with PO1.1 and DPF1.1 of both the GNZ and the SNZ and noted the DPF for both specifically include a pre-school land use. In the absence of other differentiating factors between these zones, the DPFs, it submitted in this instance, are demonstrative of the Code actively contemplating these (in its view - large scale) community services within these other zones.

68 The Panel acknowledged that a pre-school is a type of land use specifically listed in HNZ PO1.3(b) but submitted the bar in the test established by this provision is set so low as to be of minimal assistance. The key tests it submitted are the character and amenity tests in HNZ POs 1.1 and 1.4. Conceding it was not particularly relevant to the Proposal, it nonetheless pointed to HNZ PO1.5 saying new community service uses should be subjected to the same level of scrutiny as the expansion of existing community services.

69 It said the suitability of the Proposal is to be determined based on whether it would be "compatible" with, which it said meant "*capable of existing together in*

³⁷ General policy Transport, access and parking POs 3.1, 3.3, 3.5, and 3.8.

³⁸ General policy Transport, access and parking table 1 – General Off-street parking.

³⁹ **adjacent land** is defined in the Code as no more than 60m.

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harmony” with natural land forms and a low density residential character, and “complementary” to, which it defined as “to suit or go well with” or “enhance the good qualities of,” the residential character and amenity of the neighbourhood.⁴⁰

70 It suggested the Court follow *Vikhlyaev v City of West Torrens Assessment Manager* [2023] SAERDC 1 (*Vikhlyaev*) in respect of character, where an emphasis was placed on “the characteristic gaps between buildings; the extent of the public realm and the distance of buildings from public roads; the mass, form and overall height of buildings; the landscaping and appearance of open space and the like.”⁴¹

71 Mrs Barnes assessed the building to be inappropriately large, attributing the size to the land use and the operational requirements [intensity] of the [108 place] pre-school. In the residential context, she considered the width of the building (27m) and the floor area (745m²) to be out of character and not reflective of the pattern of development. Although in the main, meeting the relevant DPF provisions for side and rear setbacks, she said, nonetheless, there would be insufficient space around the building.

72 The Panel submitted HNZ PO3.1 is a two pronged test. Therefore, the building footprint being inconsistent with the pattern or the character of “...a low density suburban neighbourhood, and” fails the first test such that the second test becomes irrelevant; the Proposal has already failed.

73 Although Mrs Barnes agreed front setbacks are normally used to minimise encroachment towards the street, she opined they also seek consistency within the streetscape. She said the front setback would be excessive and not comply with the Code.

74 She agreed with Mr Osborn that the Proposal did not necessarily need to look like a dwelling and she was not overly concerned by the height or materiality. She acknowledged the fencing would appear residential in form and scale when viewed from outside the Land, and the proposed landscaping was substantial and not dissimilar to other properties in the area. Waste and service areas would be screened. Notwithstanding limited vantage points, she nonetheless remained concerned the Proposal would be out of character based on the broader considerations of the nature of use (including what would be the only car park in the locality), size and placement.

75 The height of the retaining walls would be extensive as a result of the reduced finished floor levels driven by the need to manage offsite noise impacts. She conceded the retaining walls met the terms of HNZ DPF11.3 and the fences when viewed from neighbouring properties would appear to be of a residential

⁴⁰ The Panel relied on *PC Infrastructure Pty Ltd v City of Mitcham Council Assessment Panel* [2023] SAERDC 14 for the definitions of compatible and complementary.

⁴¹ *Vikhlyaev v City of West Torrens Assessment Manager* [2023] SAERDC 1 at [90].

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scale, however, maintained the combined walls and fences would be too high especially when viewed internally from the Land.

76 She accepted that the Proposal would meet the relevant quantum tests (standards) for noise and traffic but said it would be noticeable.

77 The 108 students, 12 hour operation, 27 space car park and associated traffic movements would be unlike anything else in the locality and in her opinion not sufficiently compatible with nor complementary to the residential character or amenity to satisfy HNZ POs 1.1 or 1.4.

The case for the Second Respondent

78 Mr Jenzen advised the Court that his mother had resided next to the Land for some 35 years. Given the amount of time Mr Jenzen has spent at the property some of the evidence was given from a collective standpoint.

79 When the family moved into the area there was a paddock across the road, a big garden and well-spaced houses and it was peaceful and quiet. To a certain extent, he said, that peacefulness still exists, although the level of traffic has increased such that the area is less quiet than it once was. Nonetheless, they almost never hear a neighbour and there is still some peace in the back garden. A place, he described “...where time slows down and you feel you can breathe...”.⁴² he said it is calming and soothing and it is this amenity they do not wish to lose.

80 The intensity and scale of the Proposal he said would “... intrude on the benefits of their large garden...” by [effectively] bringing “...potentially over 100 children and adults into our backyard[,]” and a car park within 4m of bedroom and bathroom windows.⁴³

81 They didn’t expect their zoning to enable development of this scale and intensity in such close proximity to boundaries.

Issues in dispute

82 When distilled to its core, this dispute centres on the following:

- Is the land use appropriate?
- Is the Proposal sufficiently complementary to and compatible with the existing character?
- Is the Proposal sufficiently complementary to the amenity?

⁴² Tp155.25.

⁴³ Tp156.2-9.

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Assessment

Precursory matters

Policy application

83 There are six relevant POs in the Hills Neighbourhood Zone against which this proposal (or specific elements thereof) must be tested for the purposes of establishing its suitability in the context of character and amenity.

PO1.1 Predominantly low density residential development with complementary non-residential uses **compatible with** natural landforms and **a low density residential character**.

PO1.4 Non-residential development **sited and designed to complement the residential character and amenity of the neighbourhood**.

PO3.1 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.

PO4.1 Buildings **contribute to a low-rise suburban character** and complement the height of nearby buildings.

PO8.1 Buildings are set back from side boundaries to provide:

- a) Separation between dwellings in a way that **complements the established character of the locality**.
- b) Access to natural light and ventilation for neighbours

PO9.1 Buildings set back from rear boundaries to provide:

- a) Separation between dwellings in a way that complements the established character of the locality
- b) Access to natural light and ventilation for neighbours
- c) Private open space
- d) Space for landscaping and vegetation

(My emphasis)⁴⁴

84 These require assessments against various spatial areas being “*the neighbourhood*” (HNZ PO1.4), “*a neighbourhood*” (HNZ PO3.1), and “*the locality*” (HNZ POs 8.1 and 9.1).

85 Whether by lack of rigour or otherwise these variations in policy expression lead to uncertainty of application.

⁴⁴ For completeness I note the Code variously uses the terms ‘low density’ and ‘low-density’.

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86 As in in *PC Infrastructure Pty Ltd v City of Mitcham Council Assessment Panel* [2023] SAERDC 14 (*PC Infrastructure*) the question arises “what is the neighbourhood?”⁴⁵

87 I understand the parties in this case to be generally in agreement that, the neighbourhood should be considered to be the same as the locality; the latter a well understood planning concept.

88 Considered at length in *PC Infrastructure*, a case which involved the extended hours of operation of a petrol filling station in the SNZ, the Court determined in respect of at least that zone the neighbourhood must be “*the area impacted by the development*.”⁴⁶

89 Without replication of the reasoning of the Court in *PC Infrastructure* it is sufficient to state that the impacts of a proposal must be considered and evaluated in the context of the area in and around that proposal, as distinct from some arbitrary or removed area; this is equally so in the present case.

90 This approach establishes a defined and contextually relevant area within which character can be observed and defined. It is consistent also with the most specific test “(*the established character of the locality*)” established by HNZ POs 8.1 and 9.1.

91 Having established the neighbourhood to be the locality in this instance provides for a sensible way in which the proposal can be assessed against HNZ POs 1.4, 8.1 and 9.1. That is to say, the proposal can be readily assessed against these POs and the manner in which the Proposal either satisfies or fail to satisfy those provisions can be considered in the context of what exists in the locality (the neighbourhood) at present.

92 The application of HNZ POs 1.1, 3.1 and 4.1 is less clear.

93 HNZ PO1.1 requires non-residential land uses to be compatible with “*a low density residential character*,” HNZ PO4.1 requires buildings to contribute to “*a low rise suburban character*” and HNZ PO3.1 requires building footprints to be consistent with the character and pattern of an undefined “*low-density suburban neighbourhood*.”

94 These policies do not necessarily relate to the specific locality; it must be the generic character elements that are of importance.

