

**COUNCIL ASSESSMENT PANEL MEETING
9 May 2018**

AGENDA

Applicant: Beyond Ink	Landowner: Kleemann Woodside Pty Ltd
Agent: -	Ward: Onkaparinga Valley
Development Application: 17/986/473	Originating Officer: Sam Clements
Application Description: Building comprising two shops (supermarket & bottle shop), associated car parking, water storage tanks (2 x 22,500L), earthworks, landscaping, combined fence & retaining wall (maximum height of 4m), twelve (12) light poles (5m maximum height), removal & replacement of street trees, regulated tree removal (1 x <i>Ulmus glabra Lutescens</i> - Golden elm) & demolition of existing dwelling & outbuildings	
Subject Land: Lot:100 & Lot:101 Sec: P5028 DP:51016 CT:5852/185 & CT:5682/912 Subject Land: Lot:73 Sec: P5028 FP:156608 CT:5795/56 Subject Land: Lot:5 Sec: P5028 FP:106791 CT:5175/199	General Location: 23-29 Onkaparinga Valley Road & 3-5 Tiers Road Woodside Attachment – Locality Plan
Development Plan Consolidated : 24 October 2017 Map AdHi/18 & 57	Zone/Policy Area: Town Centre Zone & Town Centre (Woodside) Policy Area
Form of Development: Merit	Site Area: 6016m ²
Public Notice Category: Category 2 Merit	Representations Received: 4 Representations to be Heard: 3

1. EXECUTIVE SUMMARY

The purpose of this application is to construct a building comprising two shops, specifically for use as a supermarket and bottle shop. The proposal includes an associated car park area with 99 spaces, car parking lighting and landscaping, two water storage tanks, earthworks, construction of a combined fence and retaining wall with maximum height of 4m, removal of one regulated tree and the demolition of the existing dwelling and outbuildings on lot 73 (23 Onkaparinga Valley Road).

Additionally, the proposal includes two front canopies that protrude into the road verge of Onkaparinga Valley Road and some off-site works, specifically the removal and replacement of street trees, the creation of indented parking bays (4 spaces), bike parking, the installation of kerb and gutter and a pram ramp all on Onkaparinga Valley Road and new crossovers and the reinstatement of redundant crossovers on both Onkaparinga Valley Road and Tiers Road. The proposal also includes the removal of approximately 12 on-street parking spaces on Onkaparinga Valley Road and line marking to create a back to back right turn treatment in the centre of the road carriageway.

The subject land is located within the Town Centre Zone and Town Centre (Woodside) Policy Area. The proposal is a merit form of development and Category 2 for public notification purposes. Three representations in opposition and one representations in support of the proposal were received during the notification period. Of these representors three wish to be heard.

The proposal is for an orderly and economic development that will make use of underutilised land that has been set aside for commercial use in the Town Centre Zone. As desired, the proposed building does not mimic heritage styles that exist in the locality, but uses scale, form and selected materials which are complementary to the landmark heritage structures and State heritage items within the town centre. The building's façade has been designed to appear like multiple shopfronts. It is well articulated and achieves a high standard of design. The proposal has addressed potential amenity impacts from noise, light spill, hours of operation and traffic generation. Adequate car parking has been provided and the proposal should not impact on the efficiency and safety of Onkaparinga Valley Road and Tiers Road.

As per the CAP delegations, the CAP is the relevant authority as the proposal has a construction value exceeding \$2.5 million and Category 2 representors that wish to be heard.

The main issues relating to the proposal are design and appearance, articulated vehicle movements, traffic safety on Tiers and Onkaparinga Valley Roads, amenity impacts to adjacent residential properties and stormwater management.

In consideration of all the information presented, and following an assessment against the relevant zone and Council Wide provisions within the Development Plan, staff are recommending that the proposal be **GRANTED** Development Plan Consent, subject to conditions:

2. DESCRIPTION OF THE PROPOSAL

The proposal is for a single storey building comprising two shops (supermarket and bottle shop) and includes:

- A supermarket with a floor area of 1054m² plus an ancillary office (staff and admin office) and amenities area of approximately 65m²
- A liquor outlet with a floor area of 220m² including associated amenities
- A storage area comprising cool rooms and a loading area of 351m² which is shared by the supermarket and the bottle shop
- A series of canopies around the perimeter of the building, including at each of the entrances. The bottle shop entrance canopy is approximately 125m² and the canopy at the front of the supermarket that returns to the rear of the building is 325m² in area. Excluding the public/shared walkway sections, the canopies are 58m² and 61m². The canopy over a portion of the shared loading area is 38m²
- The gross leasable area (GLFA) of the building comprising two shops (excluding the shared walkway canopies and loading bay canopy) is 1809m². A summary in table format is provided below:

Use/activity	Gross leasable floor area (m ²)
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Supermarket	1054
Supermarket office and amenities	65
Liquor outlet, including amenities	220
Storage area	351
Front canopies (not shared)	119
TOTAL	1809

- The majority of the building is 6m above the finished floor level, aside from the storage part of the building which is 6.5m above the finished floor level
- The building is to be constructed of exposed face brickwork and tilt-up concrete panels (both with recessed panels) with rendered columns and glass windows and doors. The rendered panels are to be off-white and the brickwork is to be Littlehampton 'Sienna.' The canopies are to have an Alucobond or similar fascia system which is to be white, black and red as depicted on the elevations. The roof is to be Trim-Deck or similar with a 3 degree pitch, which will be concealed by the parapet
- The building is setback 2m from the front boundary, 20m from the southern side boundary, 15m from the rear western boundary at its closest point and is abutting the northern side boundary. The canopies on the front façade slightly protrude over the front boundary into the road verge

Associated on-site works:

- A car park comprising 99 spaces, including 2 spaces for persons with a disability
- A stormwater management system for stormwater treatment and detention. Roof water is to discharge into two detention tanks (each 22,500L) and the car park surface is to be graded to side entry pits. The stormwater overflow from the water storage tank and the side entry pits stormwater is directed via a sealed system to a 3m wide and 30m long bio-retention swale. This is to be rock lined and planted with suitable vegetation. Overflow from the swale is to be discharged to the existing side entry pit on Tiers Road
- Associated earthworks to grade the car park
- Car park lighting including 12 light poles with a maximum height of 5m. Two of the light poles have double lights and therefore a total of 14 lights are proposed. One of the light poles is proposed to be located at the front of the building within the road verge of Onkaparinga Valley Road
- Landscaping beds within the car park
- Combined fence and retaining walls with a maximum height of 4m. The proposed 2.4m high fence on top of the retaining wall for the full length of the southern boundary will also act as an acoustic barrier. This fence will be Colorbond steel with a minimum of BMT 0.6mm
- Removal of one regulated tree, specifically a *Ulmus glabra Lutescens* (Golden elm)

- Demolition of the existing dwelling and outbuildings on lot 73 (23 Onkaparinga Valley Road)

Associated off-site works:

- The removal of two street trees and the planting of at least three replacement street trees and additional landscaping in the verge of Onkaparinga Valley Road
- The creation of four indented parking bays at the front of the building
- Bike parking structures in the road verge of Onkaparinga Valley Road
- Installation of kerb and gutter and a pram ramp on the western side of Onkaparinga Valley Road
- Two new concrete crossovers and the reinstatement of kerb on both Onkaparinga and Tiers Roads where crossovers will be redundant The removal of approximately 12 on-street parking spaces on Onkaparinga Valley Road (removal of line marking)
- New line marking to create a back to back right turn treatment in the centre of Onkaparinga Valley Road. Specifically, a right turn treatment into the site (vehicle travelling to the south) and right turn treatment into Nairne Road (vehicles travelling to the north)

The proposed plans are included as **Attachment – Proposal Plans** with other information included as **Attachment – Application Information** and **Attachment – Applicant’s Professional Reports**.

3. BACKGROUND AND HISTORY

2014, February 5	(473/902/08) Withdrawn application for demolition of existing buildings, construction of two storey retail building comprising supermarket (1630m ²) & speciality shops, earthworks, car parking, signage, landscaping and alteration of access (withdrawn prior to determination of the application)
2009, December 18	(473/1235/09) Council approved the demolition of two buildings – 25 & 29 Onkaparinga Valley Road
2001, July 22	(473/848/01) Council approved the erection of tractor wash bay – 25 & 29 Onkaparinga Valley Road
1997, December 2	(473/D014/97) Council approved a land division at 25-29 Onkaparinga Valley Road to create one additional allotment (lots 100 and 101 were created)

The proposed development as originally lodged was substantially different in design and appearance. The building was predominantly glazing on three elevations, with the remainder of the walls pre-cast concrete and Alucobond above the canopy. There were four canopies around the majority of the building. The total of three doorways for the liquor outlet and supermarket were all located at the rear of the building addressing the rear car park. Following Council’s feedback prior to public notification the applicants made substantial modifications to the design to better align with the AHC Development Plan provisions.

4. REFERRAL RESPONSES

- **Heritage South Australia (State Heritage Unit)**

The application was referred to the State Heritage Unit as the site is adjacent the Woodside Institute and Braun's Farm Complex. The Unit requested further information on the original proposal:

- Confirmation of external finishes – in particular: type and finish of timber cladding; finish to precast walling; and confirmed colours of canopy detailing
- Confirmation of architectural details associated with precast panels – finish, parapet and window/ recess detailing

Their response on the amended proposal was as follows:

The proposed development is considered to be acceptable in relation to the above State heritage places for the following reasons:

- The proposed supermarket building will not directly affect the Woodside Institute State heritage place, as it is located on the opposite side of the road
- The proposed supermarket building will not adversely materially affect the context in which the State heritage place is situated, as:
 - The scale and form of the proposed building is similar to that of the State heritage place and the east street façade has been articulated to reduce apparent building bulk and repeat scale of buildings common to the era of significance of the State heritage place opposite
 - Proposed materials and external colours are natural in selection – typical to the era of significance of the opposite State heritage place.

State heritage have requested that one condition in relation to the final brick selection be placed on any consent.

- **DPTI- Traffic Operations**

The initial response was that the proposed access to and from the site and increased traffic generation has the potential to create conflict between vehicles entering and exiting the site and vehicles travelling on Onkaparinga Valley Road. The proposal was not supported by DPTI and they suggested that a traffic engineer be engaged to address their concerns, namely:

1. Right turn movements into the site may result in queuing and delays as through vehicles will not be able to safely pass
2. It is unclear how safe and convenient reversing movements into the loading bay are achieved by 19m semi-trailers
3. Turn paths produced by DPTI show that semi-trailers would not be able to safely exit via Tiers Road
4. No traffic assessment of the Onkaparinga Valley/Tiers Road junction has been undertaken and no turning treatments have been shown. DPTI is concerned that the increase in traffic at the junction could lead to a reduction in safety and efficiency
5. The two car parks at the front of the site are too close to the access point to Onkaparinga Valley Road. Car parks should be at least 6m from the front boundary

The applicant's traffic consultants (GTA consultants) responded to each of these concerns in their report titled 'response to DPTI comments' which is summarized below:

1. A back to back right turn treatment will be provided for the Onkaparinga Valley and Nairne Road intersection and for right turn movements into the site. Approximately 12 on street car parking spaces are to be removed to facilitate this
2. The ability for two B99s to pass a parked delivery vehicle in the chevroned area is outlined within Figure 2. Turning paths have been provided
3. Light vehicles will be able to travel past a stationary 19m semi-trailer, as shown in Figure 3 of the response. The semi-trailer can wait without impacting on traffic flow for a suitable opportunity to exit the site and to enter Onkaparinga Valley Road from Tiers Road. Egress from Tiers Road is an existing issue with the intersection and given that the number of deliveries required for the proposal is considered to be low, it is not expected to impact the function of the intersection
4. The proposal will result in relatively low additional movements to the Tiers Road/Onkaparinga Valley Road intersection
5. The first 6.0m from the Onkaparinga Valley Road frontage have been designated for staff only to reduce the frequency of vehicle movements from the spaces in question

DPTI - Traffic Operations have verbally indicated that they are no longer opposed to the proposal and will be recommending that some standard conditions are imposed. Council expects their response prior to the CAP meeting.

