[Attachment A consists of 7 pages]
<table>
<thead>
<tr>
<th>Development Plan Provisions - Consolidated 31 October 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Zone</td>
</tr>
<tr>
<td>PDC 1</td>
</tr>
<tr>
<td>1 The following forms of development are envisaged in the zone:</td>
</tr>
<tr>
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<tr>
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<td>- open space</td>
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<td>- recreation areas</td>
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<tr>
<td>- shops, offices or consulting rooms</td>
</tr>
<tr>
<td>• supported accommodation</td>
</tr>
</tbody>
</table>

| PDC 2                                                    | Complies |
| Development listed as non-complying is generally inappropriate and not acceptable unless it can be demonstrated that it does not undermine the objectives and principles of the Development Plan. |

| PDC 4                                                    | Complies |
| Non-residential development should be of a nature and scale that: |
| (a) serves the needs of the local community               |
| (b) is consistent with the character of the locality      |
| (c) does not detrimentally impact on the amenity of nearby residents. |
| 5 The use and placement of outbuildings should be ancillary to and in association with a dwelling or dwellings. |

<table>
<thead>
<tr>
<th>Cheltenham Park Policy Area 22</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objective 7</td>
</tr>
<tr>
<td>Development that supports the viability of community services and infrastructure and reflects good residential design principles.</td>
</tr>
</tbody>
</table>

| Objective 8                                              | Complies |
| Development that contributes to the desired character of the policy area. |

| Desired Character Statement                              | Complies |
| This policy area is a residential infill site, formerly occupied by the Cheltenham Racecourse, located within close proximity of the Woodville District Centre, Woodville High School, St Clair Oval and Recreation Centre and the Woodville Railway Station. |

O = Objective
PDC = Principle of Development Control
The policy area will be developed in accordance with the Concept Plan Map ChSt/18 - Cheltenham Park and Woodville Medium Density and comprise a broad range of dwelling types, including medium to high density housing, and areas of open space. It is also envisaged that the policy area will include a mixed use development precinct integrated with a passenger rail transit station.

A total of 35 per cent of the policy area (excluding the railway corridor), which is in excess of 17 hectares, will be retained for open space, with at least 11 hectares located in one or two parcels. The area of open space will incorporate:

(a) a range of recreation and sporting activities of both a passive and active nature
(b) stormwater management areas in the form of wetlands, creek lines and permanent water bodies, including an aquifer storage and recovery system
(c) an east-west linear open space corridor, linking the policy area to Woodville Road
(d) north-south open space corridors linking Torrens Road to the Railway reserve
(e) smaller parks providing local open space needs, and an attractive setting for higher density housing forms and any buffer requirements
(f) water sensitive urban design features and sustainable landscapes to enhance biodiversity.

Open space provided in the form of reserves (excluding roads, road verges, buffer areas, and entrances and similar components) will not only help provide an attractive focal point and setting for high density dwellings in the policy area, particularly taller buildings, but also encourage a sense of place for residents and visitors. All open space areas will support a network of pedestrian and bicycle paths located throughout the site to facilitate access and linkages with adjacent facilities, public transport services and areas. It is important that the amount of useable space available for the public is maximised, the amount of land used for ornamental purposes such as landscape and entrance statements is minimised and that it is accessible to all ages and those with disabilities, and are located and designed to encourage new and existing residential communities to gather.

Land division must be planned to support open space and movement networks. The movement networks and development configuration are to be based on a modified grid pattern to achieve good interconnectivity.
and will:

(a) connect key areas of open space within the policy area
(b) establish links with open space, pedestrian and bicycle paths, and to services and facilities such as schools, shopping precincts, community establishments and health services in neighbouring suburbs
(c) provide easy access to public transport routes
(d) ensure bicycle/pedestrian pathways are designed and landscaped so as to be easily identifiable, accessible and safe
(e) minimise potential conflicts between vehicular traffic and bicycle/pedestrian pathways
(f) reduce potential vehicular traffic intrusion into adjoining residential neighbourhoods
(g) facilitate major neighbourhood entry and exit points at Torrens Road and Cheltenham Parade.

It is expected that the public road system will mostly encircle reserves and open space areas. Allotments with a direct frontage to a public reserve and open space is envisaged provided rear vehicular access is available to the allotments. In addition, where an allotment immediately adjoins public open space, clear, safe and efficient pedestrian and bicycle access will be provided on the open space land, along with adequate visitor parking. The policy area will be characterised by an integrated residential subdivision offering a wide range of housing types, with multi-storey, medium to high density housing forms comprising semi-detached and row dwellings and residential flat buildings, with an overall density of at least 20 dwellings per hectare achieved. Medium to high density housing will dominate areas of high public amenity including locations adjacent to major open spaces, public transport routes, local shops and public facilities, and within the southern part of the site in order to:

(a) provide an aesthetically pleasant setting for those dwellings
(b) ensure residents with reduced private open space areas have easy access to public reserves
(c) facilitate access to services and facilities for a greater number of people
(d) provide a sense of space for residents
(e) improve opportunities for passive energy conservation in buildings
(f) facilitate passive surveillance of adjacent reserves and corridors

O= Objective
PDC = Principle of Development Control
(g) reduce potential for overshadowing and overlooking of any adjacent lower level residential development and private open space areas
(h) encourage public transport use, cycling and walking.

Areas of medium to high density development will be supported by a subdivision layout that demonstrates a capacity to accommodate multi-storey buildings to maximise the number of households taking advantage of the site's attributes, the delivery of affordable and social housing products, and access to smaller household formations. At least 15 per cent of the housing developed within the policy area will be for affordable and high needs housing.

The built form character will be established through appropriate design, including interesting roof forms such as high pitches and parapets, high ceilings, building articulation, recessed vehicle garaging, and appropriate landscaping. The siting and design of buildings needs to also promote cohesive streetscapes whilst allowing for variety in housing form and style. This can be achieved through attention to scale and bulk of buildings relative to one another and to the allotment size and to the way in which buildings address the street frontage (both street frontages in the case of corner allotments).

While front fencing and landscaping (or a combination of these elements) will provide delineation between public and private spaces, the inclusion of front verandahs and low front fencing will also be encouraged to promote street interaction and activity, to provide for a safe environment through passive surveillance and to emphasise thermal efficiency. The use of iconic built form and scale will be considered to emphasise major arrival focus points, accentuate key corners and terminate vistas. The development of the policy area will also recognise the former uses of the land, which could include the reuse of the racecourse entry gates off Cheltenham Parade in the design of open space or as an entry statement to residential areas.

Non-residential land uses such as a small supermarket and specialty shops, health and community facilities and other service facilities will form part of a mixed use precinct that is integrated with a new rail transit station located in the policy area, and complements higher residential densities. This mixed use precinct will cater primarily to the needs of rail commuters and residents within the policy area. Car parking areas will be shared between facilities and be provided beneath buildings.

O = Objective
PDC = Principle of Development Control
The policy area will be extensively landscaped, with high quality street planting (with species selected to be in scale with associated development) integrated with open space areas. Smaller pocket parks and landscaped buffer areas will be located within the residential areas, with adjoining housing developed with reduced setbacks. Paved areas within public view are to be softened with the use of landscaping. Development is to contribute to a cohesive extension of the urban form, emphasising both visual and physical connectivity through road and pedestrian/cycle networks and a high quality public environment that is designed to facilitate:

| (a) access to a new railway station developed in the policy area or to nearby Woodville Railway Station |
| (b) pedestrian and bicycle movements between the policy area and nearby residential neighbourhoods |
| (c) access to public recreation areas, public transport nodes and local shopping and community facilities. |

Areas adjacent to the policy area include residential and non-residential activities. Development within the policy area will:

(a) create an appropriate transition between established low rise residences adjacent to the Policy Area and higher level development internal to it
(b) acknowledge and respond to the activity and function of existing and adjoining non residential land uses through solutions that mitigate adverse impacts without affecting the long term viability of those uses, whilst allowing for future changes in use
(c) emphasise links and connectivity with existing local facilities such as St Clair Oval and Recreation Centre, Woodville High School, Woodville District Centre, library and civic centre services, and potential future development of adjoining sites.

Housing and other sensitive uses need to be sited and designed to mitigate potential noise impacts from nearby non-residential activities and from major traffic routes and the rail line. This may be achieved through the adoption of solid, freestanding acoustic barriers, vegetated mounds and the orientation of dwellings. However, freestanding acoustic barriers will not be located where they would compromise connectivity with nearby residential areas.