95 I would describe a generic low density residential character (HNZ PO1.1) to comprise mainly detached dwellings at densities of less than 35 dwellings per

⁴⁵ *PC Infrastructure Pty Ltd v City of Mitcham Council Assessment Panel* [2023] SAERDC 14.

⁴⁶ *PC Infrastructure Pty Ltd v City of Mitcham Council Assessment Panel* [2023] SAERDC 14 at [44]. Reasons (4) and (7) reference specific use of neighbourhood in the SNZ DO1. In this case HNZ DO1 does not use the term neighbourhood. Nonetheless the reasoning of the Court even at (7) is helpful in understanding the concept of a neighbourhood.

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hectare (net).⁴⁷ Dwellings would be single or double storey in the main and would likely have a separate driveway entrance and be set back from the street behind a front garden and possibly a fence. It may have outbuildings. I cannot be more specific.

96 HNZ PO3.1 modifies the character by adding the concept of “*suburban*.” The area would be remote from the CBD and might include its own facilities.⁴⁸

97 The low-rise reference included in HNZ PO4.1 would reinforce a building height of up to and including two building levels.⁴⁹

98 For the purposes of the assessment at bar, the character of the locality sufficiently exhibits all of these generic characteristics and is sufficiently residential for the purposes of HNZ PO1.4 such that my decision does not turn on whether HNZ POs 1.1, 3.1 and 4.1 are interpreted in the generic or the specific.

99 Achievement of the various policy is by way of “*consistency*”, “*compatibility*”, “*complementarity*” or “*contribution*.”

100 In *PC Infrastructure*⁵⁰ the Court identified pertinent meanings of compatible for the purposes a planning assessment to be “(1) *capable of existing together in harmony* (2) *capable of orderly, efficient integration with other elements of system*.”⁵¹

101 Neither party opposed these definitions which I adopt.

102 Complement was determined in *PC Infrastructure* to mean “*to suit or go well with; enhance the good qualities of*.”⁵²

103 The Appellant favoured an interpretation of complement that was contextual. It pointed to *Jahk* to say an interpretation of “*sit comfortably within its immediate environs*” and not be “*overly jarring or appear out of place*,” was appropriate in respect of built form. In respect of land use, it preferred “*suits or goes well with*” or the understanding that for a land use to be complementary it need only to have a functional relationship with and serve the needs of residents in the area.⁵³

104 The Panel placed emphasis on the phrase “*enhance the good qualities of*” and in particular the word “*enhance*”. For reasons of moving too far away from

⁴⁷ The Code part 8 defines low net residential density as less than 35 dwelling units per hectare.

⁴⁸ On-line Macquarie Dictionary Publishers 2023, MacMillan Publishers Australia 2023 accessed 20 November 2021 defines suburb as “(1) *a district, usually residential and to some degree remote from the business or administrative centre of a city or large town and enjoying its own facilities, as schools, shopping centres, train stations etc.* (2) *an outlying part*.”

⁴⁹ The Code part 8 defines low rise as up to and including two building levels.

⁵⁰ [2023] SAERDC 14.

⁵¹ [2023] SAERDC 14 at [64].

⁵² [2023] SAERDC 14 at [70].

⁵³ [2023] SAERDC 6 at [99].

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the literal language it opposed a definition of “*not be overly jarring*” used in *Jahk*.⁵⁴

105 For the purposes of this assessment I consider the term “*complement*” to mean “*to suit or go well with; enhance the good qualities of.*”

106 However, it would be as unreasonable to expect every development to raise to a higher degree (enhance) the character or amenity of an area as it would be to approve a development that unreasonably (negatively) impacts the same. It is for this reason; I place the emphasis on the more neutral “*to suit or go well with*” and determine this to be the most appropriate test in relation to the complementarity of a development proposal.

107 The Macquarie Dictionary defines “*consistent*” as “*(1) agreeing or accordant; compatible; not self-opposed or self-contradictory*”.

108 Out of interest it is worth noting “*(3) holding firmly together; cohering*” and “*(4) fixed; firm; solid*” are definitions listed as obsolete.⁵⁵

109 In town planning parlance, a definition comprising “*agreeing or accordant*” and “*compatible*” makes sense. It adds consistency to the interpretation of the Code provisions as sought by s12, (2) (a) of the PDI Act.

110 I also defer to the Macquarie Dictionary definitions of “*contribute*” – “*(1) to give in common with others: give to a common stock or for a common purpose*” and “*(3) to make a contribution; furnish a contribution*”⁵⁶

Scale and Intensity

111 Although the matter at bar largely turns on the question of scale and intensity there is little guidance provided in the Code in relation to intensity, especially in respect of a pre-school. Neither concept is described or defined in this instance.

112 Scale is a common planning term used to reflect size including tests of height, length, width, bulk and massing.

113 Intensity, also commonly used in planning, is more nebulous; often a reflection of impact. For the purposes of this assessment, I adopt the Macquarie dictionary definitions as follow:

114 “*Intensity*” “*(1) the quality of or condition of being intense*” or “*(4) the degree to which something is intense;*”

⁵⁴ [2023] SAERDC 6 at [99].

⁵⁵ Macquarie Dictionary (online), Macmillan Publishers Australia 2023, accessed 17 November 2023.

⁵⁶ Macquarie Dictionary (online), Macmillan Publishers Australia 2023, accessed 17 November 2023.

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115 “Intense” “(1) existing or occurring in a high or extreme degree”, “(5) having or exhibiting some characteristic quality in a high degree”.⁵⁷

116 The assessment of intensity is therefore one of impact. The determining factor is whether that impact is reasonable (with or without management) or unreasonable.

Does the Proposal constitute an appropriate land use?

117 Neither the Panel nor the Second Respondent seemingly objected to the land use outright, accepting pre-school is a use listed at HNZ PO1.3(b).

Performance Outcome	Deemed-to-satisfy Criteria / Designated Performance Feature
Land Use and Intensity	
PO1.3 Non-residential development located and designed to improve community accessibility to services, primarily in the form of: (a) small scale commercial uses such as offices, shops and consulting rooms (b) community services such as educational facilities, community centres, places of worship, pre-schools and other health and welfare services (c) services and facilities ancillary to the function or operation of supported accommodation or retirement facilities (d) open space and recreation facilities.	DPF 1.3 (a) None are applicable

122 The Panel suggested there is a hierarchy of neighbourhood zones in the Code with the HNZ comprising very low density and contemplating few non-residential land uses.

123 Using the HNZ as a baseline it pointed to the GNZ and SNZ to say, with reference to the DO, PO1.1 and especially DPF 1.1 of each, that both the GNZ and SNZ were more contemplative of, and therefore more appropriate locations for a wider range of non-residential land uses and particularly, what it termed, the larger community services type land uses such as a pre-school. For ease of reference I have prepared a table where the relevant Zones’ DO, PO1.1 and DPF 1.1 can be considered side by side.

⁵⁷ Macquarie Dictionary (online), Macmillan Publishers Australia 2023, accessed 13 November 2023.

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	HNZ	GNZ	SNZ
DO1	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.	Low rise, low and medium density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.	Low density housing is consistent with the existing local context and development pattern. Services and community facilities contribute to making the neighbourhood a convenient place to live without compromising residential amenity and character.
PO 1.1	Predominantly low density residential development with complementary non-residential uses compatible with natural landforms and a low density residential character.	Predominantly residential development with complementary non-residential uses that support an active, convenient, and walkable neighbourhood.	Predominantly low density residential development with complementary non-residential uses compatible with a low density character.
DPF 1.1	Development comprises one or more of the following: (a) Ancillary accommodation (b) Consulting room (c) Dwelling (d) Office (e) Open space (f) Shop (g) Recreation area.	Development comprises one or more of the following: (a) Ancillary accommodation (b) Community facility (c) Consulting room (d) Dwelling (e) Educational establishment (f) Office (g) Place of worship (h) Pre-school (i) Recreation area (j) Residential Flat Building (k) Retirement facility (l) Shop (m) Student accommodation (n) Supported accommodation	Development comprises one or more of the following: (a) Ancillary accommodation (b) Community facility (c) Consulting room (d) Dwelling (e) Educational establishment (f) Office (g) Place of worship (h) Pre-school (i) Recreation area (j) Shop (k) Supported accommodation

128 I agree with the Panel that these zones contemplate neighbourhoods with some distinct characteristics. This is to be expected; if it were otherwise there would be only one neighbourhood zone.