- **AHC Engineering**

Council Engineering made the following comments in relation to current civil plan (stormwater matters):

- The current design only detains stormwater up to a 1 in 10 ARI and this allowance should be increased to cater for a higher rainfall/storm event
- Within the calculations there is an inferred assumption that the pre-existing surface flows have previously been directed to the existing stormwater outfall point, specifically the double side entry pit (SEP) on Tiers Road. Council engineering do not accept this assumption as the existing site has been vacant since around 2010 and has natural fall towards the Onkaparinga River through private land
- The current design details that the paved parking areas (3240m²) are to be directly disposed of at the existing double SEP on Tiers Road, with a flow of 57.5l/s. Whilst this may not pose a problem for Council's existing outfall infrastructure, Council have requested that the designer provide design confirmation, including hydraulic load calculations, to prove that Council's existing infrastructure has sufficient capacity to accept the additional flows and dispose of the additional stormwater to the adjacent Onkaparinga River
- These calculations shall include a hydraulic design check for the pipes and pits and associated catchment areas for road surface drainage plus the 26.5l/s from the roof discharge via the 90mm diameter orifice pipe
- It is imperative that these calculations take into account the surrounding road surface flows from Tiers Road catchment. A hydrographic study may be necessary
- If Councils outfall drainage system is proven through further analysis to have insufficient capacity to accept additional flows, then the designer will need to

prepare and include provision for new infrastructure to adequately dispose the generated stormwater from the development to an agreed location, independently of the existing system

- A non-return valve should be provided at the outlet into the SEP to ensure there is no back up of stormwater from the SEP into the bio-retention swale

The applicants have provided amended civil plans and stormwater calculations which address a majority of the above matters. The stormwater detention has been increased to detain runoff up to a 1 in 100 ARI (20 minute duration). Council Engineering staff have reviewed this revised documentation and have advised that the amended design is satisfactory. The applicants have requested that the provision of water quality model to address the Environment Protection (Water Quality) targets is conditioned.

In relation to the transport matters and in response to DPTI's concerns relating to egress onto and from Tiers Road by semi-trailers, the following response was provided:

- These movements (19m semi-trailer vehicles movements) are currently happening all the time as we know. The small increase in these movements would seem to add limited risk or performance to the current operation of the junction (Onkaparinga and Tiers Road)
- No issue was raised within the loss of 12 on-street car parking spaces (nett loss of 8 if the four proposed are taken into account)

- **AHC Open Space**

- The Open Space team support the proposed removal and replacement of the two street trees. Both these two trees are in average overall condition and both hold low to moderate levels of streetscape value. In addition, both these two trees are contributing to kerb and water table damage.
- In keeping with the appearance of Onkaparinga Valley Road to the north of this development, the Open Space team requests that the developer continues the existing established street tree avenue and plants mature Acer x freemanii (Jeffersred) street trees in front of this development. The new trees are to have a minimum root ball size of 100L and 2.5m in height at the time of planting. The trees are to be planted at similar spacing intervals while maintaining the same kerb side alignment to match the juvenile plantings to the north (refer to **recommended condition 2**)

- **AHC EHU**
Council's Environmental Health Officer has requested a wastewater application to be provided for the installation of a septic tank connected to the Community Waste Management Scheme (CWMS). The applicant has requested that this matter be addressed following the planning decision. Given there is capacity in the CWMS and this is relatively straight forward matter AHC EHU have allowed for this to be provided prior to Building Rules Consent (subject to planning consent). Please see **recommended condition 4**.
- **AHC Property**
If planning consent is granted, permits under Section 221 & 222 of the *Local Government Act 1999* will need to be issued for encroachment on the road verge (i.e. front canopies) and for the works within the road verge beyond the proposed access points/crossovers (i.e. street furniture, footpaths, kerbing, landscaping works and pram ramp). (Refer to **note 9 of the recommendation**)

The above responses are included as **Attachment – Referral Responses**.

5. CONSULTATION

The application was categorised as a Category 2 form of development in accordance with Section 38(2)(a) of the *Development Act (1993)* and Schedule 9 of the *Development Regulations (2008)* requiring formal public notification. All forms of development in a Centre Zone are Category 1 aside from when the subject land is adjacent to land that sits within another Zone (i.e. the Watershed [Primary Production] Zone).

Four (4) representations were received in the public notification period. Of these four (4) representations three are opposing the proposal, and one is in support of the proposal. All were from adjacent properties.

The following representors wish to be heard:

Name of Representor	Representor's Property Address	Nominated Speaker
Mark Jericho and Jim Bidstrup	34 Onkaparinga Valley Road	Adam William (Access Planning)
John and Pam Truswell	21 Onkaparinga Valley Road	Did not indicate
Cheryl Hillier and Robyn Burton	19 Tiers Road	Did not indicate

The applicants (John Ashcroft and Jordana Ashcroft-O'Sullivan from Beyond Ink) will be in attendance at the meeting.

The issues contained in the representations can be briefly summarised as follows:

- Detrimental impact on surrounding development through traffic generation and parking demand
- Proximity of the car parks to the shop entrances
- Commercial movements pose a risk to pedestrian safety
- The scale of the development is questionable

- Shoppers will use more conveniently located car parks on the street or on other sites
- Noise issues from vehicle movements, the loading bay and air-conditioning units
- Light spill/illumination impacts
- Advertising signs not be on wall that faces the dwelling at 21 Onkaparinga Valley Road
- No solid fence is proposed on the western boundary for acoustic attenuation and to prevent litter trespass
- No landscaping proposed to the Crown land
- Removal of trees within the south-west corner of the car park
- Colours and materials proposed (western elevation)
- Traffic safety at the intersection of Onkaparinga Valley Road and Tiers Road
- Cyclist safety on Tiers Road

These issues are discussed in detail in the following sections of the report.

A copy of the submission is included as **Attachment – Representations** and the response is provided in **Attachment – Applicant’s Response to Representations**.

6. PLANNING & TECHNICAL CONSIDERATIONS

This application has been evaluated in accordance with the following matters:

i. The Site’s Physical Characteristics

The subject land is made up of four allotments as detailed below.

23 Onkaparinga Valley Road (Lot 73)

The allotment is 1544m² in area and features a detached dwelling and outbuildings. The rear north-western corner of this allotment features a regulated tree, specifically a *Ulmus glabra Lutescens* (Golden elm). This property has two crossovers, the main crossover is on the northern end of the frontage which provides access to the car parking area and garage at the rear of the property. The property has a septic tank and is connected to the CWMS.

There is a free and unrestricted right of way over the northern driveway (land marked A) appurtenant only to a portion of the land within lot 100 to the north.

23-25 Onkaparinga Valley Road (Lot 100)

This is a large vacant allotment with the Town Centre Zone of 2756m². As with the property above (lot 73), the front portion of the allotment is above the road, but the allotments have a very mild slope downhill and therefore the middle to the back portion of these allotments are below the road level. The allotment cross-fall of 2.45m from the front north-eastern corner to the south-western corner equates to a slope of 1 in 30.

This site previously featured a motor repair station/service industry (diesel motor repairs) with petrol pump and a retail showroom (Antique Garden shop). This building was demolished around 2010 and the fuel tanks removed.

Due to the previous use this site did contain some site contamination and was subject to monitoring. A full site contamination audit was conducted and completed in 2013. The audit required groundwater monitoring to be undertaken three times per year. In November last year it was confirmed by a Site Contamination Auditor that groundwater monitoring at the site was no longer required. The proposal is not for a sensitive use and does not propose anything that contravenes the requirements of the audit.

3 Tiers Road (Lot 5)

This is vacant allotment of some 883m² in area. This property has a mild cross-fall from the north-eastern corner to the south-western corner.

5 Tiers Road (Lot 101)

This is a vacant allotment of 775m² in area. This allotment also has a mild cross-fall from the north-eastern corner to the south-western corner.

Both lots 101 and 5 have CWMS infrastructure (pipelines) passing through them providing connections to the buildings on the allotments at 31 and 33 Onkaparinga Valley Road. Easements are registered over these titles for drainage purposes.

ii. The Surrounding Area

The locality is predominantly made up of commercial and community uses, with some residential properties.

The land to the south of the site on the western side of the Onkaparinga Valley Road, which is also within the Town Centre, features two residential properties. One of these properties is also used for commercial purposes, namely a retail showroom and a furniture workshop (light industry).

To the east of the subject land is the Council offices, library and recreation grounds. There is also the Woodside Institute building which is a state heritage listed place. The area in-between the Council offices and the Woodside swimming centre features a large public car park containing 70 plus spaces. These allotments on the eastern side of Onkaparinga Valley Road are outside the Town Centre and are within the Township Zone. On the northern side of the Nairne Road is the Woodside Hotel and a dwelling, which is a state heritage place (part of the former Woodside Police Station Complex).

Directly to the north is a motor repair station, retail showroom (bike shop) and government offices. Also, on the northern side of the Tiers Road intersection there are retail showrooms and office uses (charity/op shops). There is dwelling on the allotment to the rear of these shops (western side).

Land to the west of the site is within the Watershed (Primary Production) Zone and outside of the Woodside Township. The land directly to the west of the subject land is Crown land (former railway corridor). This land may be developed with a shared path (Amy Gillett bikeway) in the future. Further to the west is rural residential land, which is also used for livestock grazing and the former Council depot building on Tiers Road. The flood plain of the Onkaparinga River is approximately 77m from the site

and the river is approximately 100m from the rear boundary of the subject land at its closest point.

iii. Development Plan Policy considerations

a) *Policy Area/Zone Provisions*

The subject land lies within the Town Centre Zone and Town Centre (Woodside) Policy Area and these provisions seek:

Town Centre (Woodside) Policy Area

- Retention and enhancement of the character and streetscape of the town centre as derived from the historic buildings
- Sensitive siting and design of new buildings and off-street car parking and provision of street trees
- Creation of a safe and convenient environment for all users of the centre
- Development that is consistent with the Desired Character of the Policy Area

The following are considered to be the relevant Policy Area provisions:

Objectives: 1, 2, 3 & 4

PDCs: 1, 2, 3 & 4

The proposed development is for a building comprising two shops. It is envisaged that the supermarket and bottle shop will serve the town and surrounding rural environment. Supermarkets and speciality shops are specifically listed as envisaged business uses within the Policy Area. The proposed building is single storey in height and additional landscaping, including street trees will be provided at the street frontage. Whilst the proposed building will have a frontage width well in excess of 12 to 15 metres, its façade has been designed to appear like multiple shopfronts. The front facade contains articulation with staggered setbacks, canopies at different heights and the sections of glazing separated by rendered pillars and a solid brick wall section. The proposal includes front canopies that protrude over part of the footpath as envisaged to provide pedestrian amenity. The design does not mimic heritage styles that exist in the locality, but the use of scale, form and material selection create a design that is complementary to the landmark heritage structures in the Policy Area. The building has been setback 2m from the front boundary excluding the canopies, consistent with the desire for setbacks to vary from zero to 4 metres. The proposal is hence considered to be sufficiently consistent with the desired character for the Policy Area and will enhance the quality and complement the design and character of the public environment, sufficiently consistent with PDCs 1, 2, 3 and 4.

Town Centre Zone

- *A centre accommodating a wide range of retail, office, administrative, community, cultural and entertainment facilities*
- *Development that maintains the rural town character*
- *Rationalisation of the vehicular access, car parking and major pedestrian movement paths*

The following are considered to be the relevant Zone provisions:

Objectives: 1, 2, 4, 5 & 6

PDCs: 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 17, 18, 19, 20, 22, 23, 24, 25, 30, 31, 33 & 35

Accordance with Zone

Shops are envisaged uses within the centre zone. The proposal will contribute to the provision of a wide range of retail facilities to serve the town and surrounding rural community. The proposed shop building will be located on the main street of the town and has been designed to be complementary to the rural town character. The proposal is considered to accord with Objectives 1 and 2 and PDC 1.

Given the site is made up of four allotments, the proposal does reduce the number of vehicle access points to the subject land, with only one from each road frontage. Specifically two existing crossovers on Tiers Road will be reduced to one and four existing crossovers on Onkaparinga Valley Road will be reduced to one. As detailed above, the proposal will extend the footpath and kerbing at the front of the site and provide a pram ramp for persons crossing from the eastern side of Onkaparinga Valley Road. In addition, the proposal will create a back to back right turn treatment on Onkaparinga Valley Road to ensure the proposal does not impact on traffic safety and efficiency. The proposal is considered to be sufficiently consistent with Objective 4.