O= Objective
PDC = Principle of Development Control
<table>
<thead>
<tr>
<th>PDC 1</th>
<th>Development should not be undertaken unless it is consistent with the desired character for the policy area.</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>PDC 3</td>
<td>Development should comprise: (a) a wide range of dwelling types at a range of densities, with a minimum 15 per cent of residential dwellings being for affordable housing including 5 per cent for high needs housing (b) open space and associated facilities comprising at least 35 per cent (17.1 hectares) of the entire policy area (excluding the rail corridor), with a minimum of 11 hectares being accommodated in no more than two parcels one of which is to be located at the corner of Torrens Road and Cheltenham Parade (c) areas for the management of stormwater in the form of wetlands and stormwater reuse (including an aquifer storage and recovery system) (d) a licensed community sport and recreation club adjacent Torrens Road or Cheltenham Parade (e) an area dedicated for mixed use development located adjacent to, and integrated, with a passenger rail transit station which should incorporate: (i) retail development including a supermarket and specialty shops provided the gross leasable floor area does not exceed 5000 square metres (ii) health care and community facilities, offices and other employment generating activities (iii) higher density residential development consisting of apartments, multi-storey aged persons accommodation and ‘shop-top’ housing (iv) shared vehicle parking opportunities provided primarily beneath the buildings with access that minimises the potential for conflicts with pedestrians and cyclists.</td>
<td>Complies</td>
</tr>
</tbody>
</table>

**General Section**

**Interface between land uses**

| PDC 1 | Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following: (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants (b) noise (c) vibration (d) electrical interference (e) light spill (f) glare (g) hours of operation | Complies |

**Objective 6**

PDC = Principle of Development Control


<table>
<thead>
<tr>
<th>PDC 2</th>
<th>Development should be sited and designed to minimise negative impact on existing and potential future land uses desired in the locality.</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>PDC 4</td>
<td>Residential development adjacent to non-residential zones and land uses should be located, designed and/or sited to protect residents from potential adverse impacts from non-residential activities.</td>
<td>Complies</td>
</tr>
<tr>
<td>PDC 6</td>
<td>Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.</td>
<td>Complies</td>
</tr>
</tbody>
</table>

**Transportation and Access**

| PDC 39 | Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table ChSt/2 – Off Street Vehicle Parking Requirements. | Refer to report for discussion |
| PDC 40 | Development should be consistent with Australian Standard AS 2890 Parking facilities. | Complies |

_O = Objective  
PDC = Principle of Development Control_
[Attachment B consists of 31 pages]
**DEVELOPMENT APPLICATION FORM**

**PLEASE USE BLOCK LETTERS**

**COUNCIL:** City of Charles Sturt  
**APPLICANT:** Kathryn Fogarty  
The Clinic @44

Postal Address: C/- Access Planning Pty Ltd  
235 Henley Beach Road, Torrensville

Owner: n/a  
Postal Address:  
**BUILDER:** n/a  
Postal Address:  
Licence No:  

**CONTACT PERSON FOR FURTHER INFORMATION**  
Name: Nick Wilson  
Telephone: 8130 7222  
Fax: 8130 7299

**EXISTING USE:** Vacant Commercial

**DESCRIPTION OF PROPOSED DEVELOPMENT:** Change of use to consulting room (clinical psychology practice)

**LOCATION OF PROPOSED DEVELOPMENT:**

House No: Shop 2 / 31  
Lot No:  
Street: Post Parade  
Locality: St Clair

Section No [full/part]:  
Hundred: Yatala  
Volume:  
Folio:

**LAND DIVISION:**

Site Area [m²]:  
Reserve Area [m²]:  
No of existing allotments:  
Number of additional allotments [excluding road and reserve]:  
Lease: YES ☐ NO ☐

**BUILDING RULES CLASSIFICATION SOUGHT:**

Present classification:  
If Class 5,6,78 or 9 classification is sought, state the proposed number of employees:  
Male:  
Female:  
If Class 9a classification is sought, state the number of persons for whom accommodation is provided:  
If Class 9b classification is sought, state the proposed number of occupants of the various spaces at the premises:

**DOES EITHER SCHEDULE 21 OR 22 OF THE DEVELOPMENT REGULATIONS 1993 APPLY?**

YES ☐ NO ☐

**HAS THE CONSTRUCTION INDUSTRY TRAINING FUND ACT 1993 LEVY BEEN PAID?**

YES ☐ NO ☐

**DEVELOPMENT COST [do not include any fit-out costs]:** $ 0

I acknowledge that copies of this application and supporting documentation (excluding plans) may be provided to interested persons in accordance with the Development Regulations 1993.

**SIGNATURE:**  
Dated: 27/11/17
Dear Planning and Development Staff,

On behalf of the applicant, please find attached an new development application for the change of use of a commercial tenancy at 31 Post Parade, St Clair to a consulting room. Attached to this email are copies of the following:

- Development application form
- Electricity declaration
- Site plan
- Floor plan

In anticipation that the Council will process the application as a non-complying form of development we have prepared a Statement of Support, prepared in accordance with Regulation 17 (1), which has also been included with the application documents.

If the council could please order a copy of the Certificate of Title on our behalf and include the retrieval cost in the application fees that would be appreciated.

If an invoice could please be generated and forwarded to this email address I will arrange for prompt payment.

Kind regards,

Nick Wilson

ACCESS PLANNING

ACCESS PLANNING (SA) Pty Ltd
235 Henley Beach Road
TORRENSVILLE SA 5031
Phone: (08) 8130 7222
Email: nick@accessplanning.com.au

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DEVELOPMENT REGULATIONS 2008

Declaration of Applicant
(Pursuant to clause 2A (1) of Schedule 5)

To: CITY OF CHARLES STURT

From: ACCESS PLANNING (SA) PTY LTD ON BEHALF OF KATHRYN FOGARTY

Date of Application: 27th November 2017

Location of Proposed Development: Shop 2, 31 Post Parade, ST CLAIR

Nature of Proposed Development: Change of use – Consulting Room

I NICK WILSON on behalf of KATHRYN FOGARTY being the applicant for the development described above declare that the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996. I make this declaration under Clause 2A(1) of Schedule 5 of the Development Regulations 2008.

Signed: Date: 27 November 2017

Note 1
This declaration is only relevant to those development applications seeking authorisation for a form of development that involves the construction of a building (there is a definition of 'building' contained in section 4(1) of the Development Act 1993).

Note 2
The requirements of section 86 of the Electricity Act 1996 do not apply in relation to:
   a) a fence that is less than 2.0m in height; or
   b) a service line installed specifically to supply electricity to the building or structure by the operator of the transmission or distribution network from which the electricity is being supplied.

Note 3
A Building Safely Near Powerlines brochure has been prepared by the Technical Regulator to assist applicants and other interested persons. Hard copies of this brochure are available from councils and the Office of the Technical Regulator. The brochure and other relevant information can also be found at www.technicalregulator.sa.gov.au
RE: APPLICATION FOR CHANGE OF USE TO CONSULTING ROOM AT SHOP 2, 31 POST PARADE, ST CLAIR

Dear Planning Staff,

I have been engaged by the applicant, to provide planning advice and services in relation to the abovementioned Development Application.

The subject land is situated within the Residential Zone, Cheltenham Park Policy Area 22, as depicted on Map ChSt/8 of Council's Development Plan, as consolidated 31 October 2017.

A consulting room is a listed in the Procedural Matters section of the Residential Zone as a non-complying form of development, except when located within Woodville West Policy Area 23.

This exception does not apply in this circumstance and as such the non-complying classification stands. As it is a non-complying form of development, the applicant has requested that we prepare a brief statement of support of the development, prepared in accordance with the requirements of Regulation 17(1) of the Development Regulations 2008.

The following statement describes in broad terms, the nature of the proposal and provides reasons as to why the application should be considered for a full assessment by Council, notwithstanding its non-compliance status.

1.0 SUBJECT LAND AND LOCALITY

The subject site consists of one retail tenancy on the ground floor of the mixed-use Ascot Apartments complex, commonly known as Shop 2, 31 Post Parade, St Clair. The tenancies formal identification and Certificate of Title reference is yet to be determined.

The land is located in the Residential Zone, as identified in Map ChSt/8 of Council's Development Plan (see Figure 2). The land falls within the Cheltenham Park Policy Area 22.

The tenancy has an area of approximately 152m² and is located on the ground floor of a four-storey mixed use residential apartment complex. The apartment complex comprises of three first floor retail tenancies, one of which is currently occupied. Also located on the first floor is a lobby and storage area for the upper storey apartments.
The three upper storeys are used as residential apartments. It is understood the building contains a total of 31 apartments. There is a sealed and line-marked parking area to the rear of the building which contains a total of 40 parking spaces. It is understood that each of the 31 apartments has one dedicated parking space, with the remaining 9 parking spaces for use by staff of the three retail tenancies. Access to the parking area is taken from Bayer Street. This parking area is secured by a remote-controlled gate.