129 The GNZ policy is contemplative of more intensive residential development than the HNZ or the SNZ. It contemplates walkability, carrying with it an expectation of proximity between land uses and I would expect a more diverse range of land uses. Using the lens of GNZ DO1 to interpret the meaning of convenient non-residential land use within the GNZ such uses might extend to a variety of employment and service land uses.

130 However, in light of HNZ PO1.3(b), and HNZ PO1.5 which contemplate the expansion of existing pre-schools, none of this leads me to find that a pre-school in the HNZ is not an appropriate land use generally.

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131 I am not persuaded that the emphasis can be placed on HNZ DPF1.1 or HNZ PO1.1 in preference to HNZ PO1.3.

132 All POs must be considered in concert; construed together. Her Honour Hughes J in *Rymill Park Apartments Pty Ltd v Rymill House Foundation Pty Ltd & Anor* [2023] SASC 107 (*Rymill Park*) succinctly described the assessment function as one that:

...is not a mechanical assessment of a development, seriatim, against each performance outcome without consideration of other overlapping or competing performance outcomes. Rather it remains for the decision-maker an iterative weighing and balancing exercise guided by the Code.⁵⁸

133 Furthermore, as Bleby JA (with whom Livesey P and Doyle JA agreed) said when the Court of Appeal looked at the role of a DPF in *Parkins*:

Each of these DPFs is a guide to what is generally considered to satisfy the corresponding performance outcome. Neither determines compliance with the performance outcome.⁵⁹

134 Just because HNZ DPF1.1 does not specifically identify a pre-school and HNZ PO1.3 does not reference a scale nor intensity, does not mean at first instance a pre-school is an inappropriate land use. The suitability of the Proposal will be ascertained by assessing it against the other relevant provisions.

135 Pre-schools, and indeed schools and places of worship are all land uses that support a residential community and within the doctrines of good town planning are exactly the type of non-residential land uses that should be encouraged to locate within residential areas.

136 There was some conjecture, on the part of the Panel, that the Proposal would constitute the first intrusion of non-residential development into the otherwise intact and well maintained low density residential neighbourhood.

137 This is true. However, first intrusion of itself is not grounds to refuse an application. As Bowering J decided in *Nadebaum v City of Mitcham* [1995] EDLR 589⁶⁰ (*Nadebaum*):

If a proposal is of a type recognised by the objective of the zone as within one of the primary purposes of the zone, the fact that its approval will constitute a first intrusion of that type into the locality does not constitute a planning justification for refusal.

138 His Honour articulated this principle in respect of an objective of a zone expressed in the Development Plan, however, there is nothing to lead me to believe it is any less relevant in the context of the Code and zone POs directed to

⁵⁸ *Rymill Park Apartments Pty Ltd v Rymill House Foundation Pty Ltd & Anor* [2023] SASC 107.

⁵⁹ *Adelaide Hills Council Assessment Manager v Parkins* [2023] SASCA 66 at [140].

⁶⁰ *Nadebaum v City of Mitcham* [1995] EDLR 589 at [pg 7].

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land use. Every code assessed performance assessed development proposal must be individually assessed.

139 I find as a genus the pre-school land use is an appropriate complementary non-residential land use within the HNZ and in particular in this locality because it is a land use that would suit or go well with the existing residential development.

Is the Proposal sufficiently complementary to and compatible with the existing residential character?

140 This is a question of scale and intensity.

141 The character elements in dispute as identified by the experts were siting and size of the building, retaining walls, fences and the car park.

142 The height and design of the building and landscaping were not in dispute.

143 As a non-residential land use, this proposal must be tested for its fit with the character of the locality, however, that test cannot be applied as if the Proposal were a dwelling. By its inherent nature a pre-school is not a dwelling, it will be larger and will comprise different elements.

144 To assess the complementarity and compatibility of the Proposal with the character of the locality the parties pointed essentially to HNZ POs 1.1 and 1.4. Mrs Barnes also suggested HNZ PO1.5 was relevant.

Performance Outcome	Deemed-to-satisfy Criteria / Designated Performance Feature
Land Use and Intensity	
PO1.1 Predominantly low density residential development with complementary non-residential land uses compatible with the natural landforms and a low density residential character.	DTS/DPF 1.1 Development comprises one or more of the following: (a) Ancillary accommodation (b) Consulting room (c) Dwelling (d) Office (e) Open space (f) Shop (g) Recreation area.
PO1.4 Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.	DTS/DPF 1.4 None are applicable
PO1.5 Expansion of existing community services such as educational establishments, community facilities and pre-schools in a manner which complements the scale of development envisaged by the desired outcome for the neighbourhood.	DTS/DPF 1.5 Alteration of addition to existing educational establishment, community facilities or pre-schools where all the following are satisfied: (a) set back at least 3m from any boundary shared with

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	<p>a residential land use</p> <p>(b) building height not exceeding 1 building level</p> <p>(c) the total floor area of the building not exceeding 50% of the total floor area prior to the addition/alteration</p> <p>(d) off-street vehicular parking exists or will be provided in accordance with the rate(s) specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas to the nearest whole number.</p>
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- 155 HNZ PO1.5, as I have said, is contemplative of pre-schools and their expansion in the HNZ. However, in terms of any guidance the Panel submitted that HNZ PO1.5 might offer, I find setback provisions are covered in HNZ POs5.1, 8.1 and 9.1, and building height is covered by HNZ PO1.4. HNZ DPF 1.5(c) is of no assistance because it is linked to (in this case a non-existent) existing floor area, and the car parking table referenced in HNZ DPF1.5(d) otherwise remains applicable.

Siting

Setbacks

- 156 Pointing to what she said was a spacious quality within the locality, and interpreting HNZ PO5.1 to be seeking uniform front setbacks, Mrs Barnes expressed concerns that the siting of the building did not complement the character of the locality in that the building was sited too far back from the front boundary.

Performance Outcome	Deemed-to-satisfy Criteria / Designated Performance Feature
Primary Street Setback	
PO5.1 Buildings are set back from primary street boundaries consistent with the existing streetscape.	DPF 5.1 The building line of a building set back from the primary street boundary: (a) at least the average setback to the building line of existing buildings on adjoining sites which face the same primary street (including those buildings that would adjoin the site if not separated by a public road or a vacant allotment) (b) Where there is only one existing building on adjoining sites which face the same primary street (including those that would adjoin if not separated by a public road or a vacant allotment), not less than the

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	setback to the building line of that building or
	(c) Not less than 8m where no building exists on an adjoining site with the same primary street frontage.

157 Mr Osborn agreed the front setback at some 42m would well exceed front setbacks in the locality generally. He opined front setbacks are usually expressed as minimums to ensure space is available for landscaping and elements of the built form do not protrude into the streetscape.

158 The setback meets HNZ DPF5.1(a) and the intent of HNZ DPF 5.1(b) and (c), all of which lead me to the conclusion the intent of HNZ PO5.1 is to require sufficient space between the building and its front boundary; it must be agreeable with and not opposed to existing setbacks.

159 I accept there would be cases where an excessive setback might be equally disruptive to the streetscape. In this case both of the experts said that the landscaping to the front of the Land is reminiscent of a domestic garden and will largely obscure all but the closest of views. It will not be obvious other than from above.

160 Fences are not completely foreign to the locality and there are occurrences of front fences and retaining walls facing Stanford Road. More importantly, the fence in the matter at bar is to be positioned behind the 5m wide landscape buffer and accordingly will be screened from view and not form a prominent element in the streetscape.

161 In this instance I assess the front setback to be satisfactory.

162 The Panel submitted side setbacks on large allotments could be expected to exceed the minimums. Mrs Barnes opined that simply meeting the minimum quantitative amounts of HNZ DPF 8.1 was not sufficient to provide the separation between the buildings as required by the Code because the scale of the building *"departs significantly from existing residential buildings."*⁶¹

Performance Outcome	Deemed-to-satisfy Criteria / Designated Performance Feature
Side Boundary Setback	
PO8.1	DPF 8.1
Buildings are set back from side boundaries to provide: (a) Separation between dwellings in a way that complements the established character of the locality (b) Access to natural light and ventilation for neighbours	Building walls not sited on side boundaries set back from side boundaries at least: (a) On sites with a gradient greater than 1-in-8: (i) Other than a wall facing the southern boundary, 1900mm (ii) For walls facing a southern boundary, at least 900mm plus 1/3 of the wall height above 3m measured from the top of the

⁶¹ Exhibit R2 at [121].