The building has its three entrances and windows addressing the street and incorporates canopies to provide amenity to pedestrians. The proposal will include the provision of new street furniture and will provide and improve the footpaths at the Onkaparinga Valley Road frontage. Council will be seeking consistent tree planting in the road verge. Trees will be required at each end and in-between the four indented parking spaces to continue the tree planting theme further to the north of the site. Refer to **recommended condition 2**. As mentioned previously, the building design is considered to be complementary to the historic main street character, as confirmed by the State Heritage Unit. The majority of the associated car parking area will be located to both the rear of the proposed buildings and to the adjacent buildings to the north and therefore will be located well back from the main face of the building. Only one car parking space will be aligned with the main face of the building within the side car park area. The proposal is considered to be consistent with Objectives 5 and PDCs 4 and 5.

The applicant has committed to provide a water quality model to prove that the stormwater treatment train will meet *Environment Protection (Water Quality) Policy 2015* targets. The current design features a bio-retention swale to filter runoff from the car park area. Please see **recommended conditions 3 and 27**. Also, the applicant has committed to provide the waste control system application prior to the issue of the Building Rules Consent (see **recommended condition 4**). Provided these recommended conditions are satisfied and best practice watershed protection measures should be achieved. On this basis the proposal is considered to be consistent with the desired character for the zone and the proposal accords with Objective 5 and PDCs 1 and 4.

Form and Character

The proposal will provide an active street frontage with all three doorways into the two shops to be accessed via the street. The proposal will therefore achieve the desired purposes of Zone PDC 5, namely to encourage public activity and interest, and to contribute to liveliness, vitality and security of public areas. Given the size of the sheltered areas and the verge area there could be future seating or dining if there is a desire to have a small shop or café within the supermarket (subject to further consent). As mentioned, the building alignment, height and scale complements existing landmark buildings in the locality. The proposed building is well articulated with a mixture of materials, canopies at different heights and the solid to void ratio has been well balanced. The proposal will improve and enhance the character and amenity of the centre and is therefore considered to be in accordance with Zone PDCs 6, 9, 10 and 20. As mentioned previously, the staggered setbacks, splitting of window areas with solid walls and rendered pillars, and canopies at different heights creates a façade of mixed or multiple shopfronts, consistent with Zone PDC 19.

The footpath at the front of the site will be widened (at least 4m in width) and another footpath will be provided around the perimeter of the proposed building. The proposal is consistent with Zone PDCs 8 and 10. The land form will need to be modified to facilitate an improved grade from the car park area and one regulated tree is required to be removed to permit this. The proposal includes replacement plantings to offset the loss of this and other non-regulated trees. **Recommended conditions 2 and 30** reinforce the need for replacement planting. The proposal incorporates some water sensitive urban design principles by including a retention tank for water re-use and a bio-retention swale to filter stormwater. The proposal is considered to sufficiently accord with Zone PDC 7.

The proposed building has been located centrally within the site as far as practical from the residential property to the north and to the south, both of which are within the Town Centre Zone. The applicant has proposed standard hours of operation that will not take away from the potential after hours use of the District Centre in Stirling. It is considered that this is more applicable to entertainment facilities such as restaurants and hotels.

The proposal plans do not detail if the glazing proposed will be clear, but it is likely. Provided the windows are not occupied by advertising (such advertising is not development if it is not illuminated) casual surveillance of the public realm should be achieved, consistent with Zone PDC 16. As mentioned, the building has been designed to face and provide views out to the public realm in accord with Zone PDC 17.

Other than car parking areas, the loading bay of large retail premises is likely to be activity of greatest potential to cause amenity impacts to adjacent residential uses. The loading bay of the proposed building is located as far as practical from the residences to the north (80m away) and south (62m away) of the site. The deliveries will also be restricted to within the hours of operation, service vehicles will be turned off when stationary in the loading bay and an acoustic fence will be provided for the full length of the southern boundary to minimise noise impacts. As the primary

purpose of the zone is commercial uses, the noise impact is to be restricted to 62dB(A) within the habitable rooms of the closest dwelling. The acoustic report provided predicts that the noise level experience by the dwelling at 21 Onkaparinga Valley Road will be 55 dB(A). The proposal will achieve compliance with the *Environment Protection (Noise) Policy 2007* (see **recommended conditions 18-21**). The refuse storage area will be located adjacent the loading area and will not be dwellings to the north or south or from the roadways. This area should also be appropriately screened to minimise visual impact to the former rail corridor and adjacent land to the west (see **recommended condition 22**). Some landscaping is proposed in the car park area and road verge of Onkaparinga Valley Road which will soften the appearance of the proposed building, but more so the large car park area. The proposal is considered to accord with Zone PDC 18.

Access and Parking

It is considered that additional low level plantings could be provided on the Tiers Road side of the site to minimise glare from headlights to the dwelling at 4 Tiers Road. The landscaping plan could be further refined to address this issue, soften the appearance of the car park and better achieve the streetscape outcomes discussed (see **recommended condition 2**). Headlight glare is likely to still be an issue from the Tiers Road crossover for the 4 Tiers Road property. The proposal can achieve a sufficient level of consistence with PDC 22 if additional low level landscaping is provided on the Tiers Road frontage. The proposal will not provide vehicle linkages to adjacent commercial sites, but it should be noted that the proposed development is over 4 allotments. As mentioned, the proposal will improve pedestrian linkages. The proposal is considered to sufficiently accord with PDC 23.

As detailed above, excluding the shared walkway canopies and the loading area canopy, the gross leasable area (GLFA) of the building has been calculated as 1809m². Based a rate of 5.5 spaces per 100m², the development is required to provide 100 spaces. The proposal is to be provide 99 spaces. The applicant has provided a traffic engineering assessment of the car parking which details that the rate of 5.5 as generous and considers a less rate of 4 spaces per 100m² to be sufficient (73 spaces). The car parking provided is considered to sufficiently accord with PDC 24.

As mentioned elsewhere, whilst the car park will gain access directly from the site's street frontage and the car park will border Onkaparinga Valley Road on one side, the majority of the car parking is located behind both the proposed and adjacent buildings and will consolidate the number of access points for the site. The proposal is therefore partly inconsistent with PDC 25, but sufficiently consistent with PDC 33. The proposed landscaping within the car parking area will provide minimal shelter or shade, but will serve to soften and enhance the appearance of the large car park area. The landscaping provided will be at least 10 percent of the total site area and will be provided at the end of the car parking rows. The proposal is sufficiently consistent with PDCs 30 and 31 on this basis. Clear sightlines will be maintained at the proposed crossovers, in accordance with the requirements of PDC 35.

b) *Council Wide Provisions*

The Council Wide provisions of relevance to this proposal seek (in summary):

- *Orderly and economic development*
- *Appropriate uses location within and the promotion of integrated centres*
- *Development of a high standard of design*
- *Conservation of the setting of State heritage places*
- *Development located and designed to minimise adverse impact and conflict between land uses*
- *The achievement of water sensitive urban design targets, water quality and runoff control*

The following are considered to be the relevant Council Wide provisions:

Centres and Retail Development

Objectives: 1, 2, 3 & 5

PDCs: 1, 2, 3, 6, 7, 9, 10, 13 & 14

Crime Prevention

Objective: 1

PDCs: 1, 2, 3, 5, 6, 7 & 10

Design and Appearance

Objectives: 1

PDCs: 1, 2, 3, 4, 7, 9, 16, 20, 21, 22, 23, 26, 27 & 28

Heritage Places

Objectives: 1 & 3

PDCs: 6

Interface Between Land Uses

Objectives: 1

PDCs: 1, 2, 7 & 8

Landscaping, Fences and Walls

Objectives: 1 & 2

PDCs: 1, 2, 3 & 4

Natural Resources

Objectives: 1, 2, 5, 6, 7 & 10

PDCs: 1, 2, 3, 4, 5, 8, 10, 11, 12, 13, 14, 15, 17, 18, 21, 22 & 23

Orderly and Sustainable Development

Objectives: 1, 3, 4, 11 & 12

PDCs: 1, 3, 6, 7, 9 & 16

Regulated Trees

Objectives: 1 & 2

PDCs: 1 & 2

Transportation and Access:

Objectives: 2

PDCs: 2, 8, 9, 10, 11, 12, 13, 14, 15, 23, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41 & 42

Waste

Objectives: 1

PDCs: 1, 2, 3, 5, 6, 11, 12, 13 & 14

Centres and Retail Development

The proposed shops are to be located within a town centre zone and contribute to the goods and services provided to the community. A supermarket and bottleshop are considered to be suitable retail developments within a town centre zone. As mentioned elsewhere, the proposal will include pedestrian linkages, by providing a footpath and pram ramp on Onkaparinga Valley Road. The proposal is considered to be consistent with CW Objectives 1 to 5.

As mentioned elsewhere, the proposed building and the loading area has been located as far as practical from the adjacent residential properties. Also, the waste storage area will be located at the rear of the building and therefore will not be highly visible from the public realm. The proposal includes landscaping, boundary fencing, car park and pathway lighting and streetscape improvements, including sheltered waiting areas and weather protection for pedestrians, seating and bike rails. The proposal is thus considered to be consistent with CW PDCs 1-3.

The majority of the large car parking area will be located at the rear of the subject land and therefore the associated car park will not dominant the street frontage. Over 40m of the 62m frontage will be occupied by the proposed building. Some landscaped areas will be provided within the side car park area to soften its appearance. Lighting has been provided within the proposed car park area to provide adequate illumination. The proposal is considered to be consistent with PDCs 6 and 7.

This part of the town centre zone in the Woodside Township is confined to one side of Onkaparinga Valley Road and it is not until Tiers Road that the zone expands to be on both sides of the road. The proposal is located on one side of Onkaparinga Valley Road and therefore is consistent with the intent of PDCs 9 and 10.

The proposal includes 45,000L of detention. If desired, the water captured within the detention tanks could supplement the irrigation of landscaping areas. The landscaping proposed is low maintenance and should not cause inconvenience to staff or patrons. The number of shade trees proposed within the car park however is well below the desired ratio (1 shade tree per 6 spaces) indicated in PDC 13(d). As mentioned elsewhere, the landscaping plan for the car park and streetscape needs to be further refined and should achieve a sufficient level of consistency with PDCs 13 and 14.

Crime Prevention

The proposed building has been orientated to the street and features large windows facing Onkaparinga Valley Road which will maximise surveillance of public spaces. In addition, the rear western fence is to be an open tubular style fence that will provide surveillance of a potential future bike path within the Crown land. Given this fence is facing public land with the potential to become a graffiti target it is considered appropriate that it is open style. The proposed car park areas are visible from Tiers and Onkaparinga Valley Roads and the proposed building will have windows that look out over at least half of the car park area. As mentioned above, the proposal will include appropriate lighting to the car park area and to road verge area at the front of the building. This lighting will illuminate the whole car park area, including the entrances and the pathways around the proposed building. Given the landscape areas are in groupings at the end of the car park rows and not along pathways for a considerable distance, it is considered that the landscaping proposed will not create concealment. Likewise, the design does not seem to create any entrapment spots. The proposal is to sufficiently accord with CW Objective 1 and PDCs 1, 2, 3, 5, 6, 7 & 10.

Design and Appearance

The proposed building height, mass and proportion is considered appropriate and the proposal has been designed to appear as multiple shop fronts. The design has articulation with varied setbacks, large windows, a mixture of materials and canopies at varying heights. The wall on the side boundary is on the northern side and therefore will not cause material overshadowing issues to the car park of the adjacent motor repair station. Recessed panels will be provided at the front section of this boundary wall to provide some visual interest. The plant and equipment is to be located within the building with the exception of the refrigerator condenser fans. As the parapet wall extends 1m above the roof level, these roof mounted fans will not be visible. The proposal is considered to be sufficiently consistent with PDCs 1, 2, 3, 4 and 7.

The proposal will involve modification of the land form to achieve a reduced gradient within in the car park areas which is desirable for a supermarket. Whilst the proposal is contrary to PDC 9, this modification is considered to be practical and will not unreasonably impair the visual amenity of the locality.

The proposed development's effect on the adjacent State heritage places has been assessed by the State Heritage Unit. They have confirmed that the proposed development is acceptable due to its scale and form, and the colour and material selections. The proposal is considered consistent with PDC 16.