In addition, on-street parking is available in the locality via 7 parking spaces on either side of Green Way (Bayer Street) (14 in total), and 4 parking spaces on either side of Post Parade (8 in total). There is also a substantial parking area further to the north on Post Parade, associated with the retail and supermarket complex.

The subject building has been developed as part of the St Clair residential infill redevelopment of the Cheltenham Racecourse. The locality is defined as a mixed use residential area comprising in the main of medium to high density housing, small scale non-residential uses, and shared public open spaces, with an integrated and designed public realm.

The locality is characterised as a mixed-use precinct, with a range of non-residential land uses, integrated with the nearby railway station. Existing non-residential land uses in the locality include a supermarket, retail, specialty shops, health facilities, offices, and hospitality uses.

Figure 1: The Subject Land (www.maps.sa.gov.au)
2.0 THE PROPOSED DEVELOPMENT

The proposed development is for the change of use of one of the commercial tenancies on the ground floor of the Ascot Apartment complex, for use as a consulting room. More specifically, the intention is to use the tenancy as a Clinical Psychology Practice.
The business is an existing practice which is relocating to the proposed site and rebranding. As it currently stands there will be five fully qualified Clinical Psychologists operating from the proposed clinic, and one administration staff member. Currently the business will employ a total of 5 staff members, however this may be subject to change in the future. In regard to daily attendance, the practitioners will work flexible hours and alternative days. It is unlikely for daily staff attendance at the site to ever exceed 6.

The use will comprise of 5 consulting rooms, a reception area, a boardroom, staff kitchen, store room, and toilet. The only changes to the building will involve some minor interior alterations and internal partitioning. Any advertising or signage associated with the business will be in the form of internal signage on the windows.

It is understood that four staff parking bays are provided for this tenancy in the secure parking lot to the rear. Client parking is intended to be provided by the existing on-street parking spaces available in the surrounding streets or via the large parking lot associated with the nearby retail complex.

The hours of operation are intended to be as follows:

- Monday: 9am – 8pm
- Tuesday: 8am – 5pm
- Wednesday: 9am – 7pm
- Thursday: 8am – 6pm
- Friday: 9am – 3pm

Consultations will be by appointment only and the practice will be closed on weekends. Staff may on occasion work outside of these hours however, client visitation will be limited to within the hours stated above. The applicant has stated they would be willing to adjust the hours of operation if considered necessary.

Domestic waste management standards will apply for this facility with utilisation of Council's standard bins.

3.0 BRIEF ASSESSMENT OF THE MERITS OF THE PROPOSAL

Notwithstanding that the proposal represents a non-complying development, it is my view that the proposed land use has sufficient merit to warrant a full assessment by the Council.

Firstly, the proposed land use would not be inconsistent with the established land uses in the immediate locality, or at all incongruous with the residential land uses in the upper storeys of the building. The proposed land use will be able to be conducted without significant nuisance caused to neighbouring and nearby residents or tenants. The use is consistent with and complimentary to adjoining residential land uses, and will not detrimentally affect the character and amenity of the locality.

On the opposite side of Post Parade to the development is an existing medical and dental centre. This lends itself to the view that the proposed clinic can operate successfully within the locality with minimal disruption.
Furthermore, despite its non-compliance I do not consider that the proposed land use is seriously at variance with the provisions of the Residential Zone, and more specifically the provisions of the Cheltenham Park Policy Area 22.

Principle of Development Control 1 of the Residential Zone lists the forms of development envisaged for the Zone, including a number of small scale non-residential land uses, which serve the local community.

1. The following forms of development are envisaged in the zone:
   - domestic outbuilding in association with a dwelling
   - domestic structure
   - dwelling
   - dwelling addition
   - small scale non-residential uses that serve the local community, for example:
     - child care facilities
     - health and welfare services
     - open space
     - primary and secondary schools
     - recreation areas
     - shops, offices or consulting rooms
   - supported accommodation.

I note that a consulting room and health and welfare services are listed as envisaged forms of development. The imperative question is therefore whether the development in question can be considered to be of a small scale, and whether it will serve the local community.

Some assistance in determining what might constitute small scale development is able to be gleaned from a decision of the ERD Court in Willcocks v City Of Whyalla & Anor [2009] SAERDC 79 (6 November 2009), which involved a gymnasium and beauty salon addition to an existing café in a Residential zone, and in which the Court said;

"When these provisions are read together it becomes clear that the planning authority has foreshadowed in its policy intent for the Residential Zone, a flexible approach to land use planning. The desired character of the Residential Zone not only includes a range of dwelling types but also – explicitly – a range of small-scale non-residential uses. When Principles 1 and 2 are read together the type of uses the authors of the Plan deem to be small-scale non-residential uses are generally not insignificant in their floor area. Nor on that basis alone would the number of vehicles likely to be generated by such uses be so immaterial as to be unnoticed".

It is expected that a facility such as this will have a close relationship to and attract many of its clients from the local community. Given its location in close proximity to an existing medical practice and it being the only service provider of its kind in the locality, I would consider it is likely that the nearby medical practice will utilise the proposed facility for its referrals of clients in need of psychological consultation.

I acknowledge that the facility will also have existing clients from further afield which are likely to continue using the service. In addition, the practitioners operating out of the proposed facility will have established relationships with other medical practices around metropolitan Adelaide who are likely to continue referring their clients to these practitioners.
On this issue, the ERD Court in Wilcox had this to say;

"The fact that a facility might attract clients from afar does not, by that fact alone, define the area it serves and therefore the level at which it functions. There are many local services that come to mind that often serve principally the local community but, for a variety of reasons (for example client loyalty, personal records, friendships and past associations) they often attract clients from distant places. Small suburban based medical practitioners, hairdressers, child minding centres and accountants would be among the many examples."

In this respect I would consider that the proposed consulting room can be considered to be of a small scale, which will serve the local and wider community, and to be consistent with Principle of Development Control 1.

I note that the desired character statement for the Policy Area 22, states the following regarding non-residential land uses:

"Non-residential land uses such as a small supermarket and specialty shops, health and community facilities and other service facilities will form part of a mixed-use precinct that is integrated with a new rail transit station located in the policy area, and complements higher residential densities."

The inclusion of health facilities in the above statement identifies this land use as a desirable and contemplated form of development for the policy area. I note that the proposed facility will assist with a form of health care not presently provided by similar established health clinics in the locality.

In regard to parking, table ChSt/2 of the Development Plan seeks a parking rate for consulting rooms of 5 spaces for each practitioner. In this instance this would necessitate a total of 20 parking spaces dedicated solely to this business. A parking lot dedicated for use by this tenancy alone is not a possible option in this case. As such, I would consider the parking rates specified in Table ChSt/2 to be inapplicable. Of all the land uses listed in the table which one may envisage occupying a site such as this, all would be unable to meet the relevant parking rate specified here.

I consider that the proposal is a low traffic generating, low impact use. I would consider that ample parking is available within the locality to service both the proposed development along with other competing land uses. I note that the Desired Character statement speaks to the sharing of car parking areas between different facilities. In this respect, the large parking lot associated with the retail complex will provide sufficient parking to accommodate any vehicles when on-street parks are unavailable.

Furthermore, the proposed site is located in close proximity to the St Clair Railway Station, and bus routes along Cheltenham Parade. These will both provide alternative methods of transport to the area which may be utilised by clients of the proposed consulting room. I would also note that the proposed facility is likely to capture some of its clientele from the nearby residential areas which are more likely to walk or cycle to the site.

It is my understanding that provision has been made for the parking of staff vehicles in the secure parking area to the rear of the building. Being the largest of the three tenancies, four parking spaces are available for this use. I also note that the staff may utilise the alternative transport methods available in the area, in fact two practitioners have stated that they intend to cycle and ride the train to work each day.
Given that attendance at the clinic will be by appointment only and that the clinic will usually have four practitioners operating at one time, it is unlikely that the demand for parking by clients will exceed 8 parking spaces, and this will only be for a short period of time while the next client is waiting to be seen. I also note that appointments are often scheduled to occur on the hour and half hour, which will stagger the arrival of clients at the site. Appointments will generally last for around 50 minutes, and as such car parks will only be occupied for short durations.

5.0 SUMMARY

Notwithstanding its non-complying status and having regard to the above, the proposal is considered to be an appropriate form of development for the subject land and warrants a full assessment by the Council as:

- The land use is an envisaged form of development in the zone and a contemplated form of development in the relevant policy area;
- The proposed facility is of a small scale, which will serve the local community;
- The land use is unlikely to cause any measurable disruption of the level of amenity currently enjoyed by existing residents; and,
- Adequate parking is available within the locality to service the proposed development.