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	<p>footings.</p> <p>(b) On sites with a gradient less than 1-in-8:</p> <p>(i) at least 900mm where the wall is up to 3m measured from the top of the footing</p> <p>(ii) other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the wall height above 3m measured from the top of the footings</p> <p>(iii) for walls facing a southern boundary, at least 1900mm plus 1/3 of the wall height above 3m measured from the top of the footings.</p>
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166 It was Mr Osborn's opinion only a relatively small portion of the building was to have the minimum setback, the balance well exceeding these amounts. He assessed the setbacks to provide for complementary separation of buildings.

167 I agree with Mr Osborn. The length of building wall at the minimum setback to the south is just over 15m in length and to the north is just shy of 9.2m; neither of which I consider excessive. Furthermore, the building is single storey and is well articulated along the side boundaries with the vast extent of the building well exceeding the minimum established in HNZ DPF 8.1. It will provide for space, light and ventilation as required by HNZ PO8.1.

168 Ms Barnes said the rear setback is less than the minimum established by HNZ DPF9.1 and not sufficient to complement the established character of the locality.

Performance Outcome	Deemed-to-satisfy Criteria / Designated Performance Feature
Rear Boundary Setback	
<p>PO9.1</p> <p>Buildings set back from rear boundaries to provide:</p> <p>(a) Separation between dwellings in a way that complements the established character of the locality</p> <p>(b) Access to natural light and ventilation for neighbours</p> <p>(c) Private open space</p> <p>(e) Space for landscaping and vegetation</p>	<p>DPF 9.1</p> <p>Buildings are set back from the rear boundary at least:</p> <p>(a) 4m for the first building level</p> <p>(b) 6m for any second building level.</p>

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171 Mr Osborn identified rear setbacks in the locality (excluding some outbuildings) as generally in excess of 20m.⁶² He acknowledged the rear setback of the Proposal, ranging from 3.3m to roughly 5m, will be less than this and will in part protrude closer than the 4m minimum provided in HNZ DPF9.1.

172 He said the small rear setbacks of the relatively newly developed 59A Stanford Road and outbuildings in the locality, notably the existing large shed on the Land, all formed part of the existing character of the locality.

173 It was his opinion that the departure from HNZ DTS9.1 was not excessive and said in any event the Proposal satisfies the relevant items in HNZ PO9.1 in that access to light and ventilation is provided to the neighbours. It was his view that the setback was sufficiently complementary to the character of the locality (HNZ PO9.1(a)).⁶³

174 HNZ PO9.1(a) linking rear setbacks to established character is curious; a rear setback is not legible from many vantage points. More often a rear setback is used as a measure of site cover and to ensure adequate space around buildings and private open space, as per HNZ PO9.1(b), (c) and (d).

175 The rear setback is not overly generous and is partially less than the minimum established in DPF 9.1(a). A larger setback may well be desirable. However, it is not for this Court to assess what might be desirable, it is for this Court to assess the Proposal before it.

176 The variance from HNZ DPF9.1(a) is limited and will be without significant impact. The angle of this boundary results in the building progressively moving in excess of this measure. Just over 7m on either side of the rear of the building (or approximately half the boundary) will have a setback back of roughly 30 metres; far in excess of the minimum. At its closest the rear setback is comparable with the existing very large shed on the Land, and the adjacent new dwelling at 59A Stanford Road. Space remains between dwellings⁶⁴ and light and ventilation remain available to neighbours. I consider HNZ PO9.1(a) and (b) to be satisfactorily met.

177 I agree with Mr Osborn that in this instance PO9.1(c) is less relevant to a pre-school than to residential development, however, in my view PO9.1(d) is relevant. The setback provides for landscaping as is shown on Plan 01 Landscape Design prepared by DAS Studio.⁶⁵ I consider PO9.1(d) to be satisfactorily met.

⁶² Exhibit A10.

⁶³ T28.31-38, T29.1-5 and 20-38, T30.1-3, T31.15-21.

⁶⁴ Although this is not a dwelling (a) being a subset under the chapeau commencing "Buildings set back from rear boundaries...." I consider this provision worthy of some consideration.

⁶⁵ Exhibit A3.

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Floor area

178 By virtue of the large floorplate, which at 745m² would be multiple times larger than that of the existing dwellings within the locality, Mrs Barnes assessed the Proposal would be inconsistent and incompatible with the existing character. By her assessment the Proposal would not meet HNZ PO3.1.

Performance Outcome	Deemed-to-satisfy Criteria / Designated Performance Feature
Site coverage	
PO3.1 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.	DPF 3.1 The development does not result in site coverage exceeding: (a) On sites with a gradient greater than 1-in-8, 40%. (b) On sites with a gradient less than 1-in-8, 50%.

184 The Second Respondent without particularising was also concerned by the size of the pre-school.

185 Acknowledging the site cover would comfortably fall below the 50% established in HNZ DPF3.1(b), Mrs Barnes said this is nevertheless insufficient to meet the terms of HNZ PO3.1; the DPF not according sufficiently with the PO.

186 HNZ PO3.1 and DPF3.1 are both listed under the heading of site coverage. DPF 3.1 relates solely to site cover, whereas HNZ PO3.1 comprises two tests *“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”*. The Panel says the first test must be met before considering the second.

187 Clearly, the site cover at 27% is not excessive and the extent of the building footprint in this instance is unlikely to be viewed other than from above.

188 However, considering the building footprint in isolation, I would be hard pressed to say that it is consistent with the pattern of building footprints in the locality. Did it not fail the first test the balance of the provision would be met in that there is generally sufficient space around the building.

189 That said, the extent of the consequence of this departure from HNZ PO3.1 alone is not considered fatal.

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Cut and fill, Fences and retaining walls

190 Mrs Barnes was concerned about the height of the retaining walls which she said emanated from the need to lower the site of the building as a mechanism to manage noise. She accepted that the height of the retaining walls met HN2 DPF11.3(a) but assessed it nonetheless to be excessive. She could identify no demonstration of any attempt to balance cut and fill. She assessed the Proposal to be contrary to HN2 PO11.1 and 11.3.

Performance Outcome	Deemed-to-satisfy Criteria / Designated Performance Feature
Earthworks and retaining	
PO11.1 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.	DPF 11.1 None are applicable.
PO11.2 Vegetation is used to screen buildings and excavation or filling from view.	DPF 11.2 None are applicable
PO11.3 Retaining walls are stepped series of low walls constructed of dark, natural coloured materials and screened by landscaping.	DPF 11.3 Retaining walls: (a) Do not exceed 1.5m in height or (b) where more than 1.5m is to be retained in total, are stepped in a series of low walls each not exceeding 1m in height and separated by at least 700mm.

208 She also assessed it also to be contrary to General policy Design PO8.1.

Performance Outcome	Deemed-to-satisfy Criteria / Designated Performance Feature
Earthworks and retaining	
PO8.1 Development, including any associated driveways and access tracks minimises the need for earthworks to minimise disturbance to natural topography.	DPF 8.1 Development does not involve any of the following: (a) excavation exceeding a vertical height of 1m (b) filling exceeding a vertical height of 1m (c) a total combined excavation and filling vertical height of 2m or more.

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216 Mr Osborn was of the view that the retaining would not be excessive and thus appropriate. He relied heavily on HNZ DPF11.3(a).

217 The proposal clearly is not split level, the site has been excavated. The amount of excavation in the context of the locality is large but it is not excessive.

218 HNZ PO11.3 seeks stepped retaining walls, however, in combination DPFs11.3(a) and (b) indicate that stepping is more important where retention exceeds 1.5m in height.

219 Notwithstanding both are only advisory, General policy Design DPF 8.1 uses a trigger point of 1m such to the extent there is an inconsistency the 1.5m measure in the HNZ DPF 11.3(b) is the prevailing guide. The intent of General policy Design PO8.1 is to curb earthworks to limit disturbance to the natural topography. It is not inconsistent with HNZ PO11.3 which also looks to integrate with the natural topography. In this respect the Land is already (in part) retained and is not in a natural state.

220 Notwithstanding the height of the retaining walls are towards the upper limit of acceptability there are no significant character impacts arising from the excavation or height of retaining walls forming part of the Proposal. Retaining walls are not uncommon and will not be visible from neighbouring properties or the public realm and fences will appear in common with boundary fences in the locality both in terms of materials and height.