As detailed, the main face of the building will address the primary frontage of the site and the proposed streetscape works (street tree spacing and indented parking bays) will be consistent with the streetscape further to the north of the site. The proposal provides visible and direct access from the street, with its three building entrances at the street frontage. The entrances are covered and also provide some shelter over the footpath. The proposal is considered to be consistent with Objective 1 and PDCs 20, 21, 22, 23, 26, 27 & 28.

Heritage Places

This assessment has been provided elsewhere in the report. The proposal is considered to be consistent with Objectives 1 and 3 and PDC 6.

Interface Between Land Uses

The proposal's noise impact on the adjacent land uses has been assessed in the Zone assessment section of this report. The proposal features noise attenuation measures (noise barrier/fence) and will achieve compliance with the Environmental Protection (Noise) Policy. The proposal is considered to consistent with PDCs 7 and 8.

The proposal only seeks standard trading hours, which are more than acceptable within a centre zone. The proposed material selections will not cause glare issues and the lighting will not cause unreasonable light overspill as confirmed by the BCA Engineers report. As highlighted in the earlier sections of this report, the proposal is considered to have been sited and designed to minimise impact on adjacent properties. Council Engineering is satisfied that the proposal will not impact on traffic safety and efficiency. The proposal is thus considered to be sufficiently consistent with Objective 1 and PDCs 1, 2, 7 and 8.

Landscaping, Fences and Walls

As detailed above, once the landscaping plan is further refined Council would be satisfied that the proposal is sufficiently consistent with Objective 1 and PDCs 1, 2 and 3. As previously mentioned, the proposed western fence is to be open style for surveillance and to minimise graffiti. The southern boundary fence is consistent with the fencing in the locality. The proposal is considered to accord with Objective 2 and PDC 4.

Natural Resources

As detailed above, the applicant has not yet provided a water quality model to prove that the stormwater discharged to the receiving waters will achieve compliance with the targets set out in the *Environment Protection (Water Quality) Policy 2015*. Once this is provided the proposal should achieve consistency with PDCs 11 and 15. Council has now received an amended stormwater management plan and calculations to prove that the stormwater discharged from the site will not exceed pre-development flows for the worst case scenario (1 in 100 ARI) and therefore will not cause or exacerbate downstream flooding. This is also to ensure the car park and internal stormwater network is designed for a 1 in 100 ARI so flood risk is minimised to the proposed building. The proposal is sufficiently consistent with Objectives 1, 2, 5, 6, 7, 10 and 12, and PDCs 1, 2, 3, 4, 5, 8, 10, 11, 12, 13, 14, 17, 18, 21, 22 and 23.

Orderly and Sustainable Development

As assessed in the Zone and Policy Area sections of this report, the proposal is for envisaged commercial uses within a town centre zone. The proposal will therefore not result in envisaged uses within the Zone being prejudiced, consistent with Objective 4 and PDC 1. The proposal is considered to be orderly and economic with the utilisation of four vacant allotments within the town centre zone in a coordinated fashion. As Tiers and Onkaparinga Valley Roads are already used by heavy vehicles, Council Engineering are satisfied that the development does not justify the upgrade of the existing intersection of Tiers and Onkaparinga Valley Roads. The proposal's

impact on adjacent existing residential land uses has been satisfactorily addressed. The proposal is considered to be consistent with Objectives 1, 3, 11 & 12 and PDCs 3, 6, 7, 9 & 16.

Regulated Trees

The proposal includes the removal of one regulated tree. The subject tree is located in the rear north-western corner of 23 Onkaparinga Valley Road (Lot 73). As determined by the consultant arborist, the *Ulmus glabra Lutescens* (Golden elm) is approximately 12m in height and also has a canopy spread of approximately 12m. Whilst the tree exhibits 'good health, form and structure,' the proposed tree does not provide an important aesthetic and environmental benefit for the following reasons:

- (a) It does not significantly contribute to the character or visual amenity of the local area as it is located in the rear corner of the allotment and is not highly visible in the locality
- (b) It is not indigenous to the local area
- (c) It is not a rare or endangered species and
- (d) It is unlikely to be an important habitat for native fauna as no hollows or nesting sites were observed.

As the proposal accords with Objectives 1 and 2 an assessment against PDCs 1 and 2 is not considered to be required.

Transportation and Access:

Council Engineering and DPTI have not raised any issues in relation to sightlines from the proposed access points. The crossovers will be designed in accordance with the Council requirements (+ 2.5% grade) to ensure there is minimal gradient between the crossovers and the footpath. The proposed crossovers are to be concrete for longevity, but could also be bitumen to match the colour of the bitumen footpaths. The proposal is considered to be consistent with PDCs 9 and 10. As previously mentioned, the proposal will reduce the number of crossovers for the site from six to two, consistent with PDCs 11 and 28. The crossovers will also not inhibit road drainage, consistent with PDC 15.

As also mentioned elsewhere in this report, the proposal will improve pedestrian connections to the site by the inclusion of a pram ramp on the western side on Onkaparinga Valley Road and bike parking will be provided at the road frontage. The proposal is consistent with PDC 8. The proposed development provides for onsite loading and unloading and no residential streets (all within the centre zone) would need to be utilised to access the site. Whilst the proposal does not provide a separate access for commercial and passenger vehicles, it is expected that deliveries will occur outside of peak periods to avoid vehicle conflicts and risk to pedestrians (see **recommended condition 8**). The traffic report highlights that semi-trailers will be able to park within the chevroned area adjacent the loading zone to wait for the area to be clear of circulating traffic before reversing into the loading area. The traffic report also highlights, that the use of 19m semi-trailers minimises the number of deliveries required to the site per day by larger vehicles. The remaining deliveries will be by small vehicles and trucks and will occur approximately 15-20 times per day. The proposal is inconsistent with PDC 13, but considered to be consistent with PDCs 12 and 14.

The bicycle parking will be provided at the street frontage (not on-site) in an area that will be illuminated, close to the entrances and prominent, in accord with PDC 23.

The traffic engineering report and response to the representations addresses the concerns raised by DPTI and the representors in relation to efficiency and safety on the adjacent roads. The proposal will provide a back to back right turn treatment that should minimize traffic hazards on Onkaparinga Valley Road. In particular, this feature should prevent queuing on Onkaparinga Valley Road for right hand turn movements and will make it clear that vehicles can pass on the inside. Also, the traffic report highlights that the peak hour traffic generated by the site will result in relatively low turning counts into the site and minimal movement increases to the Tiers Road/Onkaparinga Valley Road intersection. Heavy vehicles exiting Tiers Road will have good sightlines to ensure the semi-trailer can wait for a suitable opportunity to enter Tiers Road. Also, there is a relatively low increase to the number of heavy vehicle movements from the Tiers Road intersection, noting that only one 19m semi-trailer delivery will occur per day (*see recommended condition 8*). The proposal is considered to minimize traffic hazards and the interference with the flow of the traffic on these roads. The proposal accords with PDCs 25, 26 and 29.

The number of the car parks provided and the assessment of the car parking area has been provided in the earlier sections of this report. The number of car parks provided sufficiently meets the requirements of the Development Plan. However, Council would be supportive of the number of car parking spaces being reduced to the lower rate suggested (less than the Development Plan requirement) by the consultant Traffic Engineer to provide more manoeuvring area for the semi-trailers and to provide more landscaping and shade trees. As mentioned, the land form will be modified to improve the gradient of the car park, but this will ensure the whole car park is consistent with maximum gradient requirements in the *Australian Standard AS 2890* and therefore the proposal is partly consistent with PDC 32. The car parking design and provision sufficiently complies with PDCs 30, 34, 35, 36, 38, 39, 40, 41 & 42. The car park area will be surfaced in asphaltic concrete paving and will therefore not cause erosion, mud or dust nuisance. The front canopy will not be an obstruction to heavy vehicles, consistent with PDC 31.

Waste

Whilst it is difficult to control whether recycling will be feature of the business practices on-site, disposal of waste in an environmentally sound manner can be enforced. The waste from the site will be stored in refuse bins until collected and disposed of in an environmentally sound manner to a licensed facility. As mentioned, the refuse bins will located behind the proposed building and will be screened from adjacent land. Refuse from the site should cause nuisance or environmental harm. The proposal is considered to be sufficiently consistent with Objective 1 and PDCs 1 to 6.

The proposal will include the installation of a septic tank, which will be connected to the Community Waste Management Scheme. Safe and efficient disposal of effluent will be achieved. As mentioned, the applicant has committed to gaining approval for

the waste control system prior to the issue of Building Rules Consent. The proposal will achieve consistency with PDCs 11, 12, 13 & 14.

SUMMARY & CONCLUSION

The proposal is for an orderly and economic development that will make use of underutilised land within the Town Centre Zone and Town Centre (Woodside) Policy Area. The proposed land has been set aside for commercial use and the proposed uses are encouraged within this zone and policy area.

The proposed building does not mimic existing heritage style in the locality, but the scale, form and materials selected are complementary to the landmark heritage structures in the town centre. In addition, the State Heritage Unit has advised that the scale and form and the colour and material selections are appropriate.

The building has been designed to provide streetscape activation and passive surveillance with its three entrances all accessed via Onkaparinga Valley Road. Whilst the proposed building will have a frontage width well in excess of 12 to 15 metres, its façade has been designed to appear like multiple shopfronts. The building achieves a high standard of design, with a front façade that is well articulated with staggered setbacks, canopies at varying heights and sections of glazing separated by rendered pillars and a solid brick wall.

Potential amenity impacts, specifically from noise, light spill, hours of operation and traffic generation have all been satisfactorily addressed in the proposal or through the recommended planning consent conditions. The proposal includes off-site works offered by the applicant that improve the streetscape of Onkaparinga Valley Road from an appearance and safety perspective. The car park area will provide sufficient provision of spaces. Whilst it is noted that the number of car parking spaces could be reduced to facilitate a more generous manoeuvring area for semi-trailers and provide more shade trees within the southern side car park area (which will be visible from Onkaparinga Valley Road) the proposal is adequate and should not impact on traffic efficiency and safety of Onkaparinga Valley and Tiers Roads.

The proposal is sufficiently consistent with the relevant provisions of the Development Plan, and it is considered the proposal is not seriously at variance with the Development Plan. In the view of staff, the proposal has sufficient merit to warrant consent. Staff therefore recommend that Development Plan Consent be **GRANTED**, subject to conditions.

8. RECOMMENDATION

That the Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and GRANTS Development Plan Consent to Development Application 17/986/473 by Beyond Ink for Building comprising two shops (supermarket & bottle shop), associated car parking, water storage tanks (2 x 22,500L), earthworks, landscaping, combined fence & retaining wall (maximum height of 4m), twelve (12) light poles (5m maximum height), removal & replacement of street trees, regulated tree removal (1 x *Ulmus glabra Lutescens*- Golden elm) & demolition of existing dwelling & outbuildings at 23-29 Onkaparinga Valley Road and 3-5 Tiers Road Woodside subject to the following conditions:

(1) Development In Accordance With The Plans

The development herein approved shall be undertaken in accordance with the following plans, details and written submissions accompanying the application, unless varied by a separate condition:

- Amended site plan (PA 02, Sheet 1 of 5) prepared by Beyond Ink received by Council 5 Mar 2018
- Landscaping schedule (2 pages) prepared by Beyond Ink received by Council 19 Feb 2018
- Amended floor plan and elevations (PA02, Sheets 2, 3, 4 and 5 of 5) prepared by Beyond Ink received by Council 5 Feb 2018
- Amended site and drainage plan and details (sheets C1 and C2, Rev B) prepared by Lelio Bibbo Pty Ltd received by Council 30 April 2018
- Stormwater calculations and details prepared by Lelio Bibbo Pty Ltd received by Council 30 April 2018
- Car park lighting plan (drawing 4683-E01) prepared by BCA Engineers received by Council 10 April 2018
- Correspondence prepared by Jordan Ashcroft O'Sullivan of Beyond Ink received by Council 13 Nov 2017, 20 April 2018 and 2 May 2018
- Car park lighting report (2 pages) prepared by Antony Caruso of BCA Engineers received by Council 10 April 2018
- Correspondence prepared by Duncan Jarman of Aero-Zone received by Council 10 April 2018
- Arborist report (18 pages) prepared by Mark Eitzen of Acer Horticultural Services received by Council 13 Nov 2017
- Acoustic report (15 pages including attachment) prepared by Sam Fotheringham of Resonate Acoustics received by Council 13 Nov 2017
- Traffic Engineering Report (11 pages) prepared by David Kwong of GTA Consultants received by Council 13 November 2017
- Traffic Engineering Report titled 'Response to DPTI Comments' (5 pages) prepared by David Kwong of GTA Consultants received by Council 20 March 2018
- Response to representations (5 pages) prepared by Jordana Ashcroft O'Sullivan of Beyond Ink received by Council 10 April 2018
- Traffic Engineering Response to Representations (3 pages) prepared by David Kwong of GTA Consultants received by Council 10 April 2018

REASON: To ensure the proposed development is undertaken in accordance with the approved plans.