Given the above, I ask that Council recognise the particular circumstances of the locality and the development that lend their support to the application, which I consider to be entirely appropriate despite its non-compliance.

5.0 CONCLUSION

Having regard to the foregoing brief assessment and to the specific attributes of the proposal, I am of the opinion that the development does not prejudice the intent of the policies applying to land.

The development is therefore not, in my view, at serious variance with the provisions of the Development Plan.

I therefore consider the proposal to be an appropriate form of development, worthy of further consideration by Council.

Should you have any further enquiries about this report, please do not hesitate to contact me on 8130 7222, or alternatively via email on nick@accessplanning.com.au

Yours faithfully,

Nicholas Wilson MPIA (Grad.)
ACCESS PLANNING PTY LTD

Date: 28/11/17
Dear Rebecca,

RE: DEVELOPMENT APPLICATION 252/3018/2017: CHANGE OF USE TO CONSULTING ROOM (PSYCHOLOGY PRACTICE) AT SHOP 2, 31 POST PARADE, ST CLAIR.

1.0 INTRODUCTION

This report has been prepared on behalf of the applicant Clinic@44 in relation to Development Application 252/3018/17 for the change of use of shop 2, 31 Post Parade, St Clair, to a consulting room (Clinical Psychology Practice). I have been engaged by the applicant, to provide planning advice and services in relation to this development.

The subject land is situated within the Residential Zone, Cheltenham Park Policy Area 22, as depicted on Map ChSt/8 of Council's Development Plan, consolidated 31 October 2017.

As per Council correspondence on the 1st of December 2017, the Council have determined that the application is for a non-complying form of development, in accordance with the Procedural Matters table of the Residential Zone.

Despite its non-compliance the Council have determined that the application has sufficient merit to warrant a full assessment against the Development Plan. In accordance with Section 39(2)(d) of the Development Act 1993 the applicant has been requested to furnish the Council with a statement of effect. The following statement of effect has been prepared in accordance with Regulation 17(5) of the Development Regulations 2008.

The report gives details of the proposal, provides a description of the subject land and locality, includes an assessment of the proposal against the relevant objectives and principles of the Charles Sturt Council Development Plan, and provides a discussion of the social, environmental, and economic effects the development is expected to have in its locality.

Broadly, the statement describes the nature of the proposal and gives reasons why the application is worthy of Council support and warrants Development Plan consent, despite its non-complying status.

2.0 SUBJECT LAND

The subject site consists of one retail tenancy on the ground floor of a four-storey mixed-use apartment building. The land is formally identified as Lot 102 Secondary Community Strata Plan
28397 in the Area named St Clair, in the Hundred of Yatala (as contained within Certificate of Title Volume 6146, Folio 797). The site is more commonly referred to as Shop 2, 31 Post Parade, St Clair.

The shop 2 tenancy has an area of approximately 152m² and is located on the ground floor of Ascot Apartments complex. The building contains three first floor retail tenancies, as I understand one of these is presently occupied. Also located on the first floor is a lobby and storage area for the residents. The three upper storeys are used as residential apartments. It is understood the building contains a total of 33 apartments.

There is a sealed and line-marked parking area to the rear of the building which contains a total of 40 parking spaces. It is understood that each of the 33 apartments has one dedicated parking space, with the remaining 7 parking spaces for use by staff of the three retail tenancies. Access to the parking area is taken from Bayer Street. This parking area is secured by a remote-controlled gate.

![Diagram of Trainer Street with area analysis](www.maps.sa.gov.au)

Figure 1: The Subject Land (www.maps.sa.gov.au)

3.0 THE LOCALITY

Proposed development is a component of a wider established integrated mixed-use precinct, comprising of both the Ascot Apartment building, within which the site is located, and the nearby retail precinct and railway station. The St Clair development was a master planned redevelopment of the Cheltenham Racecourse with a cohesive and cooperative approach to how individual land uses would relate with each other and their immediate and wider locality.
The land is located in the Residential Zone, as identified in Map ChSt/8 of Councils Development Plan (see Figure 2). The land falls within the Cheltenham Park Policy Area 22. See Figure 2 below for reference.

On-street parking is available in the immediate locality via 7 shared parking spaces on either side of Green Way (Bayer Street) (14 in total). It is understood that these parking spaces are dedicated for use by visitors to the Ascot Apartments and its first-floor tenancies. 12 shared parking spaces are also available on either side of Post Parade. There is additional shared parking available in the wider locality adjacent the Post Parade and St Clair Avenue intersection (10 in total). On-street parking is readily available in the residential streets to the east of the site.

The subject building has been developed as part of the St Clair residential infill redevelopment of the Cheltenham Racecourse. The Ascot Apartment building was approved by the Council Assessment Panel on the 6th March 2013 (DA 252/2213/12).

The locality is defined as a mixed use residential area comprising in the main of medium to high density housing, small scale non-residential uses, and shared public open spaces, with an integrated and designed public realm.

The locality is characterised as a mixed-use precinct, with a range of non-residential land uses, integrated with the nearby railway station. Existing non-residential land uses in the locality include a supermarket, retail, specialty shops, health facilities, offices, and hospitality uses.

Figure 2: Zone and Policy Area Maps ChSt/8 (Charles Sturt Council Development Plan)
4.0 THE PROPOSED DEVELOPMENT

The proposed development is for the change of use for one of the retail tenancies on the ground floor of the Ascot Apartment building, for use as a consulting room. More specifically, the intention is to use the tenancy for a Clinical Psychology Practice.

The business is an existing practice which is relocating to the proposed site and rebranding. As it currently stands there will be five fully qualified Clinical Psychologists operating from the proposed clinic, and one administration staff member. Presently, the business will employ a total of 6 staff members. In regard to daily attendance, the practitioners will work flexible hours and alternative days. For the most part, daily staff attendance will not usually exceed 5 people, however, there will be irregular occasions that all staff are in attendance at the site. Daily staff attendance will at no point exceed 6.

The use will comprise of 5 consulting rooms, a reception area, a boardroom, staff kitchen, store room, and bathroom. The only changes to the building will involve some minor interior alterations and internal partitioning. The proposed bathroom will be unisex and will be used by staff and clients alike. The applicant has stated that the bathroom will be equipped and constructed for disabled use and in accordance with the Australian Standards for access for people with disabilities.

No external advertising is proposed at this stage. Any advertising or signage associated with the business will be in the form of internal signage on the windows.

It is understood that 4 staff parking bays are provided for this tenancy in the secure parking lot to the rear. Clients who drive to the site are intended to utilise the existing shared on-street parking spaces available in the immediate and wider locality.

The hours of operation are intended to be as follows:

<table>
<thead>
<tr>
<th>Day</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday</td>
<td>9am – 8pm</td>
</tr>
<tr>
<td>Tuesday</td>
<td>8am – 5pm</td>
</tr>
<tr>
<td>Wednesday</td>
<td>9am – 7pm</td>
</tr>
<tr>
<td>Thursday</td>
<td>8am – 6pm</td>
</tr>
<tr>
<td>Friday</td>
<td>9am – 3pm</td>
</tr>
</tbody>
</table>

Consultations will be by appointment only and the practice will be closed on weekends. Staff may on occasion work outside of these hours as is common practice with a business such as this; however, client visitation will be limited to within the open hours stated above. The applicant has stated they would be willing to adjust the hours of operation if considered necessary.

It is intended for consultations to be scheduled to begin on the hour and half-hour. Client visits will be approximately 60 minutes in duration, including payment, administration, the consultation session, and any waiting periods. Clients will enter the facility from the Post Parade via the double doors leading to the reception area. Staff will have rear access from the secure parking area via rear doors in consulting rooms 4 and 6.

Domestic waste management standards will apply for this facility. The facility will utilise the approved waste collection arrangement for the Ascot Apartments via the refuse enclosure off Trainer Street. It is understood that waste is collected from this point by a private contractor.
5.0  DEVELOPMENT PLAN ASSESSMENT

In preparing this report I have familiarised myself with the subject land and locality, the proposed development, and reviewed the relevant provisions of the Charles Sturt Council Development Plan, consolidated 31 October 2017.

As previously stated, the subject land is located within the Residential Zone, Cheltenham Park Policy Area 22. In the assessment of this application I have had consideration for the objectives and provisions of both the Council-Wide section and relevant zone and policy area sections of the Development Plan.