221 Overall I find the size and scale of the Proposal enables an appropriate design response to satisfactorily fit with the prevailing character in the locality.

Car Park

222 Mrs Barnes' opined the car park introduces an element into the locality not consistent with the character. Mr Osborn agreed the car park would be an element otherwise absent from the locality but said, it had to be contemplated in so far as pre-schools would have associated car parking.

223 As I said earlier, the car park cannot be assessed as if it were residential development. The Code contemplates a pre-school will have associated off-street car parking.⁶⁶

224 The car park runs in to the site as distinct from across the site. Its positioning along the northern boundary with landscaping will have the effect of the Land being more open when experienced from much of the Second Respondent's property.

⁶⁶ Planning and Design Code v 2023.2 General Development Policies, Transport, Access and Parking, Table 1.

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225 Whilst not invisible, vegetation will obscure views from offsite, and the single, double width crossover leading from the street will be consistent with the double width access to many of the residences fronting Stanford Road.

226 In context I find that the car park has been designed to fit in with and suit the surrounding streetscape. Accordingly I find that it is suitable when tested against HNZ POs 1.1 and 1.4. It also accords with General policy Design PO7.2.

Performance Outcome	Deemed-to-satisfy Criteria / Designated Performance Feature
Car Parking Appearance	
PO7.2 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, fenced and the like.	DPF 7.2 None are applicable

234 Mrs Barnes contended that the vehicle movements in and out of the site would be contrary to the character of the area. Her assessment against the relevant provisions in the module General policy Design POs 7.2-7.6 inclusive was these were met, however she maintained that the car park was out of character with the adjoining dwellings.

235 Stanford Road carries some 3415 vehicles per day. Traffic is both local, collected from surrounding roads including St Albans Drive and linked culs-de-sac to the west, and through-traffic travelling between The Grove Way and Target Hill Road. Traffic is not foreign to the locality.

236 Little children are unlikely to be dropped off unescorted and the car park should negate any need for on-street parking.

237 I find the car park is sited and designed to complement the character of the locality. The intensity of the traffic is compatible with the character of the locality.

Is the Proposal sufficiently complementary to amenity?

238 This is a matter of subjectivity centring, as the experts agreed, upon an assessment of the impacts.

239 The Code General policy Interface specifically provides policy against which impacts to amenity must be assessed.

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Desired Outcome									
DO1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses								
Performance Outcome	Deemed-to-satisfy Criteria / Designated Performance Feature								
General Land Use and Compatibility									
PO1.2 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.	DPF 1.2 None are applicable								
Hours of Operation									
PO2.1 Non-residential development does not unreasonably impact the amenity of sensitive receivers or (or lawfully approved sensitive receiver) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to: a) the nature of development b) measures to mitigate off-site impacts c) the extent to which the development is desired in the zone d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of the that land.	DPF 2.1 Development operating within the following hours: <table><tr><th>Class of Development</th><th>Hours of operation</th></tr><tr><td>Consulting room</td><td>7am to 9pm, Monday to Friday 8am to 5pm, Saturday</td></tr><tr><td>Office</td><td>7am to 9pm, Monday to Friday 8am to 5pm, Saturday</td></tr><tr><td>Shop, other than any one or combination of the following: (a) restaurant (b) cellar door in the Productive Rural Landscape Zone, Rural Zone, or Rural Horticulture Zone</td><td>7am to 9pm, Monday to Friday 8am to 5pm, Saturday and Sunday</td></tr></table>	Class of Development	Hours of operation	Consulting room	7am to 9pm, Monday to Friday 8am to 5pm, Saturday	Office	7am to 9pm, Monday to Friday 8am to 5pm, Saturday	Shop, other than any one or combination of the following: (a) restaurant (b) cellar door in the Productive Rural Landscape Zone, Rural Zone, or Rural Horticulture Zone	7am to 9pm, Monday to Friday 8am to 5pm, Saturday and Sunday
Class of Development	Hours of operation								
Consulting room	7am to 9pm, Monday to Friday 8am to 5pm, Saturday								
Office	7am to 9pm, Monday to Friday 8am to 5pm, Saturday								
Shop, other than any one or combination of the following: (a) restaurant (b) cellar door in the Productive Rural Landscape Zone, Rural Zone, or Rural Horticulture Zone	7am to 9pm, Monday to Friday 8am to 5pm, Saturday and Sunday								
Activities Generating Noise or Vibration									
PO4.1 Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved) sensitive receivers.	DPF 4.1 Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy Criteria.								

240 HNZ PO1.4 is also pertinent to the assessment of amenity. It requires a planning lens.

241 Effect on amenity was a question considered in *PC Infrastructure*. Although the provision applicable in that case sought “maintenance” of

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residential amenity as distinct from complementation, the approach to the assessment undertaken in that matter remains relevant.

[M]aintenance of residential amenity does not require the development to be without any effect. The Macquarie Dictionary defines “maintain” inter alia as to keep in existence, preserve or retain. That requires an assessment of the overall effect of the development on residential amenity. If, after undertaking that assessment, a conclusion is reached that the residential amenity is maintained (ie preserved), then the development is in accordance with this performance outcome.⁶⁷

242 Following this approach, complementation equally does not require the development to be without effect. The residential amenity will be found to be complemented if, upon an overall assessment, the effects (impacts) of the Proposal can be considered to suit and go well with the amenity of the locality. If overall, the impacts detract from the amenity then it cannot be said to be complementary.

243 Both experts agreed there would be some change to amenity arising from the Proposal.

244 Mrs Barnes opined the Proposal would lead to impacts from increased activity, traffic and noise and noting there are no other non-residential land uses within the locality concluded people in the area would feel their amenity changed to a significant and unacceptable degree.

245 In part Mrs Barnes relied upon HNZ PO1.2 “*Commercial activities improve community access to services are of a scale and type to maintain residential amenity*” and its DPF that limits the size of offices, shops and consulting rooms and links these uses to dwellings.

246 The Appellant, on the other hand, said that a pre-school is a community facility as distinct from a commercial facility citing *ABC Developmental Learning Centres Pty Ltd v Port Pirie Regional Council* [2005] SAERDC 104, *Urquhart v City of Mount Gambier and Ors* (1995) LGERA 5 and *Evanston South v Town of Gawler* [2022] SAERDC 14. It said PO1.2 is not relevant.

247 Pre-school is specifically excluded from the definition of community facility.⁶⁸ HNZ PO1.3 (and 1.5) refer to the genus community services – a term of itself that is not defined. The fact the Code separates community services from commercial activities/uses via HNZ POs1.2 and 1.3 and quite particularly so in HNZ PO1.3(a) and (b) suggests it does not intend community services (and specifically a pre-school) to be tested as though commercial.

248 In any case pre-schools meet a community need, they are community services.

⁶⁷ [2023] SAERDC 14 at [65].

⁶⁸ Code part 7.

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249 I am satisfied that a pre-school is not a commercial facility. I find HNZ PO1.2 is not applicable; the land use is a community service irrespective of whether it has a commercial aspect to its operation.

250 The Second Respondent was most concerned about changes to amenity. I understood his concerns to be the number of people coming in proximity to the back yard would impact the tranquillity and quietness. He suggested that any pre-school should be less than half the size of that proposed.

251 Mr Osborn said there would be a tipping point at which the level of intensity of a pre-school may not be suitable. However, this proposal, he considered to be acceptable on the basis all impacts could be managed sufficiently such that he could conclude that it satisfied not only the specific noise, traffic and other interface provisions, but complemented the amenity as per HNZ PO1.4.

252 The Panel relied on *Emali* to submit simply meeting a technical standard was not sufficient to conclude that amenity was not compromised through the design and siting of the Proposal.

253 *Emali* involved a proposal for a child care centre and considered the question of nuisance and impact to residential amenity. The Commissioner in that matter determined that the question of amenity, should from a planning perspective go beyond the methods of measurements and approach undertaken by the acoustic engineer, and encompass a subjective judgement. Ultimately he concluded there was a reasonable risk that noise arising from the childcare centre would not enhance amenity. However in that instance, located as it would have been on a major road, the Commissioner found of itself it would not be a reason for refusal.⁶⁹

254 The Appellant submitted as per *Jahk* that the relevant General policy provisions which apply specific amenity tests can be considered to demonstrate how the more general amenity test in HNZ PO1.4 is met.⁷⁰

255 It was not in dispute that noise (predominantly children's voices) emanating from the Land will be audible from surrounding residences.