Prior to Building Rules Consent

(2) Prior to Building Rules Consent Being Granted - Requirement For Landscaping Plan

Prior to Building Rules Consent being granted, a detailed landscaping plan prepared by a suitably qualified professional, shall be prepared to the reasonable satisfaction of Council. The landscaping plan should address the following:

- Provide one additional street tree at the northern end of the parallel on-street parking spaces. Note that a tree guard is to be provided if the middle tree is not located within the kerbed verge
- One shade tree is to be provided for every six (6) car parking spaces within the southern car park area (lot 73) and within the front portion of the Tiers Road car park area (lots 5 and 101)
- Low landscaping (to not inhibit passive surveillance) provided along the Tiers Road boundary to assist will blocking headlight glare
- Show the general location and selection of all plantings

- **Confirm that the landscaping beds are to be irrigated**

All landscaping detailed in the plan shall be of suitable species and shall be planted prior to occupation and maintained in good health and condition at all times. Any such vegetation shall be replaced if and when it dies or becomes seriously diseased in the next planting season and the garden beds shall be maintained to the satisfaction of Council.

REASON: To maintain and enhance the visual amenity of the locality in which the subject land is situated and ensure the survival and maintenance of the vegetation.

(3) Prior to Building Rules Consent Being Granted - Requirement For Water Quality Model

Prior to Building Rules Consent being granted, a detailed water quality model (e.g. MUSIC model) shall be provided to demonstrate that proposed stormwater treatment train will meet the following targets to the reasonable satisfaction of Council:

- 90% reduction in litter/gross pollutants
- 45% reduction in average annual total nitrogen
- 60% reduction in average annual total phosphorous
- 80% reduction in average annual total suspended solids

REASON: To ensure the development does not cause adverse water quality impacts.

(4) Prior to Building Rules Consent Being Granted - Requirement For Wastewater application to be Lodged and Approved

Prior to Building Rules Consent being granted, a wastewater application for the installation of a septic tank connected to the CWMS shall be lodged with and approved by the Council.

This septic tank shall be installed prior to occupation and shall have trafficable lid if within a vehicle trafficked area.

REASON: To ensure the efficient management of wastewater and that the development does not cause adverse water quality impacts.

(5) Prior to Building Rules Consent Being Granted - Requirement for Soil Erosion And Drainage Management Plan (SEDMP)

Prior to Building Rules Consent being granted the applicant shall prepare and submit to Council a Soil Erosion and Drainage Management Plan (SEDMP) for the site for Council's approval. The SEDMP shall comprise:

- a major drainage plan,
- a site plan,
- supporting report,
- calculations,
- design sketches with details of erosion control methods that will prevent:
 - a. soil moving off the site during periods of rainfall and detail installation of sediment collection devices to prevent the export and sediment from the site; and
 - b. erosion and deposition of soil moving into the remaining native vegetation below the house site; and
 - c. soil moving into watercourses during periods of rainfall; and
 - d. soil transfer onto roadways by vehicles and machinery

The works contained in the approved SEDMP shall be implemented prior to construction commencing and maintained to the reasonable satisfaction of Council during the construction period.

REASON: Development should prevent erosion and stormwater pollution before, during and after construction.

Access and Car Parking

(6) Commercial/Industrial Access PointSD17

The vehicle access point(s) and cross over shall be constructed in accordance with Adelaide Hills Council standard engineering detail SD17 – commercial industrial vehicular crossing (concrete) for sealed road with kerb and SD16 – allowable crossover locations, prior to occupation/use of the development.

REASON: For safe and convenient movement of vehicles.

(7) Asphalt Paved Car Parking Constructed In Accordance With Australian Standard AS 2890.1:2004.

All car parking spaces, driveways and manoeuvring areas shall be constructed and line-marked in accordance with Australian Standard AS 2890.1:2004. Line marking and directional arrows shall be clearly visible and maintained in good condition at all times. Driveways, vehicle manoeuvring and parking areas shall be constructed of asphalt pavement prior to occupation and maintained in good condition at all times to the reasonable satisfaction of the Council.

REASON: To provide adequate, safe and efficient off-street parking for users of the development.

(8) Restriction on Service Vehicle Movements

Only one (1) 19m semi-trailer shall visit the site per day and no service vehicles shall enter the site other than between 7.30am and 3.00pm Monday to Friday.

REASON: To ensure to development is undertaken in accordance with the submissions provided and to provide safe and efficient movement of vehicles.

(9) Service Vehicle Movements

All service vehicles shall enter and exit the site in forward direction utilising the turning area as depicted in Figure 5 the approved Traffic Engineering Report prepared by GTA Consultants dated 10 November 2017 (date stamped by Council 13 November 2017).

REASON: To reduce interference with the free flow of traffic on adjoining roads.

(10) Unloading And Storage Of Materials And Goods

All materials and goods shall at all times be loaded and unloaded within the confines of the loading area. Materials and goods shall not be stored on the land in areas delineated for use as car parking.

REASON: To provide safe and efficient movement of people and goods.

(11) Directional Signage- Staff Car parks

Directional signage or line marking that indicates that the front two car parks adjacent the Onkaparinga Valley Road entrance are for staff vehicles only shall be provided on the subject land prior to operation of the approved use, and maintained in a clear and legible condition at all times to the satisfaction of Council.

REASON: For safe and convenient movement of vehicles.

Lighting

(12) Commercial Lighting

The car parking lighting herein approved shall not operate between 10pm and 7am the following day.

REASON: Lighting shall not detrimentally affect the amenity of the locality.

(13) Commercial Lighting

Any lighting on the building, including the canopies necessary for safety and/or security purposes shall be directed away from adjacent residential properties to prevent light spill nuisance.

REASON: Lighting shall not detrimentally affect the amenity of the locality.

(14) Light Poles

The light poles herein approved shall be finished in subdued colours which blend with the natural features of the landscape and are of a low light reflective nature.

NOTE: Black, browns, greys and greens are suitable.

REASON: To minimise visual intrusion.

External Finishes and Amenity

(15) External Finishes

The external finishes to the building herein approved shall be as follows:

WALLS: Exposed face brickwork Littlehampton 'Sienna'
Rendered off-white columns
Tilt-up concrete panels

ROOF: Trim-Deck or similar

CANOPY FASCIAS: Alucobond in white, black and red

REASON: The external materials of buildings should have surfaces which are of a low light-reflective nature and blend with the natural rural landscape and minimise visual intrusion.

(16) Heritage South Australia- Brick selection

The final selection of brick size and colour is to be confirmed and agreed before construction commences, to the satisfaction of the Council in consultation with the Department of Environment, Water and Natural Resources.

REASON: Brick as scheduled on design drawings is 'Littlehampton Siena or similar' and therefore final brick colour is not confirmed – may have a visual impact on the setting of the State heritage place opposite.

(17) Plant and Equipment

All plan and equipment shall be within the proposed building or if located on the roof shall be completely concealed by the parapet.

REASON: To ensure the development is undertaken in accordance with the proposal submissions and to maintain the visual amenity of the locality.

(18) Opening Hours and Delivery Times

The opening hours of the uses herein approved shall be:

Supermarket - 7.30am to 9.00pm 7 days per week

Bottle shop - 10.00am to 9.00pm 7 days per week

In addition, all deliveries shall be restricted to within these hours of operation.

REASON: To ensure the development operates in accordance with the approval

(19) Noise Mitigation- Trucks and Their Refrigeration Plant in Loading Dock

All trucks and their refrigeration plant (if applicable) shall be turned off while the vehicle is stationary in the loading dock.

REASON: To ensure the noise generated by the development does not unreasonably impact on adjacent properties.

(20) Acoustic Fence

A 2.4m high Colorbond steel fence with a minimum BMT of 0.6mm as detailed in the approved Acoustic Report prepared by Resonate Acoustics dated 8 November 2017 shall be constructed along the southern boundary for the length depicted on the approved amended site plan prior to the operation of the development herein approved and shall be maintained to the reasonable satisfaction of Council.

REASON: To ensure the noise generated by the development does not unreasonably impact on adjacent properties and the measures put in place are maintained for the life of the development.

(21) Noise Mitigation- Environment Protection (Noise) Policy 2007

Noise within the habitable rooms (windows closed) of the adjacent residential properties shall not exceed 62dB(A) within the hours of operation of 7.30am to 9.00pm.

REASON: Noise emission that results from the development should not detrimentally affect the amenity of the adjacent residential properties and be in accordance with the Environment Protection (Noise) Policy 2007.

(22) Removal of Solid Waste

All solid waste including food, leaves, papers, cartons, boxes and scrap material of any kind shall be stored in closed bins having a close fitting lid. The bins shall be stored in a screened area so that they are not visible to land to the west and the public roads.

REASON: To maintain the amenity of the locality.

(23) Regular Removal of Solid Waste From The Site

All waste shall be removed from the subject land at least once weekly. Collection of waste shall be carried out only between the hours of 7.30am and 3.00pm Monday to Friday.

REASON: To maintain the amenity of the locality.

Off-site Works

(24) Line marking on Onkaparinga Valley Road

The line marking to create the back to back right turn treatment in front of the site and removal of the line marking that indicates road side car parking shall be undertaken prior to operation of the approved use.

REASON: For safe and convenient movement of vehicles.

(25) Off-site works

The off-site works offered and depicted on the approved site plan and site and drainage plan, namely the pram ramp, verge treatments to Onkaparinga Valley Road, indented parking and kerbing, street trees, bike rails and street furniture shall be constructed/ installed prior to occupation.

REASON: To ensure the off-site works agreed to are undertaken within a reasonable timeframe.

Soil Erosion, Stormwater Management and Water Quality

(26) Soil Erosion Control

Prior to construction of the approved development hay bales (or other soil erosion control methods as approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during periods of rainfall.

REASON: Development should prevent erosion and stormwater pollution before, during and after construction.

(27) Car parking Stormwater Runoff – Commercial

All surface water from car parking or handstand areas shall be directed to a proprietary pollutant treatment device capable of removing oils, silts, greases, and gross pollutants to Council and EPA satisfaction prior to discharge to bio-retention swale and to Council stormwater system or street water table.

The proprietary pollutant treatment device shall be cleaned out at least every 12 months to the satisfaction of Council.

REASON: To ensure the development does not cause adverse water quality impacts.

(28) Stormwater Management

All stormwater is to be discharged the double side entry pit on Tiers Road. The stormwater management system (drainage infrastructure and treatment train) shall be constructed/installed in accordance with the amended site and drainage plan (sheet no. C1, Rev B) prepared by Lelio Bibbo Pty Ltd received by Council 30 April 2018.

REASON: To minimise erosion, protect the environment and to ensure no ponding of stormwater resulting from development occurs on adjacent sites.

(29) Installation of a Non-Return Valve

A non-return valve shall be installed at the stormwater discharge point into the double side entry pit on Tiers Road.

REASON: To ensure that no stormwater from the side entry pits backs up into stormwater management system within the site.

Regulated Trees

(30) Replacement Planting Regulated Trees

Two replacement trees for each tree to be removed shall be planted in the location shown on the amended site plan received by Council 5 March 2018 in the next planting season after the removal of the *Ulmus glabra Lutescens* - Golden Elm. The replacement trees shall be maintained in good health and condition at all times and be replaced in the next planting season if they become diseased or die.

REASON: Mature vegetation should be preserved and replanting shall take place.

NOTES

(1) Development Plan Consent Expiry

This Development Plan consent (DPC) is valid for a period of twelve (12) months commencing from the date of the decision (or if an appeal has been commenced the date on which it is determined, whichever is later). Building Rules Consent must be applied for prior to the expiry of the DPC, or a fresh development application will be required. The twelve (12) month time period may be further extended by Council agreement following written request and payment of the relevant fee.

(2) Erosion Control During Construction

Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.