The provisions of the Development Plan of relevance to the application and which have been considered in this assessment are listed below:

Zone Section

Residential Zone
Principles: 1, 2, 4

Cheltenham Park Policy Area 22
Objectives: 2, 8
Desired Character Statement
Principles: 1, 3

General Section

Community Facilities
Objectives: 1, 2
Principles: 1, 4

Interface between Land Uses
Objectives: 1, 2, 3
Principles: 1, 2, 6, 8

Orderly and Sustainable Development
Objectives: 1, 3, 4
Principles: 1, 7

Transportation and Access
Objective: 2
Principles: 1, 2, 5, 6, 39

In an effort to be concise the discussion provided below does not speak to each individual provision which is relevant to the proposal but rather the key issues of the development which are likely to be considered more particularly in Council's assessment of this application. The primary planning issues are discussed under the following headings:

• Land use
• Amenity impact
Car parking

5.1 Land Use

Notwithstanding that the proposal represents a non-complying development, it is my view that the proposed land use is not incongruous with the established land uses in the immediate locality, and is largely consistent with the objectives and principles of the Residential Zone and those of the Cheltenham Park Policy Area 22.

Principle of Development Control 1 of the Residential Zone lists the forms of development envisaged for the Zone, including a number of small scale non-residential land uses, which serve the local community.

Residential Zone

Principles of Development Control

1 The following forms of development are envisaged in the zone:
- domestic outbuilding in association with a dwelling
- domestic structure
- dwelling
- dwelling addition
- small scale non-residential uses that serve the local community, for example:
  - child care facilities
  - health and welfare services
  - open space
  - primary and secondary schools
  - recreation areas
  - shops, offices or consulting rooms
- supported accommodation.

I note that a consulting room and health and welfare services are listed as envisaged forms of development. The imperative question is therefore whether the development in question can be considered to be of a small scale, and whether it will serve the local community.

Some assistance in determining what might constitute small scale development is able to be gleaned from a decision of the ERD Court in Willcocks v City Of Whyalla & Anor [2009] SAERDC 79 (6 November 2009), which involved a gymnasium and beauty salon addition to an existing café in a Residential zone, and in which the Court said;

"When these provisions are read together it becomes clear that the planning authority has foreshadowed in its policy intent for the Residential Zone, a flexible approach to land use planning. The desired character of the Residential Zone not only includes a range of dwelling types but also – explicitly – a range of small-scale non-residential uses. When Principles 1 and 2 are read together the type of uses the authors of the Plan deem to be small-scale non-residential uses are generally not insignificant in their floor area. Nor on that basis alone would the number of vehicles likely to be generated by such uses be so immaterial as to be unnoticed".

It is expected that a facility such as this will have a close relationship to and attract many of its clients from the local community. Given its location in close proximity to an existing medical practice and it being the only service provider of its kind in the locality, I would consider it is likely that the nearby medical practice will utilise the proposed facility for its referrals of clients in need of psychological consultation.
I acknowledge that the facility will also have existing clients from further afield which are likely to continue using the service. In addition, the practitioners operating out of the proposed facility will have established relationships with other medical practices around metropolitan Adelaide which are likely to continue referring their clients to these practitioners.

On this issue, the ERD Court in Willcox had this to say:

"The fact that a facility might attract clients from afar does not, by that fact alone, define the area it serves and therefore the level at which it functions. There are many local services that come to mind that often serve principally the local community but, for a variety of reasons (for example client loyalty, personal records, friendships and past associations) they often attract clients from distant places. Small suburban based medical practitioners, hairdressers, child minding centres and accountants would be among the many examples."

I note that the existing practice (44 Tapleys Hill Road, Royal Park) from which the proposed facility is relocating is located in relatively close proximity to the new site (approximately 1.6 km to the West), and therefore many of its existing clients are already from the local areas of Woodville, Cheltenham, and St Clair.

In this respect I would consider that the proposed consulting room can be considered to be of a small scale, which will serve the local and wider community, and to be consistent with Principle of Development Control 1.

Principle of Development Control 3 of the Cheltenham Park Policy Area 22, speaks to the desired forms of development for the policy area.

Cheltenham Park Policy Area 22

Principles of Development Control

3 Development should comprise:

(a) a wide range of dwelling types at a range of densities, with a minimum 15 per cent of residential dwellings being for affordable housing including 5 per cent for high needs housing

(b) open space and associated facilities comprising at least 35 per cent (17.1 hectares) of the entire policy area (excluding the rail corridor), with a minimum of 11 hectares being accommodated in no more than two parcels one of which is to be located at the corner of Torrens Road and Cheltenham Parade

(c) areas for the management of stormwater in the form of wetlands and stormwater reuse (including an aquifer storage and recovery system)

(d) a licensed community sport and recreation club adjacent Torrens Road or Cheltenham Parade

(e) an area dedicated for mixed use development located adjacent to, and integrated, with a passenger rail transit station which should incorporate:

(i) retail development including a supermarket and specialty shops provided the gross leasable floor area does not exceed 5000 square metres

(ii) health care and community facilities, offices and other employment generating activities
(iii) higher density residential development consisting of apartments, multi-
storey aged persons accommodation and 'shop-top' housing

(iv) shared vehicle parking opportunities provided primarily beneath the
buildings with access that minimises the potential for conflicts with
pedestrians and cyclists.

I note that part (e) of the above provision contemplates mixed use development located adjacent to
the passenger rail transit station, including health care facilities. The inclusion of health facilities in
the above provision identifies the proposed land use as a desirable and contemplated form of
development for the policy area. I note that the proposed facility is directly adjacent the St Clair
Railway Station and therefore this tenancy is suitably located to accommodate the proposed land
use in accordance with the above provision. In addition, the proposed facility will assist with a form
of health care not presently provided by similar established health clinics in the locality.

5.2 Amenity Impacts

I note that the proposed facility will be located directly below a number of residential apartments and
therefore consideration has been given to the potential amenity impacts presented by the operation
of the proposed development.

Interface between Land Uses

Objectives

1 Development located and designed to minimise adverse impact and conflict between land
uses.

Principles of Development Control

1 Development should not detrimentally affect the amenity of the locality or cause
unreasonable interference through any of the following:
   (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants
   (b) noise
   (c) vibration
   (d) electrical interference
   (e) light spill
   (f) glare
   (g) hours of operation
   (h) traffic impacts.

I am of the opinion that the proposed land use will be able to be conducted without significant
nuisance caused to neighbouring and nearby residents or tenants. I can perceive no circumstances
where the facility will cause unreasonable disruption of the local amenity through any of the
nuisances listed in the above principle.

Noise generated within the building will be primarily limited to the noise of conversations during
consultation sessions. I would consider it unlikely for these to generate a level of noise which would
be perceptible by the adjoining tenants, or to be at all dissimilar to the nature of noise generally
accepted to be common-place in a residential building of this type.

The noise of clients arriving and departing the site will be brief in duration and will likely be
indistinguishable from general noise of pedestrian movement throughout the locality. Given its
location adjacent the railway station and a substantial retail precinct I would expect that this is a
relatively busy area from the early morning and into the early evenings on most days. I note that final train services generally stop running at approximately mid-night.

I note that the latest the facility is currently proposed to operate is until 8:00pm on Monday evenings. I do not consider this to be unreasonable and note that it is consistent with a number of other uses in the locality including retail and hospitality uses, and importantly the St Clair Medical and Dental Centre, to which I note operates until 9:00pm on Thursday evenings. Nevertheless, for the most part the proposed facility will see its greatest activity during hours of the day when the majority of residents will be away from their homes.

Negative amenity impacts as a result of traffic generated by the development will likely be comparative with other land uses in the vicinity and not unreasonable in their effect. I note that particularities of the site and locality will mean that many clients and staff will likely utilise alternative transport methods. I would note that unlike a retail tenancy, the proposed use will not require stock deliveries.

I can identify no specific circumstances when the development would give rise unreasonable emission of noise, odour, vibration, glare, light spill, or other nuisances likely to unreasonably interfere or disrupt the amenity of nearby and adjoining residents. In my opinion any amenity impacts the proposed development presents would be equally prevalent in the approved use of the site as a retail operation, if not more so.

With reference to the above, I submit that the proposed development will not detrimentally affect the character of the locality, is consistent with other forms of development in the area, and is a use which can be conducted with minimal disruption to the existing level of amenity currently enjoyed by nearby and adjoining residents.

5.3 Car Parking

The established carparking for the Ascot Apartments building was based on the Development Plan requirements of 1 parking space per two-bedroom apartments as the site is within a 200-metre radius of a railway station, light rail or bus stop, or a 1 km radius of a District Centre.

The site is located less than 100 metres from the St Clair Train Station and, although the adjacent supermarket and retail precinct is not a District Centre, it does provide the primary retail focus for the St Clair Development and as such functions in a similar fashion. The ground level car park provides 40 parking spaces in total which equates to one on-site space per apartment, with the remaining seven car parks dedicated for use by the ground floor tenancies.