256 Sonus assessed the Proposal having regard to General policy Interface DO1 and PO4.1 and determined that with the retaining walls and fences in place that the noise levels likely to emanate from the Proposal, resulting from children, traffic, and plant and equipment will meet any applicable Environment Protection (Noise) Policy and the WHO Guidelines.

257 The Panel accepts these findings.

⁶⁹ [2015] SAERDC 36 at [81]-[83].

⁷⁰ [2023] SAERDC 6.

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258 General policy – Interface DPF 4.1 specifically identifies achievement with the Environment Protection (Noise) Policy as being one way to meet PO4.1 ie not cause unreasonable impact upon amenity. On the basis that noise from children playing is specifically excluded from the Environment Protection (Noise) Policy, Sonus referenced the WHO Guidelines which address annoying noise during the daytime.

259 The Environment Protection (Noise) Policy criteria and the WHO Guidelines have been specifically designed to prevent adverse health effects and ensure that noise levels emanating from and received at various land uses are reasonable. To my mind they go sufficiently to the question of amenity.

260 There is no conflict between the General policy Interface provisions and the amenity test in HNZ PO1.4, I find in accord with all of the above that meeting General policy Interface PO4.1 is relevant to demonstrating satisfaction with HNZ PO1.4.

261 The hours of operation are not extensive. The pre-school activity would start on the Land at the same time as many residents would be preparing for their own week day activities and the children would all be collected and the pre-school closed at the time most people would be settling in for the evening. Importantly the operation will not intrude into weekends, nor into those times when the majority of occupants of dwellings could well be expected to be sleeping. The operative times must be said to suit and go well with residential land uses and satisfies General policy Interface PO1.2.

262 Ms Barnes suggested per hour traffic movements into and out of the site ranging between 102 and 132 would be a significant increase on the common eight vehicle movements per day attributed to a single dwelling. This, in her opinion, would provide a notable change to the amenity of the area, notwithstanding her own assessment that the Proposal met the relevant provisions of the General policies – Traffic.

263 Specifically with respect to the Second Respondent's property, the car park will adjoin the common boundary. Along the front section of this boundary on the Second Respondent's property is a second driveway confirmed to be used for vehicle access. Behind this is the southern wall of the dwelling which incorporates some windows to bathrooms along with a relatively small high level window to a bedroom.

264 The car park will be landscaped and fenced, this will mitigate noise and soften the appearance of the boundary. The Second Respondent may suffer some minor loss of vegetation along the boundary, but I do not consider this to be unreasonable given the limited extent of the loss in the context of existing and proposed vegetation.

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265 As I have said, the traffic activity will occur during those weekday hours
when most people are expected to be going about their daily lives, or getting
ready to go about their daily lives. It will not impact upon residents' evenings,
nights or weekends.

266 In addition, Stanford Road is a collector road. It was the Second
Respondent's evidence that "[t]raffic is increasing, it was a quiet area, less so
today".⁷¹ It already carries the most traffic of any road in the locality.

267 The waste storage area faces into the site, is fenced and screened with a
noise attenuation wall, and timber battens. Manoeuvring is central to the Land
satisfying General policy Interface PO4.2.

268 The intensity of the Proposal is suitable. It has not reached the tipping point
as evidenced by the lack of off-site impacts all of which have been reasonably
and suitably managed. The proposal sufficiently accords with General policy
Interface POs1.2, 4.1 and 4.2 and HNZ PO1.4.

269 Neither expert took issue with the design, height or materiality. Despite
Mrs Barnes' misgivings, the large floorplate will not be perceived from beyond
the Land and the car park will be landscaped. Both experts agree the proposed
landscape buffer to the front is sufficient such that the Proposal will not be
particularly visible from all but the closest vantage points.

270 I find that from a visual amenity perspective the Proposal is acceptable.

Conclusion

271 On the matter of land use, I find a pre-school is an appropriate land use
within the HNZ. It is a land use specifically contemplated as appropriate by
HNZ PO 1.3(b) and is a land use that supports residential populations. It is a
land use routinely located within residential areas.

272 On the matter of character, I find that the Proposal has been designed and
sited to fit into the locality. It will be single storey. The front façade, series of
roof gables and materials will be complementary to the residential vernacular.
The landscaping will obscure the car park and complement the setting in the
streetscape. The car park is to be entered by one double width crossover only.

273 From a character perspective the levels of activity generated on the Land
will be consistent with the general levels of activity associated with the location
of the Land on a collector road, and with a non-residential land use in a
residential setting.

274 The setbacks are appropriate for a non-residential land use in the context of
the surrounding residential development. Fencing will appear domestic.

⁷¹ Tp155.22-23.

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275 On the matter of amenity, I find that the amenity will change. Change in amenity is permissible but must not be unreasonable. The offsite impacts of noise and traffic have been appropriately addressed as part of the application and the activity generated on the site will be during hours most compatible with domestic activities. The changes to amenity arising as a result of the Proposal will be consistent with and in keeping with what one could reasonably expect within a residential locality.

Decision

276 For the reasons set out above, it is the decision of this Court to overturn the CAP's decision and approve the application for the pre-school.

277 I issued a memorandum to the parties on 15 December 2023 inviting them to confer and provide the Court with an agreed set of conditions to be incorporated into the approval. In the event that an agreed position could not be reached, the parties were to attend the Court on 16 January 2024 (**Conditions Hearing**).

278 Three reserve matters and a set of draft conditions were agreed by the Appellant and the Panel. The second respondent did not agree to all of the conditions and advised the Court that in order not to "*suffer any further disappointment*" it would not attend the Conditions Hearing.

279 At the Conditions Hearing I invited the Parties to further consider the reserved matters and conditions and to confer with the Second Respondent.

280 A revised set of conditions were provided to the Court on 31 January 2024. The Second Respondent has not provided any express support for the Conditions.

281 I have concluded the matter administratively.

Order

There will be an Order in the following terms:

- A. The Appeal is allowed.
- B. Planning consent is granted to development application 23002678 for development described as a "108 place pre-school, together with car parking for 27 Vehicles, retaining walls, fencing, landscaping and advertising" at 61 Stanford Road, Salisbury Heights subject to the following conditions:

Conditions

1. The proposal shall be developed and maintained in accordance with the following details and plans, together marked **Exhibit A** and annexed to this order, except where varied by the conditions herein:

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- a) Cover Sheet prepared by Brown Falconer, Dwg No. 3580 DA01, Revision 4, dated 14 September 2023;
- b) Existing Conditions prepared by Brown Falconer, Dwg No. 3580 DA02, Revision 2, dated 19 December 2022;
- c) Context & Site Analysis prepared by Brown Falconer, Dwg No. 3580 DA03, Revision 2, dated 19 December 2022;
- d) Site Plan prepared by Brown Falconer, Dwg No. 3580 DA04, Revision 7, dated 14 September 2023;
- e) Floor Plan prepared by Brown Falconer, Dwg No. 3580 DA05, Revision 5, dated 14 September 2023;
- f) Roof Plan prepared by Brown Falconer, Dwg No. 3580 DA06, Revision 3, dated 13 July 2023;
- g) Elevations prepared by Brown Falconer, Dwg No. 3580 DA07, Revision 4, dated 14 September 2023;
- h) Street Elevations prepared by Brown Falconer, Dwg No. 3580 DA08, Revision 5, dated 14 September 2023;
- i) Street Elevations_Trees prepared by Brown Falconer, Dwg No. 3580 DA08a, Revision 5, dated 14 September 2023;
- j) Sections prepared by Brown Falconer, Dwg No. 3580 DA09, Revision 4, dated 14 September 2023;
- k) Shadow Diagrams prepared by Brown Falconer, Dwg No. 3580 DA11, Revision 3, dated 14 September 2023;
- l) Shadow Diagrams prepared by Brown Falconer, Dwg No. 3580 DA12, Revision 3, dated 14 September 2023;
- m) Landscape Design prepared by Das Studio, Issue 8, dated 18 September 2023; and
- n) Pages 17 and 18 of the Tree Development Report V2 prepared by Project Green dated 21 March 2023.