(3) EPA Environmental Duty

The applicant is reminded of his/her general environmental duty, as required by Section 25 of the *Environment Protection Act 1993*, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes, or may cause, environmental harm.

(4) Requirements Under the *Aboriginal Heritage Act 1988*

Please note the following requirements of the *Aboriginal Heritage Act 1988*.

If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

(5) Works On Boundary

The development herein approved involves work on the boundary. The onus of ensuring development is in the approved position on the correct allotment is the responsibility of the land owner/applicant. This may necessitate a survey being carried out by a licensed land surveyor prior to the work commencing.

(6) Right Of Way

The right of way registered on lot 73 should be discharged.

(7) Removal Of Redundant Crossovers

Any existing crossing places not providing vehicle access shall be considered redundant and shall be closed off.

(8) **Signage Requires Separate Development Application**

A separate development application is required for any signs or advertisements (including flags and bunting) associated with the development herein approved.

(9) **Section 221 & 222 of the Local Government Act 1999**

Permits under Section 221 & 222 of the *Local Government Act 1999* will need to be issued for encroachment on the road verge (i.e. front canopies) and for the works within the road verge.

(10) **Vegetation Removal**

Vegetation shall not be removed from the site until the start of the building works is imminent.

9. **ATTACHMENTS**

Locality Plan
Proposal Plans
Application Information
Applicant's Professional Reports
Referral Responses
Representation
Applicant's response to representations
Publically Notified Plans

Respectfully submitted

Concurrence

Sam Clements
Team Leader Statutory Planning

Deryn Atkinson
Manager Development Services

**COUNCIL ASSESSMENT PANEL MEETING
9 May 2018**

AGENDA

Applicant: S Lock	Landowner: B J Koszewski & S J Lock
Agent: Max Pritchard Gunner Architects	Ward: Manoah
Development Application: 17/704/473	Originating Officer: Sam Clements
Application Description: Two storey split level detached dwelling, including decks (maximum height of 4.9m), freestanding garage & associated earthworks	
Subject Land: Lot:51 Sec: P933 DP:28410 CT:5230/64	General Location: 3 Ayers Court Stirling Attachment – Locality Plan
Development Plan Consolidated : 28 April 2016 Map AdHi/23	Zone/Policy Area: Country Living Zone
Form of Development: Merit	Site Area: 1722m ²
Public Notice Category: Category 2 Merit	Representations Received: 1 Representations to be Heard: 1

1. EXECUTIVE SUMMARY

The purpose of this application is for a two storey split level detached dwelling, including decks, freestanding garage and associated earthworks.

The subject land is located within the Country Living Zone and the proposal is a merit form of development. One representation in opposition was received during the Category 2 public notification period.

The proposed split level two storey dwelling exhibits a high standard of design, is well articulated and has been designed to work with the slope of the land. The proposed dwelling will not adversely impact on the low density rural character of the locality and the Country Living Zone. The proposal seeks to minimise impact on regulated trees on the site and will not cause overshadowing or create opportunities for overlooking. The amenity of the locality will not be adversely affected by the development.

As per the CAP delegations, the CAP is the relevant authority when a Category 2 representor wishes to be heard.

The main issues relating to the proposal are character and amenity, front building setbacks, overlooking, regulated tree protection and stormwater management.

In consideration of all the information presented, and following an assessment against the relevant zone and Council Wide provisions within the Development Plan, staff are recommending that the proposal be **GRANTED** Development Plan Consent, subject to conditions.

2. DESCRIPTION OF THE PROPOSAL

The proposal is for the following:

- Two storey split level detached dwelling with decks
- The ground floor is to be stepped over three levels. This level features two bedrooms, a bathroom, sitting/library room, gym laundry and entry gallery and a carport. A front deck is accessed via the sitting room/library
- The finished floor levels (FFL) of the ground floor area are 103.6, 104.3 and 105
- The middle floor features the main bedroom with ensuite and robe and an open plan kitchen and lounge area which opens out onto the upper deck
- The middle level has been stepped over two levels. The finished floor levels of the middle floor are 108.2 and 106.6
- The upper floor is situated only above the lower middle level and features a small study
- The finished floor level of the upper level is 109.8
- Where the ground floor FFL is 105 at the northern end of the proposed dwelling approximately 1m of excavation is required. Minor cut and fill is required to improve the driveway and crossover gradient and approximately 1m of cut and 0.5m of fill is required to create the bench for the freestanding garage with a FFL of 101.5
- A stone retaining wall up to 1m in height on the eastern and northern sides of the carport (below the middle floor level) and the wall of the dwelling will act as a retaining wall on the northern side. A wall of less than 1m height is also proposed on the western side of the dwelling.
- The dwelling is setback 5m from the front boundary, 2m from the northern side boundary and is well back from both the south-western side boundary and the western rear boundary. The freestanding garage is 4.7m from the front boundary and 2.6m from the south-western side boundary.
- The proposed dwelling is a contemporary style dwelling with skillion roof form, large windows and a mix of materials. The roof is proposed to be Colorbond Ironstone/Basalt and the walls are a combination of brick (painted white), timber or fibre cement (painted mid to dark grey) and stone.
- The garage is to be painted brick (white) or fibre cement (mid grey), with timber garage door
- The proposal includes a 'horseshoe' driveway with two crossovers to Ayers Court
- A maximum overall building height of 7.6m from the finished ground level and 6.5m from the natural ground level
- The upper deck has a maximum height of 4.9m above the natural ground level
- The freestanding garage has a floor area of approximately 34m² and the dwelling has a floor area of approximately 360m²

The proposed plans are included as **Attachment – Proposal Plans** with other information included as **Attachment – Application Information** and **Attachment – Applicant's Professional Reports**.

3. BACKGROUND AND HISTORY

June 30, 2009 08/556/473 Council refused a two storey detached dwelling with double garage under the main roof, upper level balcony and associated earthworks due to of the non-supply of information

4. REFERRAL RESPONSES

- **AHC ENG**
Council's Technical Officer requested that a stormwater management plan be provided with stormwater retention and queried the need for two crossovers.

Upon review of the amended plans and details the Council's Technical Officer accepted the two crossovers and the crossover locations and confirmed that it was acceptable for a drainage plan and stormwater calculations to be provided prior to the issue of the Building Rules Consent. (Refer recommended condition 10)

5. CONSULTATION

The application was categorised as a Category 2 form of development in accordance with Section 38(2)(a) of the *Development Act (1993)* and Zone PDC 35 requiring formal public notification. Specifically, public notification was required as the upper deck exceeds 1m above the natural ground level.

One (1) opposing representation from an adjacent property owner was received in the public notification period.

The following representor wishes to be heard:

Name of Representor	Representor's Property Address	Nominated Speaker
Julia Stocker	8 Ayers Court	Personally

The applicant and their representative, Max Pritchard will be in attendance.

The issues contained in the representation can be briefly summarised as follows:

- The location of the northern driveway and crossover
- The implications for regulated trees not addressed in the Arborist report

These issues are discussed in detail in the following sections of the report.

A copy of the submission is included as **Attachment – Representations** and the response is provided in **Attachment – Applicant's Response to Representations**.

6. PLANNING & TECHNICAL CONSIDERATIONS

This application has been evaluated in accordance with the following matters:

i. The Site's Physical Characteristics

The subject land is 1722m² in area and is densely vegetated, predominantly with mature exotic trees. The land is vacant and void of any built form. The subject land features one significant *Cupressus sempervirens* (Mediterranean Cypress) and two regulated *Cedrus Atlantica* (Atlas Cedar). There is also one *Cedrus Atlantica* just outside the site to the north on the adjacent allotment. There is a sewer and drainage easement located within the south-western corner of the site. The drainage easement does not have a stormwater pipe within it, nor is there a pipe underneath Ayers Court. The property has a steep uphill slope of approximately 1 in 3.6, with rise of 10m from the front south-western corner to the northern end of the property. The front portion of the site has less of a slope with a gradient of around 1 in 5.

ii. The Surrounding Area

Ayers Court is a cul-de-sac with six allotments that have been developed with dwellings. The court is a relatively narrow bitumen road of approximately 4-5m in width with no kerb and gutter. The locality is a low density country living area that has a wooded character, with large mature trees existing on all the properties. To the south-west of the subject land is a local heritage listed dwelling called 'The Lodge'. The dwellings in the locality have varied setbacks to the road frontage. The locality has mains sewer and water services.

iii. Development Plan Policy considerations

a) *Zone Provisions*

The subject land lies within the Country Living Zone and these provisions see

The Country Living Zone

- *A zone accommodating single dwellings at low density*
- *Low-density living areas with rural character*

The following are considered to be the relevant Zone provisions:

Objectives: 1 & 2

PDCs: 1, 2, 5, 13, 14, 15, 27, 28, 29, 30 & 31

Accordance with Zone

The proposal is for a detached dwelling and will therefore not negatively impact upon the low density nature and rural character of the locality. The proposal accords with Objectives 1 and 2.

Form of Development

The proposal is for a single detached dwelling that exhibits a high standard of design and is well articulated. Given the split level nature of the two storey dwelling, the proposed dwelling has a relatively low profile. The dwelling has a maximum overall height of 7.6m from the finished ground level and 6.5m from the natural ground level. Given there are variation in wall lines, the floor and roof levels, and there are void areas

and design features combined with a mixture of materials it is considered that the proposal will not prejudice the residential amenity of the locality by its bulk, appearance and scale. The proposal accords with PDCs 1 and 2.

The proposed dwelling will be connected to main sewer and therefore should not pollute public water supplies. Whilst the proposed dwelling is set closer to the road frontage than adjacent dwellings, this is to minimise tree removal and the impact on the significant and regulated trees on the site. Whilst approximately four smaller trees will need to be removed, the majority of the trees within the front of the property and all the trees in road verge will be retained, including the regulated trees. The wooded character of the site will be maintained and as a result the scenic amenity and rural character of the locality will be retained. The proposal is sufficiently consistent with PDCs 5 and 13.

The dwelling is sited closer to road and achieves the desire for driveways to be as short as practicable. The car parking spaces within the carport are readily accessible to the dwelling. The proposal accords with PDCs 14 and 15.

Conservation

The proposed site is approximately 80m from the local heritage dwelling at 13 Ayers Hill Road. Due to the dense mature vegetation both in the Ayers Court road reserve and on the site the proposed dwelling is not likely to affect the setting of this heritage place. Therefore, it is not considered necessary for the dwelling design to harmonise with this Local Heritage Place (PDC 27). As mentioned, the more mature stands of exotic trees on the site will all be retained, consistent with PDC 28.

Appearance of Land and Buildings

A high standard of amenity will be achieved on the site as the dwelling will be sited on an allotment with mature trees which will provide shade, wind protection and privacy. Given there are two storey dwellings in the locality which have a range of styles/character and that the predominant feature of the locality is its wooded nature, it is considered that the appearance, character and scale of the proposed dwelling is appropriate. As mentioned, the upper floor is only directly over the lower portion of the middle level and therefore the dwelling is only two storeys in height. The dwelling only has a height of 6.5m from the natural ground level. The proposed dwelling should not cause overshadowing to adjacent properties, nor will it create overlooking. The only windows on the northern side of the dwelling where overlooking might be a concern are a high level window in the lounge room and a high level window to the upper level study. The proposal is considered to be consistent with PDCs 29, 30 and 31.

b) Council Wide provisions

The Council Wide provisions of relevance to this proposal seek (in summary):

- *Orderly and economic development*
- *Safe, pleasant, convenient and efficient zones*
- *Development to not impact the amenity of the locality by way of appearance of land, buildings and objects*
- *Protection of regulated and significant trees from the impact of development*

The following are considered to be the relevant Council Wide provisions:

Objectives: 1, 4, 20, 27, 29, 87, 88, 90, 106, 111, 112, 113 & 129

PDCs: 1, 2, 3, 4, 6, 7, 9, 13, 15, 22, 23, 24, 43, 54, 56, 58, 76, 77, 78, 79, 80, 81, 82, 86, 88, 89, 91, 228, 229, 230, 231, 233, 235, 240, 241, 244, 245, 248, 249, 300, 301, 307, 333, 334, 335, 336, 337, 339, 367, 372, 373, 376 & 378

Form of Development

The proposal is for dwelling within a residential zone with sewer and water infrastructure and is therefore considered to be orderly and economic development. The proposal is consistent with Objective 1 and PDCs 1 and 2. Although the land is quite steep, the site of the dwelling has a slope of around 1 in 5. The site is considered to be suitable for its intended purpose. The excavated area will be retained and the northern walls of the dwelling which partly act as retaining walls will be engineered. The stability of the site will be better determined at the Building Rules Consent stage (PDCs 4 and 6). The ground floor of the dwelling is stepped over three levels, which minimises the extent of earthworks required. The earthworks required will not exceed 1m in height and the excavation will reduce the vertical profile of the building. The proposal accords with PDC 7 on this basis.