Transportation and Access

Principles of Development Control

Table ChSt/2 of the Development Plan seeks a parking rate for consulting rooms of 5 spaces for each practitioner. In this instance this would necessitate a total of 25 parking spaces dedicated solely to this business. As it comprises part of an existing development, a parking area dedicated for use
by this tenancy alone is not a possible option in this case. Nevertheless, I would consider that the Council could contemplate an alternative parking arrangement in this circumstance due to the context of the site, locality, and the nature of the use.

In Council’s assessment of the Ascot Apartment building the panel had consideration of advice from qualified traffic engineer Mr Frank Siow, who adopted a reduced parking rate of 5.5 spaces per 100 square metres of retail floor area, he cited the proximity of the train station, the potential for shared car parking, and the location of on-street carparks adjacent the building as justification for this reduced rate. I note this as evidence that the Council have contemplated a reduced parking rate for development in the area in the past.

The parking rate specified in Table ChSt/2 for a consulting room is fairly significant and I expect is more applicable to general practitioner consulting rooms, in which consultations often have a much shorter duration than more specialised consulting rooms, and due to the quicker turn around often have less structured arrival times, a greater number of patients waiting to be seen, and thus a greater demand for parking.

I note that the Land Use Parking Generation Study (1988) prepared by traffic and transport planning consultant, Shane Foley, states that for most specialists a lower parking requirement could be expected than for general practitioners as normally the consultations are longer (Foley, p. 81). Given the specialised nature of the proposed facility longer consultations are expected, and a more structured approach in the arrival of clients is anticipated, therefore contributing to a lower parking demand.

Aurecon undertook a car parking study named Parking Spaces for Urban Places in 2013, which provides an alternative standard parking rate for all land uses across metropolitan Adelaide. The report recommends a standard parking rate for consulting rooms at 4 spaces per consultation room (see Figure 3 below). This would necessitate a total of 20 car parks.

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Recommended Rate</th>
<th>Max Allowable Discount</th>
<th>Summary of Change (from Planning SA Planning Bulletin, 2001)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consulting Room</td>
<td>4 per consulting room</td>
<td>10%</td>
<td>New measurement unit and maximum discount rate introduced</td>
</tr>
</tbody>
</table>

Figure 3: Recommended car parking provision for all land use types (Aurecon, 2013)

This rate is based off historic peak parking surveys conducted in suburban locations in low density localities with limited alternative transport modes available (Aurecon, 2013, p.23). The Aurecon report recognises that circumstances vary, and a certain degree of flexibility should be provided for developments in certain locations and situations. As such the report provides a percentage discount on the parking rate for development in proximity to alternative transport and/or shared parking facilities (see Figure 4 below).
Discounts that directly reduce parking demand

<table>
<thead>
<tr>
<th>Category</th>
<th>Discount Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessibility</td>
<td>20%</td>
</tr>
<tr>
<td>Located within 200m of a train station, tram station, a bus stop with five or more public transport routes, or a bus stop within a 'Go Zone'.</td>
<td></td>
</tr>
<tr>
<td>Shared Parking</td>
<td>10%</td>
</tr>
<tr>
<td>Development is within 200 m walking distance of one or more existing off-street public car parking places with a combined total of 100 car parking spaces or more.</td>
<td></td>
</tr>
</tbody>
</table>

Figure 4: Suggested parking discounts (Aurecon, 2013)

In this circumstance a discount of 30 per cent could be applicable, however in accordance with Figure 3, a maximum discount of 10 per cent is allowed for a consulting room. In accordance with the above, the Aurecon parking study therefore recommends for a consulting room, with five consultation rooms, located within 200 metres of a train station, a parking rate of 3.6 spaces per consultation room, therefore requiring a total of 18 parking spaces for this development. Again, the specialised nature of the facility would warrant a further reduction in my opinion.

The clinic will have a maximum of five practitioners operating at one time. Attendance at the clinic will be by appointment only. Appointments will be on a strict schedule. Client arrivals will be staggered at half hour and hour intervals, and at no point would 5 clients be scheduled to arrive at the site at the same time. Appointments will generally last for around 50-60 minutes, including payment and administration time.

The table below provides a breakdown of client scheduling on a typical day and shows the demand for parking demand which would likely be created by the clients:

<table>
<thead>
<tr>
<th>Time</th>
<th>Client Arrivals</th>
<th>Client Departures</th>
<th>General Parking Demand</th>
<th>Peak Parking Demand During Transition of Arrivals and Departures</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:00 am</td>
<td>3</td>
<td>-</td>
<td>3</td>
<td>-</td>
</tr>
<tr>
<td>9:30 am</td>
<td>2</td>
<td>-</td>
<td>5</td>
<td>-</td>
</tr>
<tr>
<td>10:00 am</td>
<td>3</td>
<td>3</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>10:30 am</td>
<td>2</td>
<td>2</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>11:00 am</td>
<td>3</td>
<td>3</td>
<td>5</td>
<td>8</td>
</tr>
</tbody>
</table>

By my evaluation of the above table the minimum to maximum parking demand created by clients on any given day will be from 2 - 8 parking spaces. The peak demand of 8 would only be for a short period in the transition of arriving clients and departing clients on the hour, while 2 other clients were still in consultation.

On Post Parade and Green Way, in the immediate vicinity of the site, a total of 26 shared on-street parking spaces are available. I note that further north of Post Parade an additional 10 spaces are
available near the intersection with the St Clair Avenue roundabout. On street parking is also available in the surrounding streets, such as Trainer Street, Beyer Street, and Steeplechase Avenue. An aerial locality plan has been attached to this report, which identifies key features of the locality as well as available parking bays in the area.

Some 60 metres to the north the Coles supermarket and retail precinct has a 204-space parking lot. I understand that this is a private parking area for use by customers of the precinct, nevertheless, being an area akin to a district centre and with the subject land being so close to the shopping centre it is reasonable to expect that some clients will conduct their shopping while also making a visit to the consulting rooms, and as such would likely utilise this parking facility. In this respect, I note that the Desired Character statement for Policy Area 22 speaks to the sharing of car parking areas between different facilities.

“Non-residential land uses such as... supermarket and specialty shops, health and community facilities... will form part of a mixed-use precinct that is integrated with a new rail transit station... Car parking areas will be shared between facilities...”

Provision has been made for the parking of staff vehicles in the secure parking area to the rear of the building. Being the largest of the three tenancies, four parking spaces are available for this use. I note that this presents a shortfall in staff parking provision when compared to expected daily staff attendance; however, I also note that the staff may utilise the alternative transport options available. In fact, two practitioners have stated that they intend to cycle and ride the train to work each day. It is not expected to occur frequently, however on the rare occasion on-street parking may be required to be used by the practitioners.

Principle of Development Control 5 of the Transportation and Access section states that Land uses which generate large numbers of visitors, such as places of employment, medium to high density residential developments, and shopping centres, should be located so they can be serviced by public transport and promote alternative methods of transport such as cycling and walking.

Transportation and Access

Principles of Development Control

5 Land uses that generate large numbers of visitors such as shopping centres, places of employment, schools, hospitals and medium to high density residential uses should be located so that they can be serviced by the public transport network and encourage walking and cycling.

I believe that this provision reflects the general theme of current planning policy, that development in Metropolitan Adelaide should be progressing towards a more consolidated and higher density urban form focused around public transport corridors and nodes, in accordance with the principles of transit oriented developments (TOD's). I understand this is a key focus of the 30 Year Plan for Greater Adelaide and note that the development of St Clair was planned with these principles in mind.

The subject land is in proximity of the St Clair Railway Station, Cheltenham Parade bus route, and the Outer Harbour Greenway, which is a key metropolitan bicycle network corridor and has recently been upgraded with a new signalised crossing at Cheltenham Parade. With regard to the above, although parking is an important matter to consider, its provision in my opinion should not be the
principal concern with a development in this context, as it is an area with a focus on the utilisation and promotion of alternative transport modes.

I consider that the shared parking in the area, and the four dedicated staff car parks can provide an appropriate level of parking for this facility, without creating an imbalance for other existing and future uses in the locality, for the following reasons:

- It is unlikely for parking demand from clients of this facility to exceed 8;
- Commercial land uses on the opposite side of Post Parade, competing for Post Parade parking spaces, have access to the significant shopping centre car park;
- The specialised nature of the use leads to a reduced parking demand;
- There are numerous alternative transport options available in the immediate area; and,
- The proposed facility is likely to capture some of its clientele from the nearby residential areas, who are more likely to walk or cycle to the site.

6.0 EXPECTED SOCIAL, ECONOMIC AND ENVIRONMENTAL EFFECTS OF THE DEVELOPMENT

In my assessment of this proposal I have had consideration for the potential social, environmental, and economic impacts which may result from the development. It is my contention that, for the most part, the proposed development will not result in any changes that are likely to cause any unreasonable detrimental social, economic or environmental effect on the immediate or wider locality.