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2. A Civil and Siteworks Plan is to be prepared by a qualified and experienced stormwater engineer, for all civil and stormwater works to the satisfaction of the Council's Assessment Manager prior to the grant of building consent, which shall address all of the following:
 - a) Finished floor levels for all hardstand surfaces, pavement design details and gradients; and
 - b) Cut/fill details; and
 - c) Retaining walls, kerbing or ramps, their design and grades; and
 - d) To provide additional protection from stormwater within the road, the level of the driveway at the boundary is to maintain a minimum 150mm boundary rise from the adjacent top of kerb in accordance with Council's standard detail SD-13; and
 - e) Pumped stormwater systems are to be designed and constructed in accordance with AS3500.3 – Section 8. This includes the provision of duplicate, alternate duty pumps, alarms and emergency storage; and
 - f) Plans prepared are to be consistent and reflective of the advice received by third party consultants (i.e. Environmental Noise Assessment, Traffic and Parking Report, Arborist).
3. A Stormwater management plan is to be prepared to the satisfaction of the Assessment Manager prior to the grant of building consent, including accompanying design calculations, which consider the 10% AEP minor storm and 1% AEP major storm events and is consistent with the following:
 - a) Stormwater discharge to the downstream system is not to exceed the pre-development discharge rate for the equivalent minor and major storm events.
 - b) Stormwater systems shall be designed and constructed to cater for minor storm flows (10% AEP). The design of the stormwater system shall ensure that no stormwater is discharged onto any adjoining land. Surface stormwater is to be managed in a manner that ensures no ponding of water against buildings and structures, no creation of any insanitary conditions and no runoff into neighbouring property for the 1% AEP major storm event.

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- c) Surface drainage systems are to be designed and constructed in accordance with AS3500.3 – Section 5. Surface drainage systems are to be designed to ensure overflows, in storm events with an ARI of 100 years, do not present a hazard or nuisance to people or property or discharge over any adjoining land. Roof drainage systems are to be designed in accordance with AS3500.3 – Section 3. Stormwater discharge from the site to the downstream stormwater system is not to exceed the equivalent of the pre-developed minor storm event (10% AEP).
- d) MUSIC modelling is to be provided to demonstrate that Council's water quality targets can be achieved. Unless otherwise agreed by the Assessment Manager the following water quality targets apply and are to be verified through provision of a MUSIC model to support the proposal:
 - I. 80% retention of the typical urban annual load for Total Suspended Solids;
 - II. 60% retention of the typical urban annual load for Total Phosphorus;
 - III. 45% retention of the typical urban annual load for Total Nitrogen;
 - IV. 100% retention of the typical urban annual load for Gross Pollutants (litter);
 - V. No visible oil flows up to the 3month ARI peak flow.
- 4. The invert, crossover and driveway shall be constructed, prior to occupation, in accordance with Council's Vehicle Crossover Standard Detail, Drawings SD-12, SD-13 and SD-14.
- 5. The car parking layout including car park spaces, aisle widths and manoeuvring area shall be designed and constructed to comply with AS 2890.1-2009 – Off-Street Car Parking, Part 1, Austroads "Guide to Traffic Engineering Practice Part 11 – Parking", AS 2890.2 – Facilities for Commercial Vehicles and AS 2890.6 – 2009 – Parking Facilities – Part 6: Off-street parking for people with disabilities.

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6. Except where otherwise approved, no materials, goods or containers shall be stored in the designated car parking area or driveways at any time.
7. Prior to the commencement of the use on-site, the following must be designed and implemented to the Assessment Manager's satisfaction:
 - a) All existing crossovers made redundant by this development shall be reinstated to kerb, , in accordance with Council's kerb design standard
 - b) the existing indented parking bay is to be modified as designed by a suitably qualified traffic engineer to prioritise sight distances for the safety of motorists entering and exiting the site.
8. The designated landscaping areas shall be planted with shade trees, shrubs and ground covers in accordance with the Approved Landscaping Plan. All landscaping shall be completed, prior to commencement of use and shall be maintained at all times thereafter to the reasonable satisfaction of Council (including the replacement of diseased or dying plants and the removal of weeds and pest plants).
9. The childcare centre is limited to a maximum capacity of 108 children.
10. The approved use operating times shall be limited to Monday to Friday 6:30am to 6.30pm with no activity on Saturdays, Sundays and Public Holidays. Children are to remain indoors prior to 7.00am.
11. There shall be no amplified music or amplified sound in external areas at any time.
12. All fences nominated on the Site Plan (Dwg No. 3580 DA05) as being of Colorbond construction shall be sealed airtight at all junctions including at the ground.
13. All waste and rubbish from the activity shall be contained and stored pending removal in covered containers which shall be kept in an area screened from public view.
14. The collection of waste via private contractor shall occur:
 - a) Between the hours of 10.00am and 7.00pm Monday to Friday; and
 - b) Between the hours of 9.00am and 4.00pm on Saturdays,

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and in any event, in accordance with the *Local Nuisance and Litter Control Act 2016*.

15. Deliveries to the site are only to occur between the hours of 10.00am and 3.00pm Monday to Friday.
16. The mechanical plant servicing the building is required to be located and designed in such a manner that causes no unreasonable noise impacts to adjoining premises.
17. Except where otherwise approved, outside lighting shall be restricted to that necessary for security purposes only and shall be directed and shaded to prevent light overspill and/or nuisance to adjacent occupiers or distraction to drivers on adjacent public roads. All lighting shall be in accordance with Australian Standard 4282 – 1997 'Control of the obtrusive effects of outdoor lighting'.
18. The development is required to be implemented and maintained in accordance with the recommendations on pages 17 and 18 of the Tree Development Report V2 by Project Green dated 21 March 2023.

STAFF REPORTS

MATTERS TO BE CONSIDERED BY THE COMMITTEE ONLY

***Matters delegated to the
Committee***

9.1.1 QUARTERLY REVIEW OF DELEGATIONS BY THE COUNCIL ASSESSMENT PANEL

Responsible Executive Manager : Adam Squires

Report Author : Adam Squires

Delegated Authority : Matters delegated to the Committee

Attachments : 1. Instrument C - Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel

PURPOSE

To provide the Council Assessment Panel (CAP) with an opportunity to review new delegations to ensure they align with legislative amendments and requirements under relevant acts and regulations.

STAFF RECOMMENDATION

1. In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016*, the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation (Attachment 1 to the Report dated 21 March 2024 and entitled 'Instrument C - Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel') are hereby delegated 21 March 2024 to the City of Playford Assessment Manager subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
2. Such powers and functions may be further delegated by the City of Playford Assessment Manager in accordance with Section 100(2)(c) of the *Planning, Development and Infrastructure Act 2016* as the City of Playford Assessment Manager sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

EXECUTIVE SUMMARY

Quarterly amendments to the delegations provided for in the relevant Acts applicable to Local Government are released through the Local Government Association (LGA).

Where there have been changes to relevant legislation, including the PDI Act, a review of the delegations is required to be undertaken by CAP.

Existing delegations have been in place as part of delegations provided to the Assessment Manager as of 18 January 2021, under Instrument C Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel' being the powers delegated under the PDI Act to an Assessment Panel. In review of the quarterly amendments, it is considered appropriate that a review is undertaken as to the operations of the existing delegations made.

1. BACKGROUND

The *Planning, Development and Infrastructure Act 2016* (PDI Act) was passed by the South Australian Parliament in 2016 as a part of the new planning and development system to build upon the recommendations made by the Expert Panel on Planning Reform in 2014.

The scheme established under the Act has replaced the scheme under the *Development Act 1993*. The PDI Act also provides for infrastructure planning, implementation, and funding.

The Act encompasses the planning and development system, inclusive of zone naming, planning policy content and interpretation, public notification, assessment timeframes, appeal rights and business processes. Included within such changes are a number of statutory functions of Council Assessment Panels.

Council Assessment Panels have been assigned as a relevant authority in their own right, bringing about further responsibilities that were previously the responsibility of Council. In the exercise of its duties, the Panel considered delegations to Council staff to undertake specific duties or exercise powers on its behalf as of January 2021. Delegations enhance the decision-making process and allow nominated matters to be resolved efficiently and effectively without the need for the Panel's consideration. During the consideration of such delegations Council staff committed to providing for a review of such delegations following a period of implementation.

Quarterly amendments to the delegations provided for in the relevant Acts applicable to Local Government are released through the Local Government Association (LGA) and such amendments are now presented to the Panel for consideration.

2. RELEVANCE TO STRATEGIC PLAN

Decision-making filter: We will ensure that we meet our legislative requirements and legal obligations.

The amendment of Council's Delegations Register will ensure that we meet our legislative requirements and legal obligations providing a rigorous level of accountability.