As mentioned, the proposal will not cause overshadowing or create overlooking and therefore will not impact on the effective use of adjacent land. Calculations would need to be provided to prove that the stormwater runoff is detained to the pre-development rate for a 1 in 100 ARI to ensure stormwater runoff discharged to the street does not cause issues to Ayers Court and adjacent land. A condition is recommended in to ensure this addressed– refer to recommended conditions 10 and 11. The proposal is likely to accord with PDCs 9 and 13 once the detention capacity of the stormwater management system is demonstrated. Provided the construction is undertaken in accordance with the conditions of the consent and EPA policies, compliance with PDC 15 should be achieved.

The proposed building will be clad in non-reflective materials consistent with PDC 22. The dwelling and garage will not be deeply setback, but the wooded character of the area will be retained and as a result of the reduced setback the impact to regulated trees on the site is minimised. The side and rear setbacks are two metres or greater. Whilst the proposal is partly inconsistent with PDC 23, it is consistent with PDC 24.

Transportation

The proposed access points are located well away from the intersection with Ayers Hill Road and will not interfere with the flow of traffic on this very low trafficked street (approximately 60 vehicle movements per day). The proposal includes safe and convenient off-street parking for the occupants of the dwelling. Whilst not essential for such a low trafficked road, all vehicles should be able to enter and exit the site in a forward direction. The proposal is consistent with Objective 20 and PDCs 43, 54, 56 and 58.

Residential Development

The proposed dwelling will be supplied within energy, water, waste disposal (sewer) and drainage facilities (drainage easement) consistent with PDC 79. As mentioned, above the proposed dwelling will not adversely affect the character of the locality and will not impact on the amenity of adjacent properties. The proposal is consistent with Objectives 27 and 29, and PDCs 76 to 82. The floor space and bulk of the building is considered appropriate. The split level building is designed to be excavated into the slope to reduce its vertical profile. The carport has not been enclosed, but as this is medium bushfire risk area it is seen as a positive design consideration from a bulk and scale perspective. The proposal is inconsistent with PDC 91, but consistent with PDCs 86, 88 and 89.

Appearance of Land and Buildings

As mentioned above, the proposal will minimise the alteration to the land form and seeks to retain as much of the existing substantial landscaping as possible to retain the wooded character of the site. Whilst parts of the building will not blend into the natural environment as the brick is to be painted white, the dwelling will be well screened by mature vegetation and the other material selections will blend with the environment. The proposal is considered to be sufficiently consistent with Objectives 87, 88, 90 and PDCs 228, 229, 230, 231, 233, 235, 240, 241, 244, 245, 248 and 249.

Bushfire Protection

The subject land is located within a designated medium bushfire risk area and therefore this locality is not designated as an area that could pose an unacceptable bushfire risk. The dwelling has been sited on the flat portion of the allotment closer to the road. As the furthest point of the dwelling is within 30m of the road there is no need for a firefighting truck turnaround area. The 'horseshoe' driveway could be utilised for this purpose however. The proposal plans indicate that 2000L of bushfire fighting supply will be provided, consistent with the requirement for habitable buildings in a medium risk area that have a mains water connection. The proposal is inconsistent with PDC 303, but consistent with Objective 106 and PDCs 300, 301 and 307 in this regard.

Regulated and Significant Trees

The proposal will only have minor encroachments into the tree protection zones (TPZs) of regulated trees numbered 2 and 9 and the significant tree numbered 3. Therefore the minor damage (less than 10% encroachment) that may be caused to these trees does not constitute tree damaging activity and is in accordance with the Australian Standard (AS 4970) in relation to the protection of trees on development sites. A consultant Arborist has assessed the impact to regulated tree 1. Whilst there is an encroachment of 13% the Arborist is of the opinion that '*substantial negative impacts to tree health and/or stability are not expected.*' The Arborist has recommended some requirements to be imposed to ensure this tree is protected during the construction period. These requirements are reinforced in the recommendation – refer condition 14. The proposal does seek to maintain the health and aesthetic appearance of this tree and the other protected trees. The proposal is considered to be consistent with Objectives 111, 112, 113 and PDCs 333, 334, 335, 336, 337 and 339.

Catchment Water Management

The stormwater generated by the development will need to be detained on-site and discharged to the street at the pre-development rate. Conditions are recommended that require a stormwater management plan and calculations to be submitted to Council for approval prior to Building Rules Consent (refer recommended condition 10). Vegetation removal has been minimised on the site and erosion control devices will be installed on site during the construction period if the conditions of consent are adhered to. The proposal should therefore achieve consistency with Objective 129 and PDCs 367, 372, 373, 376 and 378.

7. SUMMARY & CONCLUSION

The proposal is for a detached dwelling and will not compromise the low density rural character of the Country Living Zone.

The proposed split level two storey dwelling exhibits a high standard of design, is well articulated and has been designed to work with the slope of the land. Whilst the dwelling will have a reduced front setback, the wooded character of the site and locality will still be sufficiently maintained. The dispensation sought on the front setback is considered appropriate as the impact to regulated trees located within the middle of the site has been minimised. The proposed dwelling will not cause overshadowing or create opportunities for overlooking and therefore the amenity of the locality will not be adversely affected by the development.

The proposal is sufficiently consistent with the relevant provisions of the Development Plan, and it is considered the proposal is not seriously at variance with the Development Plan. In the view of staff, the proposal has sufficient merit to warrant consent. Staff therefore recommend that Development Plan Consent be **GRANTED**, subject to conditions.

8. RECOMMENDATION

That the Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and GRANTS Development Plan Consent to Development Application 17/704/473 by S Lock for two storey split level detached dwelling, including decks (maximum height of 4.9m), freestanding garage & associated earthworks at 3 Ayers Court Stirling subject to the following conditions:

(1) Development In Accordance With The Plans

The development herein approved shall be undertaken in accordance with the following plans, details and written submissions accompanying the application, unless varied by a separate condition:

- **Correspondence prepared by Max Pritchard of Max Pritchard Gunner Architects received by Council 30 Jan 2018**
- **Arborist report (6 pages plus appendices) prepared by Jason Williams of Arborman Tree Solutions received by Council 30 Jan 2018**
- **Location plan (583-S-01) prepared by Max Pritchard of Max Pritchard Gunner Architects received by Council 30 Jan 2018**
- **Amended site plan (583-S-02a) prepared by Max Pritchard of Max Pritchard Gunner Architects received by Council 30 Jan 2018**
- **Amended floor plan and elevations plan (583-S-03a & 04a) prepared by Max Pritchard of Max Pritchard Gunner Architects received by Council 30 Jan 2018**

- Tree identification plan (583-S-05) prepared by Max Pritchard of Max Pritchard Gunner Architects received by Council 30 Jan 2018
- Response to representations prepared by Max Pritchard of Max Pritchard Gunner Architects received by Council 27 Mar 2018

REASON: To ensure the proposed development is undertaken in accordance with the approved plans.

(2) Rural Verge Piped Access Points - SD24

The vehicle access point(s) and cross over shall be constructed in accordance with Adelaide Hills Council standard engineering detail SD24 – piped entrance within 3 months of occupation/use of the development.

REASON: For safe and convenient movement of vehicles and for efficient drainage of stormwater within the road verge.

(3) Residential Lighting

All external lighting shall be directed away from residential development and, shielded if necessary to prevent light spill causing nuisance to the occupiers of those residential properties.

REASON: Lighting shall not detrimentally affect the residential amenity of the locality.

(4) External Finishes

The external finishes to the buildings herein approved shall be as follows.

WALLS: Brick painted white or similar
Timber or fibre cement painted mid to dark grey or similar
Natural stone

ROOF: Colorbond Ironstone/Basalt or similar

GARAGE:

DOOR Timber or similar

REASON: The external materials of buildings should have surfaces which are of a low light-reflective nature and blend with the natural rural landscape and minimise visual intrusion.

(5) Treatment To Excavations And Fill

All exposed excavations and fill as shown on site plan (583-S-02a) received 30 Jan 2018 shall be:

- a. rounded off and battered to match and blend with the natural contours of the land;
- b. covered with approximately 100mm of topsoil;
- c. seeded to avoid erosion and visual concerns ; and
- d. screened with trees, shrubs and ground covers

prior to occupation of the approved development to the reasonable satisfaction of Council.

REASON: To maintain the visual amenity of the locality in which the subject land is located.

(6) Soil Erosion Control

Prior to construction of the approved development straw bales (or other soil erosion control methods as approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during periods of rainfall.

REASON: Development should prevent erosion and stormwater pollution before, during and after construction.

(7) Restriction On Use Of Garage

The freestanding garage shall not be used for human habitation, commercial or industrial purposes. Any such activity may constitute a change in use and will require separate development approval.

REASON: To ensure the proposed development is undertaken in accordance with the approved plans

(8) Retention Of Screening Trees

Excluding the trees within the footprint of the proposed dwelling and driveway area depicted, the screen of trees and shrubs as shown on the floor plan (sheet 583-S-03a) received 30 Jan 2018 shall be retained and maintained in good health and condition at all times with any dead or diseased plants being replaced as necessary in the next planting season.

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

(9) Firefighting Water Supply - Mains Water Supply Available

A supply of water independent of reticulated mains supply shall be available at all times for fire fighting purposes:

- a minimum supply of 2,000 (two thousand) litres of water shall be available for fighting purposes at all times; and
- the water supply shall be located such that it provides the required water; and
- the water supply shall be fitted with domestic fittings (standard household taps that enable an occupier to access a supply of water with domestic hoses or buckets for extinguishing minor fires); and
- the water supply outlet shall be located at least 400mm above ground level for a distance of 200mm either side of the outlet; and
- a water storage facility connected to mains water shall have an automatic float switch to maintain full capacity; and
- where the water storage facility is an above-ground water tank, the tank (including any support structure) shall be constructed of non-combustible material.

REASON: To minimise the threat and impact of fire on life and property as your property is located in a MEDIUM Bushfire Prone Area

(10) Prior to Building Rules Consent Being Granted - Requirement For Final Drainage Plan and Stormwater Calculations

Prior to Building Rules Consent being granted all hydrological and hydraulic stormwater calculations shall be provided together with the final drainage plan. Discharge of stormwater (including runoff from hard paved surfaces) to the street shall be at the pre-development rate for a 100yr ARI storm, 20min event.

REASON: To minimise erosion, protect the environment and to ensure no ponding of stormwater resulting from development occurs on adjacent sites.

(11) Stormwater Overflow From Detention Mechanisms Directed To Street

All roof runoff generated by the development hereby approved shall be directed to a detention tank(s) and/or other detention mechanisms with overflow to the street to the satisfaction of Council within one month of the roof cladding being installed. All roof and hard paved water runoff shall be managed to prevent trespass onto adjoining properties.

Overflow from rainwater tanks is to be directed to the street (via a pump if necessary) or managed on-site to the satisfaction of Council using design techniques to the satisfaction of Council.

REASON: To minimise erosion, protect the environment and to ensure no ponding of stormwater resulting from development occurs on adjacent sites.

(12) Establishment Of Tree Protection Zone For All Regulated Trees

Prior to the commencement of any work on site appropriate measures shall be taken to protect all the 'regulated' and 'significant' tree(s) identified on tree identification plan dated stamped 30 Jan 2018 (excluding the *Cupressus macrocarpa*). In particular, all the tree protection zones (TPZs) indicated on this plan shall be protected by the erection of a secure fence. The fencing shall:

- a) consist of a 2.0 metre high solid, chain mesh, steel or similar fabrication with posts at 3m intervals
- b) incorporate on all sides a clearly legible sign displaying the words "Tree Protection Area"

REASON: To protect the regulated tree from the impact of the development.