6.1 Social Impacts

The proposed development is for the establishment of a clinical psychology practice, and in this regard, the proposal may have a positive social impact upon the locality, as it will provide a form of health care not presently available in the area.

The establishment of the use may result in a marginal increase in the employment options available in the local area, however I acknowledge that this is a highly specialised field, thus reducing its potential employee catchment. Amenity impacts are not considered unreasonable and have been addressed in greater detail in the above assessment.

Research has shown that vacant properties can be a significant barrier to neighbourhood and district vitality, and crime prevention (Accordino & Johnson 2016). As such, use of the currently vacant site may in some respects have a positive social impact on the locality. The development is not anticipated to have any measurable detrimental social impact upon the locality.

6.2 Environmental Impacts

Given that the proposed use will occupy a tenancy in an existing building, I can identify no specific circumstances where the proposed development would have any measurable environmental impact on the locality.

6.3 Economic Impacts

The proposed development will not place further demand on the provision of public utilities and infrastructure. I do not consider that the proposed use would in any way result in a reduction in
property value for adjoining residents. I consider it is highly unlikely that there will be any detrimental economic impact upon the locality. Conversely, the development will contribute to the local economy as an orderly and efficient commercial business.

7.0 SUMMARY

Notwithstanding its non-complying status and having regard to the above, the proposal is considered to be an appropriate form of development for the subject land and warrants Council consent as:

- The land use is an envisaged form of development in the zone and a contemplated form of development in the relevant policy area;
- The proposed facility is of a small scale, which will serve the local community;
- The land use is unlikely to cause any measurable disruption of the level of amenity currently enjoyed by existing residents; and,
- Due to the particularities of the land use, and its location, adequate parking is available within the locality to service the proposed development and other expected and existing uses.

Given the above, I ask that Council recognise the particular circumstances of the locality and the development that lend their support to the application, which I consider to be entirely appropriate despite its non-compliance.

8.0 CONCLUSION

Having regard to the above assessment and to the specific attributes of the proposal, I am of the opinion that the development does not prejudice the intent of the policies applying to land.

In my view, the development is not seriously at variance with the provisions of the Development Plan. I therefore consider the proposal to be an appropriate form of development, worthy of Council consent, and the concurrence of the State Commission Assessment Panel.

Should you have any further enquiries about this report, please do not hesitate to contact me on 8130 7222, or alternatively via email on nick@accessplanning.com.au

Yours faithfully,

Nicholas Wilson MPIA (Grad.)
ACCESS PLANNING PTY LTD

Date: 22/12/17
9.0 REFERENCES


- Foley S, 1988, Land Use Parking Generation Study, Director-General of Transport South Australia.

10.0 APPENDIX

The following is a comprehensive list of the provisions of the Charles Sturt Council Development Plan, consolidated 31 October 2017, which are relevant to the application and have been considered in the preceding assessment undertaken in Section 5.0 of this report.

Zone Section

Residential Zone

Principles of Development Control

1 The following forms of development are envisaged in the zone:
   - domestic outbuilding in association with a dwelling
   - domestic structure
   - dwelling
   - dwelling addition
   - small scale non-residential uses that serve the local community, for example:
     - child care facilities
     - health and welfare services
     - open space
     - primary and secondary schools
     - recreation areas
     - shops, offices or consulting rooms
     - supported accommodation.

2 Development listed as non-complying is generally inappropriate and not acceptable unless it can be demonstrated that it does not undermine the objectives and principles of the Development Plan.

4 Non-residential development should be of a nature and scale that:
   (a) serves the needs of the local community
   (b) is consistent with the character of the locality
   (c) does not detrimentally impact on the amenity of nearby residents.

Cheltenham Park Policy Area 22
Objectives

2 Development that supports best practice in sustainable urban development and design and in community service and infrastructure provision.

8 Development that contributes to the desired character of the policy area.

Desired Character

The policy area will be developed in accordance with the Concept Plan Map ChSt/18 - Cheltenham Park and Woodville Medium Density and comprise a broad range of dwelling types, including medium to high density housing, and areas of open space. It is also envisaged that the policy area will include a mixed use development precinct integrated with a passenger rail transit station.

Non-residential land uses such as a small supermarket and specialty shops, health and community facilities and other service facilities will form part of a mixed use precinct that is integrated with a new rail transit station located in the policy area, and complements higher residential densities. This mixed use precinct will cater primarily to the needs of rail commuters and residents within the policy area. Car parking areas will be shared between facilities and be provided beneath buildings.

Principles of Development Control

1 Development should not be undertaken unless it is consistent with the desired character for the policy area.

3 Development should comprise:

(f) a wide range of dwelling types at a range of densities, with a minimum 15 per cent of residential dwellings being for affordable housing including 5 per cent for high needs housing

(g) open space and associated facilities comprising at least 35 per cent (17.1 hectares) of the entire policy area (excluding the rail corridor), with a minimum of 11 hectares being accommodated in no more than two parcels one of which is to be located at the corner of Torrens Road and Cheltenham Parade

(h) areas for the management of stormwater in the form of wetlands and stormwater reuse (including an aquifer storage and recovery system)

(i) a licensed community sport and recreation club adjacent Torrens Road or Cheltenham Parade

(j) an area dedicated for mixed use development located adjacent to, and integrated, with a passenger rail transit station which should incorporate:

(v) retail development including a supermarket and specialty shops provided the gross leasable floor area does not exceed 5000 square metres

(vi) health care and community facilities, offices and other employment generating activities

(vii) higher density residential development consisting of apartments, multi-storey aged persons accommodation and 'shop-top' housing

(viii) shared vehicle parking opportunities provided primarily beneath the buildings with access that minimises the potential for conflicts with pedestrians and cyclists.

General Section

Community Facilities

Objectives
1 Location of community facilities including social, health, welfare, education and recreation facilities where they are conveniently accessible to the population they serve.

2 The proper provision of public and community facilities including the reservation of suitable land in advance of need.

Principles of Development Control

1 Community facilities should be sited and developed to be accessible by pedestrians, cyclists and public and community transport.

4 Non-residential development of a local community nature such as health and welfare services, community centres, child care facilities, primary and secondary schools, recreation, public open space and similar facilities should only be developed within residential areas where they are of a nature and scale that serves a local area function and do not hinder the development and function of centres.

Interface between Land Uses

Objectives

1 Development located and designed to minimise adverse impact and conflict between land uses.

2 Protect community health and amenity from adverse impacts of development.

3 Protect desired land uses from the encroachment of incompatible development.

Principles of Development Control

1 Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:
   (i) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants
   (j) noise
   (k) vibration
   (l) electrical interference
   (m) light spill
   (n) glare
   (o) hours of operation
   (p) traffic impacts.

2 Development should be sited and designed to minimise negative impact on existing and potential future land uses desired in the locality.

6 Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.

8 Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises.

Orderly and Sustainable Development

Objectives

1 Orderly and economical development that creates a safe, convenient and pleasant environment in which to live.

3 Development that does not jeopardise the continuance of adjoining authorised land uses.
4 Development that does not prejudice the achievement of the provisions of the Development Plan.

Principles of Development Control

1 Development should not prejudice the development of a zone for its intended purpose.

7 Vacant or underutilised land should be developed in an efficient and co-ordinated manner to not prejudice the orderly development of adjacent land.

8 Development should be undertaken in accordance with the Concept Plans Maps ChSt/1 to 27.

Transportation and Access

Objectives

2 Development that:
   (a) provides safe and efficient movement for all transport modes
   (b) ensures access for vehicles including emergency services, public infrastructure maintenance and commercial vehicles
   (c) provides off street parking
   (d) is appropriately located so that it supports and makes best use of existing transport facilities and networks.
   (e) provides convenient and safe access to public transport stops.

Principles of Development Control

1 Land uses arranged to support the efficient provision of sustainable transport networks and encourage their use.

2 Development should be integrated with existing transport networks, particularly major rail, road and public transport corridors as shown on Location Map and Overlay Maps - Transport, and designed to minimise its potential impact on the functional performance of the transport network.

5 Land uses that generate large numbers of visitors such as shopping centres, places of employment, schools, hospitals and medium to high density residential uses should be located so that they can be serviced by the public transport network and encourage walking and cycling.

6 Development generating high levels of traffic, such as schools, shopping centres and other retail areas, and entertainment and sporting facilities, should incorporate passenger pick-up and set down areas. The design of such areas should minimise interference to existing traffic and give priority to pedestrians, cyclists and public and community transport users.

39 Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table ChSt/2 – Off Street Vehicle Parking Requirements.
**Statement of Representation Form**

Pursuant to Section 38 of the Development Act 1993

Under the *Development Act 1993*, any person may, in accordance with regulations, make a representation in writing to the relevant authority in relation to the granting of a refusal of consent for a Category 2 or Category 3 development application.