By endorsing the recommended Instrument of Delegation, the City of Playford Council Assessment Panel will ensure that we meet our legislative requirements and legal obligations providing a rigorous level of accountability.

3. PUBLIC CONSULTATION

There is no requirement to consult the public on this matter.

4. DISCUSSION

- 4.1 Using the Instrument of Delegation document provided by the Local Government Association we advise the Panel of new powers and functions under the PDI Act. These powers and functions can be delegated by the CAP under Section 100 of the PDI Act to any person or body, or person occupying a particular office or position. It is recommended that the powers and functions for s203 of the PDI Act are retained by the Council Assessment Panel and is delegated by the Council Assessment Panel to the City of Playford Assessment Manager, whom can then sub-delegate to staff as they see fit.

- 4.2 Delegating to the City of Playford Assessment Manager allows delegations to be appropriately sub-delegated to relevant Council staff to ensure that they can be undertaken to meet operational needs. This also removes the need for all decisions and exercise of delegations to be undertaken by the CAP.
- 4.3 Attachment 1 includes two (2) new delegations identified within the tables
- 4.4 The Instrument of Delegation contains powers of the CAP under the:
- *Planning, Development and Infrastructure Act 2016*
 - Planning and Design Code.
- 4.5 In consideration of the additional delegations, one (1) additional function is proposed to be retained, therefore not delegated by the Council Assessment Panel and one (1) additional function is proposed for the delegation from the Assessment Panel to the Assessment Manager. These delegations relate to the following:
- The power to allow an extension of time to make an application to the assessment panel for a review of a prescribed matter.
 - To form an opinion that a development is minor in nature and would not warrant a referral.
- 4.6 From review of the additional delegations contained within instrument C, it is considered that where functions are delegated from the Assessment Panel to the Assessment Manager they are appropriately done so. The delegations allow for streamlining of assessment functions through Council administration and are not expected to result in substantial change to the range or scope of applications which come before the Panel.
- 4.7 It is considered that the function to be delegated to the Assessment Manager would provide for efficient and effective determination of applications which do not warrant consideration from the Panel.

5. OPTIONS

Recommendation

1. In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016*, the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation (Attachment 1 to the Report dated 21 March 2024 and entitled 'Instrument C - Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel') are hereby delegated 21 March 2024 to the City of Playford Assessment Manager subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
2. Such powers and functions may be further delegated by the City of Playford Assessment Manager in accordance with Section 100(2)(c) of the *Planning, Development and Infrastructure Act 2016* as the City of Playford Assessment Manager sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

Option 2

1. In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016* the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation (Attachment 1 to the Report dated 21 March 2024 and entitled 'Instrument C - Instrument of Delegation under the *Planning, Development and Infrastructure Act 2016*, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel') are hereby delegated 21 March 2024 to the City of Playford Assessment Manager subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
2. Such powers and functions may be further delegated by the City of Playford Assessment Manager in accordance with Section 100(2)(c) of the *Planning, Development and Infrastructure Act 2016* as the City of Playford Assessment Manager sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation, With the following amendments:
 - Instrument of Delegation under the *Planning, Development and Infrastructure Act 2016*, Regulations, Planning and Design Code and Practice Directions of Powers of an Assessment Panel' (Attachment 1), Item (X) Delegated _____

6. ANALYSIS OF OPTIONS

6.1 Recommendation Analysis

6.1.1 Analysis & Implications of the Recommendation

The recommendation allows the CAP to delegate powers and functions under the PDI Act in accordance with legislative requirements. This ensures that Council's delegations will be current and provide the City of Playford Assessment Manager appropriate delegations to further sub-delegate to staff. This will ensure that Council staff have the appropriate powers to undertake their duties in accordance with the new legislation and deliver services to the community as of the designated day.

Risk Appetite

Regulatory Compliance

Council has a zero tolerance for non-compliance with applicable legislation including but not limited to: Local Government Act (LGA) 1999; Independent Commissioner Against Corruption (ICAC) Act 2012; Work Health & Safety (WHS) Act 2012; Environment Protection Act (EPA) 1993; Development Act 1993; Equal Employment Opportunity legislation; and Public Consultation legislation.

This decision will enable risk mitigation through effective management of delegations, authorisation processes and ensuring staff are aware of their responsibilities. This report also addresses the risk of having ineffective or invalid delegations, as the delegations being considered have been recommended by Norman Waterhouse Lawyers who have ensured they are correctly set out with appropriate terminology. It is imperative that delegations are valid as the consequences of ineffective or invalid delegations include:

- The exercise of power may fail – that is, the decision made may be liable to being overturned by the Courts

- The cost of a successful challenge to a decision made without lawful delegation will likely be borne by Council

Where the unlawful exercise of the power has caused loss or damage, Council may be liable for such loss or damage

6.1.2 Financial Implications

There are no financial or resource implications.

6.2 Option 2 Analysis

6.2.1 Analysis & Implications of Option 2

This option provides CAP the ability to make changes to the proposed Instrument of Delegation with amendments as deemed appropriate. Consideration of legislative requirements must be given to any amendments to specific provisions under the PDI Act.

6.2.2 Financial Implications

It is unlikely that there will be financial or resource implications with a varied resolution.

INSTRUMENT C – INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, REGULATIONS, PLANNING AND DESIGN CODE AND PRACTICE DIRECTIONS OF POWERS OF AN ASSESSMENT PANEL

Note - Exported provisions are separated into NEW and CHANGED groupings, sorted by Delegation Source and Section.

NEW Provisions

Provision	Item Delegated	Delegate	Conditions & Limitations
s203	21. Application to Assessment Panel 21.1 The power pursuant to Section 203(1) of the PDI Act to allow an extension of time to make an application to the assessment panel for a review of a prescribed matter under Division 1 in a case where an assessment manager acted as a relevant authority.	Not Delegated by the Council Assessment Panel	
PD Code	54. Procedural Referrals 54.10 The power pursuant to and in accordance with the PD Code to form the opinion the development is minor in nature and would not warrant a referral when considering the purpose of the referral.	Delegated to the Assessment Manager	

OUTSTANDING MATTERS – APPEALS AND DEFERRED ITEMS

10.1 23009266 - LOT 2001 PETHERTON ROAD DAVERON PARK SA 5113

Contact Person: Adam Squires

Why is this matter before the Council or Committee?

Outstanding Matters – Appeals and Deferred Items

Purpose

For Council to make a determination on whether to deal with this matter in confidence.

A. PANEL TO MOVE MOTION TO GO INTO CONFIDENCE**STAFF RECOMMENDATION**

Pursuant to Part 3, 13 (2)(a) (vi) & (ix) of the Planning, Development and Infrastructure (General) Regulations 2017 an order is made that the public be excluded from attendance at the meeting, with the exception of:

- Chief Executive Officer
- General Manager City Services
- Senior Manager Development Services
- Manager Planning Services
- Senior Development Officer - Planning
- Senior Development Officer - Planning, Major Projects
- Development Officer - Growth
- Development Officer - Planning
- Cadet Planning Officer - Planning
- Manager Governance
- Governance Support
- ICT Support
- Minute Taker

in order to consider in confidence agenda item 10.1 under Pursuant to Part 3, 13 (2)(a) (vi) & (ix) of the *Planning, Development and Infrastructure (General) Regulations 2017* on the basis that:

- (i) information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the council or an employee of the Council.

This matter is Confidential because it relates to an ongoing appeal between the appellant and CAP.

On the basis of this information, the principle that meetings should be conducted in a place open to the public has been outweighed in this instance; the Committee consider it necessary to consider this matter in confidence.

Section B below to be discussed in the confidential section of the agenda once the meeting moves into confidence for each item.

B. The Matters as per item 10.1**C. PANEL TO DECIDE HOW LONG ITEM 10.1 IS TO BE KEPT IN CONFIDENCE**

PURPOSE

To resolve how long agenda item 10.1 is to be kept confidential.

STAFF RECOMMENDATION

Pursuant to Part 3, 13 (2)(a) (vi) & (ix) of the *Planning, Development and Infrastructure (General) Regulations 2017*, the Panel orders that the following aspects of Item 10.1 be kept confidential in accordance with Panel's reasons to deal with this item in confidence pursuant to Pursuant to Pursuant to Part 3, 13 (2)(a) (vi) & (ix) of the *Planning, Development and Infrastructure (General) Regulations 2017*:

- Report for Item 10.1
- Attachment(s) for Item 10.1
- Minutes for Item 10.1