Please note that pursuant to section 38(17) of the *Development Act 1993*, if the application involves a Category 2 notification and you were not entitled to receive notice of the application in accordance with the *Development Act 1993* and *Development Regulations 2008*, you cannot make a representation in relation to the application.

**NB:** All correspondence in relation to your submission will be provided by email.

**Representations:**

Representations must be made in writing and a Statement of Representation form must be completed and supplied. The Statement of Representation form requires persons making a representation to state their name and address and describe the reasons for their representation and how the issues would be overcome.

The written statement is more likely to be effective if it refers to the provisions of the *Charles Sturt Development Plan*. This can be accessed at the City of Charles Sturt website at [www.charlessturt.sa.gov.au](http://www.charlessturt.sa.gov.au).

Copies of representations are forwarded to the applicant and the applicant is given the opportunity to respond in writing to the representation.

It is not necessary to attend a Development Assessment Panel meeting, however you may choose to do so to make a verbal presentation of your concerns. Please note that the time for making verbal presentations will be limited to approximately 5 minutes.

For Category 2 development, the Council may determine to allow a Representor to appear before Council to present their representation. For Category 3 development, Council must allow a Representor to appear to make their representations. The applicant is also allowed to appear in order to respond to any representations.

Council advises Representors with notice of its decision. In the case of a Category 3 development, Representors have the right to lodge an appeal against the decision with the Environment, Resources and Development Court.

**Development Details:**

<table>
<thead>
<tr>
<th>Development Application Number:</th>
<th>252/3018/17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Address:</td>
<td>2/31 Post Parade ST CLAIR SA 5011</td>
</tr>
</tbody>
</table>

**Person Making Representation:**

<table>
<thead>
<tr>
<th>Name:</th>
<th>Dr Sadia Bubnic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>Shop 11-13/40 Cheltenham Parade ST CLAIR SA 5011</td>
</tr>
<tr>
<td>Postal Address:</td>
<td></td>
</tr>
<tr>
<td>Email:</td>
<td><a href="mailto:sadiakajani@hotmail.com">sadiakajani@hotmail.com</a></td>
</tr>
<tr>
<td>Phone 1:</td>
<td>0402911747</td>
</tr>
<tr>
<td>Phone 2:</td>
<td></td>
</tr>
</tbody>
</table>
3. Please indicate whether you wish to personally present your statement to the Development Assessment Panel:

| I do not wish to make a verbal presentation |

4. Nature of interest in development:

| Adjoining resident |

5. Issues that I/we would like to raise:

| Our major concern is the change of use from retail tenancy to consulting rooms. We do not mind that it is a psychology clinic at the moment, but are concerned that if the use is changed, that in the future it could be used for any other other form of consulting rooms. Our other concern is the lack of parking spaces, as it already gets congested in the St Clair Village Shopping Centre car park and Post Parade itself, there is already issues with people parking their car to do a quick shop, in the no parking space in front of the medical and dental centre, which should be kept clear for ambulances in case of an emergency. |

6. These issues would be overcome by:

| A designated parking structure/spaces for the psychology clinic to ensure that their patients are not using the shopping centres' spaces, considering the shopping centres' tenants are the ones who are responsible for any outgoings of this space and also to ensure people are not parking in the incorrect parking areas that are designated for other purposes. Also if possible to be changed to a specific use for psychology rooms, rather than a general use of consulting rooms. |

7. I would like an officer of Council to contact me to discuss my submission:

| Yes |

8. Acknowledgement:

| I acknowledge that copies of this representation and supporting documentation may be provided to interested persons in accordance with Development Regulations 2008 and may be available on Council's website. Written representations form part of the reports attached to Council agendas. The agenda, minutes and accompanying report is made available on Council's website. Information, including names and addresses recorded in these documents can therefore be searched by various website search engines. |

| Acknowledged |

9. Privacy Policy:

| By submitting this form, I consent to the City of Charles Sturt collecting, retaining and using my personal information provided in line with Council's Privacy Policy. |

| Accepted |
7 February 2018

Ref: 7026 resp0nset0r0ps

The Chief Executive Officer
The City of Charles Sturt
72 Woodville Road,
WOODVILLE SA 5011

Attention: Ms Rebecca Gosling

Dear Rebecca,

RE: DA 252/3018/2017: CHANGE OF USE TO CONSULTING ROOM (PSYCHOLOGY PRACTICE) AT SHOP 2, 31 POST PARADE, ST CLAIR

I have been engaged by the applicant to respond to the Letter of Representation received by Council following the Category 3 public notification of the abovementioned Development Application.

The submission received by the Council was from an adjoining business operator/tenant, Dr Sadia Bubnic, of Shop 11-13/40 Cheltenham Parade, St Clair. The representor raised two concerns relating to the proposal, these being:

- The future use of the land as a consulting room of a different type; and,
- Parking concerns.

I respond as follows.

The future use of the site:

The Letter of Representation raised concerns that the change of use of the site from a retail tenancy to a consulting room was not specific enough and, although it may be used a psychology clinic for the moment it would allow for a consulting room of a different type (general practitioner, podiatry, dental etc.) to utilise the space in the future.

I acknowledge that the general 'consulting room' land use term covers a broad range of specific uses all of which have differing and unique planning impacts to consider. For example, a general practitioner in comparison to a psychology clinic may have more variation in the duration of their consultation sessions and therefore have a less structured approach in the scheduling and arrival of clients, leading to the preceding having a greater demand for parking.

I can therefore appreciate the representors apprehension. However; whilst it may be a legitimate concern this goes beyond the scope of this application, as the applicant is not in a position to control the future use of the land. I can confirm that the applicants only intention is to use the site as proposed, as a psychology clinic.
The Council could stipulate, if it so desires, in the approval of the use of the land as a consulting room, that the approval extends only to this use of this site as a certain type of consulting room, in this case a psychology clinic. The applicant would be happy accept this as a condition of consent if deemed necessary by the Council.

Parking:

The representor raised concerns regarding the provision of parking for the facility and stated that the facility should be provided dedicated parking spaces for its clients. They also raised the concerns relating to clients parking in front of the medical centre, which is dedicated for ambulance use.

It was not previously apparent that the parking spaces in front of the medical centre were dedicated for the use of an ambulance in emergencies. Previous application documents have incorrectly referred to these two parking spaces as available on street parking in the locality.

Nevertheless, on Post Parade and Green Way, in the immediate vicinity of the site, a total of 24 shared on-street parking spaces are still available. I also note that further north of Post Parade an additional 10 spaces are available near the intersection with the St Clair Avenue roundabout.

Commercial land uses on the opposite side of Post Parade have access to the significant shopping centre car park and therefore one would expect competition for these parking spaces on Post Parade to be low.

The clinic will have a maximum of five practitioners operating at one time. Attendance at the clinic will be by appointment only. Appointments will be on a strict schedule. Client arrivals will be staggered at half hour and hour intervals, and at no point will 5 clients be scheduled to arrive at the site at the same time.

By my evaluation the minimum to maximum parking demand created by clients on any given day will be from 2 - 8 parking spaces. The peak demand of 8 would only be for a short period in the transition of arriving clients and departing clients, while other clients were still in consultation.

I therefore consider that there is adequate parking available in the area to service the proposed use and other existing land uses in the locality and disagree with the representors assertion that a designated parking structure/spaces for the proposed clinic is necessary.

It is my understanding that the 14 parking spaces on Beyer Street were approved as part of the Ascot Apartments development with the intention of them being for the use of the ground floor tenancies and visitor parking for the residents. If this is the case, then some level of dedicated parking is available.
Summary:

I consider the matters raised in the Letters of Representation have been adequately addressed or in my opinion, are within acceptable tolerances.

I advise that we would like to be in attendance the Council's Development Assessment Panel to respond to any verbal representations.

Should you have any questions in respect to the above or require any further information please do not hesitate to contact the undersigned on 8130 7222.

Yours sincerely,

[Signature]

Nick Wilson MPIA (grad)
ACCESS PLANNING (SA) PTY LTD
[Attachment C consists of 1 page]
DEVELOPMENT ACT 1993
Section 38 (Category 3)
Public Notice and Consultation Authorisation
Pursuant to Section 38(5) of the Act to give notice of a proposal for a Category 3 development.
The properties marked with a red dot on the attached map show the occupiers and recorded owners of all properties which have been notified pursuant to Section 3E(5) of the Act.
Authority to form such opinion and to give notice is delegated to the Team Leader Planning Assessment.
Development Application No. 252/016/17
Signed: Zoe Garnaut
(Team Leader Planning Assessment)
Date: 3/1/2017