(13) Protection Of Regulated Tree

The works in relation to tree 1 (*Cedrus atlantica* or *deodara*), outlined in the Arborist's Report prepared by Jason Willams of Arborman and submitted as part of this application as a strategy for management of the tree is to be undertaken simultaneously with any building works on the site. Specifically, the following recommendations shall be implemented:

- 1) Appoint a Project Arborist
- 2) Erect a protective fence around the TPZ of the tree to prevent unauthorised entry. (TPZ sign has been appended to Arborist report which is intended to be reproduced, should be laminated and attached to the TPZ fence)

- 3) All services including waster and electrical connections should be located as far as practical outside of the TPZ of the tree. If this is not achievable, this should be conduction using HydroVac® or hand digging. If roots are encountered, the post hole should be relocated appropriately
- 4) No material, soil or vehicles should be stored within the TPZ (see AS 4970 for the complete list of prohibited activities within a TPZ)
- 5) All personnel and contractor should be briefed regarding the purpose of the TPZ and activities prohibited with a TPZ
- 6) The Project Arborist should conduct compliance checks throughout the development process

REASON: To protect the regulated/significant tree from the impact of the development.

NOTES

- (1) **Development Plan Consent Expiry**
This Development Plan consent (DPC) is valid for a period of twelve (12) months commencing from the date of the decision (or if an appeal has been commenced the date on which it is determined, whichever is later). Building Rules Consent must be applied for prior to the expiry of the DPC, or a fresh development application will be required. The twelve (12) month time period may be further extended by Council agreement following written request and payment of the relevant fee.
- (2) **Erosion Control During Construction**
Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.
- (3) **EPA Environmental Duty**
The applicant is reminded of his/her general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes, or may cause, environmental harm.
- (4) **Works Near Boundary**
The development herein approved involves near the boundary. The onus of ensuring development is in the approved position on the correct allotment is the responsibility of the land owner/applicant. This may necessitate a survey being carried out by a licensed land surveyor prior to the work commencing.

9. ATTACHMENTS

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Applicant's Professional Reports
Referral Responses
Representation
Applicant's response to representations

Respectfully submitted

Concurrence

Sam Clements
Team Leader Statutory Planning

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COUNCIL ASSESSMENT PANEL MEETING

9 May 2018

AGENDA

Applicant: Brenton Charles & Gail Gwendolyn Adcock	Landowner: B C Adcock & G G Adcock
Agent: Fyfe Pty Ltd	Ward: Onkaparinga Valley
Development Application: 18/259/473 18/D16/473	Originating Officer: Melanie Scott
Application Description: Boundary realignment (6 into 6)	
Subject Land: Lot:13 Sec: P4041 DP:23283 CT:5782/608 Subject Land: Lot:15 Sec: P4041 DP:39657 CT:5255/848 Subject Land: Lot:16 Sec: P4040 DP:39999 CT:5255/846 Subject Land: Lot:14 Sec: P4041 DP:39657 CT:5255/845 Subject Land: Lot:17 Sec: P4040 DP:39999 CT:5203/88 Subject Land: Lot:1 Sec: P425 FP:3865 CT:5155/149	General Location: 339 Oakwood Road, Balhannah 259 Oakwood Road, Balhannah 237 Oakwood Road, Balhannah 275 Oakwood Road, Balhannah 229 Oakwood Road, Balhannah 357 Oakwood Road, Balhannah Attachment – Locality Plan
Development Plan Consolidated : 24 October 2017 Map AdHi/3	Zone/Policy Area: Watershed (Primary Production) Zone - Onkaparinga Slopes Policy Area
Form of Development: Merit	Site Area: 64 hectares
Public Notice Category: Category 1 Merit - Land Division	No public notification

1. EXECUTIVE SUMMARY

The purpose of this application is to adjust the property boundaries between six (6) properties currently being used for rural residential, bed and breakfast business and primary production. The proposal is to future proof the existing building assets, fix anomalies with existing fence lines, consolidate portions of the agricultural use into single ownership and ultimately improve the primary production management and potential of each allotment.

The subject land is located within the Watershed (Primary Production) Zone - Onkaparinga Slopes Policy Area and the proposal is a merit form of development.

On balance as the proposal does not change any built assets or propose any new built assets and contains existing horticulture on viable lots. On this basis the proposal is considered to have merit. The continuation of the existing bed and breakfast business is of an economic benefit to the region and continues to value add to the primary production on the subject land.

As per the CAP delegations, the CAP is the relevant authority for land division boundary realignment applications within the Watershed (Primary Production) Zone which involve three (3) or more titles and results in the creation of rural living allotments of 2 hectares or less, except where all the existing allotments are already 2 hectares or less in area.

The main issues relating to the proposal are ensuring the primary production value of the land is preserved, there is only one habitable dwelling per lot and each has independent access to Oakwood Road.

In consideration of all the information presented, and following an assessment against the relevant zone and Council Wide provisions within the Development Plan, staff are recommending that the proposal be **GRANTED** Development Plan Consent, subject to conditions:

2. DESCRIPTION OF THE PROPOSAL

The proposal is for a boundary re-alignment involving six (6) titles.

Existing Allotments

Allotment	Street number	Area (ha)	Currently containing
Lot 1	357	13.45ha	Bed and Breakfast, shed, tanks & 2 dams
Lot 13	339	29.83ha	House, sheds, orchard and 7 dams
Lot 14	275	9.6ha	Bed and breakfast, dam and 2 bores
Lot 15	259	.55ha	Bed and Breakfast, carport and sheds
Lot 16	237	9.87ha	Bed and Breakfast, sheds, dam, bore
Lot 17	229	.722ha	House, sheds, solar panels, bore, tanks, dam and orchard

Proposed Allotments

Allotment	Street number	Area (ha)	Containing
98	357	13.36ha	Bed and Breakfast, shed, tanks & 2 dams
99	339	29.93ha	House, sheds, orchard and 7 dams
100	275	6.17ha	Bed and breakfast, dam and 2 bores
101	259	1.2ha	Bed and Breakfast, carport and sheds
102	237	4.56ha	Bed and Breakfast, sheds, dam, bore
103	229	8.8ha	House, sheds, solar panels, bore, tanks, dam and orchard

The plan of division includes:

A minor adjustment of boundaries between proposed lots 98 & 99 of 900m².

Proposed lots 101 and 103 are increased in size.

Proposed lots 100 and 102 are decreased in size.

There is no change to existing access, built form or existing land uses on any of the allotments.

The proposed plans are included as **Attachment – Proposal Plans** with other information included as **Attachment – Application Information** and **Attachment – Applicant’s Professional Reports**.

3. BACKGROUND AND HISTORY

229 Oakwood Road

06/913/473 Application for Demolition of existing verandah, and addition of ensuite (measuring 3.0m x 4.9m x 2.9m wall height) and new verandah (measuring 6.0m x 7.8m x 3.0m wall height)

237 Oakwood Road

13/757/473 Solar array - ground mounted x 10 arrays (176 panels) at 5 locations alongside existing B & B cottages (minor non complying) to be installed in five (5) stages (DPC only, extension of time and variation proposed to reflect solar panel in one location only, still to undergo building rules assessment)

99/98/473

Carport

93/D23/473

Boundary realignment

92/286/473

Dwelling

259 Oakwood Road

98/1056/473

Bed & breakfast (renovations)

85/361/473

Verandah addition

84/235/473

2 bedrooms and rumpus room

84/14/473

Water tank

1972

Dwelling

275 Oakwood Road

93/D24/473

Boundary realignment

87/194/473

Dwelling

1984

Water tank

339 Oakwood Road

89/304/473

Sheds

1976

Sheds

1974

Dwelling

357 Oakwood Road

1982

Using cottage for holiday persons

4. REFERRAL RESPONSES

- **SA Water**
No requirements.
- **AHC EHU**
No change to existing so not referred.

- **AHC ENGINEERING DEPARTMENT**

Not referred as no change to existing access is proposed.

5. **PLANNING & TECHNICAL CONSIDERATIONS**

This application has been evaluated in accordance with the following matters:

i. The Site's Physical Characteristics

The subject land is 64 hectares in area and currently exists as six (6) lots varying in size from .55 hectares to 29.9 hectares. The exact size and use of each existing lot is in the first table earlier in this report. In summary the land is a mixture of rural residential, horticulture, grazing and tourist accommodation. The land is undulating and includes numerous water sources in the form of dams and bores.

ii. The Surrounding Area

The surrounding area has similar variations in land sizes and uses and is undulating in nature. To the north there are smaller rural residential lots and some viticulture. To the south there is a mixture of rural residential land and grazing.

iii. Development Plan Policy considerations

a) *Policy Area/Zone Provisions*

The subject land lies within the Watershed (Primary Production) Zone - Onkaparinga Slopes Policy Area and these provisions seek:

Policy Area

The subject land lies within the Watershed (Primary Production) Zone and Onkaparinga Valley Policy Area and these provisions seek:

- i. The maintenance and enhancement of the natural resources of the south Mount Lofty Ranges.
- ii. The enhancement of the Mount Lofty Ranges Watershed as a source of high quality water.
- iii. The long-term sustainability of rural production in the south Mount Lofty Ranges.
- iv. The preservation and restoration of remnant native vegetation in the south Mount Lofty Ranges.
- v. The enhancement of the amenity and landscape of the south Mount Lofty Ranges for the enjoyment of residents and visitors.
- vi. The development of a sustainable tourism industry with accommodation, attractions and facilities which relate to and interpret the natural and cultural resources of the south Mount Lofty Ranges, and increase the opportunities for visitors to stay overnight.
- vii. Retention of the existing rural character by ensuring the continuation farming and horticultural activities and excluding rural living or other uses which would require the division of land into smaller holdings

The following are considered to be the relevant Zone provisions:

Objectives: 1, 2, 3, 4, 5 & 6

PDCs: 18, 19, 20, 21, 22, 31, 33, 35, 36, 41, 42, 43 & 44

The following are considered to be the relevant Policy Area provisions:

Objectives: 1

PDCs: Nil

Accordance with Zone

The proposal is in accordance with all the objectives of the zone as it does not change the essential nature of how the large family holding is operated from day to day. The higher value horticultural parcels of land are maintained on proposed lots 99, 102 and 103. The subject land is well managed now and the proposal further supports ongoing management in accordance with Objectives 1, 2, 3 & 4. The site with its renowned longstanding bed and breakfast operations also meets objectives 5 & 6.

There are no proposals for further dwellings or tourist accommodation on the subject land and as appropriate approvals for environmental health and land use are in place the proposal is considered to be in accordance with PDCs 18 & 19.

As mentioned in the summary the boundary realignment between proposed lots 98 and 99 is to correct a fencing anomaly as envisaged by PDC 20(a). Interestingly proposed lots 101 and 102 were both subject to boundary realignments in 1993 which proposed they could be better managed and perhaps sold as smaller rural residential lots. This application proposes returning the remaining four allotments to sizes which offer better opportunities for enhanced land management should they ever be separated from the family estate. The proposal is considered to be in accordance with PDC 20(b).

There will be no loss of primary production land so the proposal is considered in accordance with PDC 21 and the allotments are similar in size to others in the locality in accordance with PDC 22.

The applicant mentions the proposed boundary realignment better serves the protection of native vegetation particularly between proposed lots 98 and 99 and it is considered the proposal is in accordance with PDCs 31 and 33.

The subject land has many dams, associated watercourses and bores and the proposal does not alter the management of these resources ensuring adherence with PDCs 35 & 36.

As mentioned the property is well and holistically managed at the moment. The proposal is considered to better enhance the ability to continue good water conservation management and bushland preservation in balance with sustainable primary production and the proposal is thus in accordance with the expectations of PDCs 41, 42, 43 & 44.

Accordance with Policy Area

Arguably the proposal reduces the number of rural living allotments associated with the subject land as each holding is now proposed at greater than 1 hectare where the current configuration has two lots at less than a hectare. For this reason and that there are no new allotments proposed the boundary realignment is considered to be in accordance with the objective for the Onkaparinga Slopes Policy Area.

b) Council Wide provisions

The Council Wide provisions of relevance to this proposal seek (in summary):

- i. Orderly and economic development
- ii. Development to be undertaken on land that is suitable for the intended purpose, whilst also having regard for the zoning of the land,
- ii. Protection of productive primary production land from conversion to non-productive or incompatible uses,
- iii. Retention of rural area for the maintenance of the natural character and rural beauty of these areas, and
- iv. Protection of the Mount Lofty Ranges Watershed from pollution.

The following are considered to be the relevant Council Wide (CW) provisions:

Animal Keeping and Rural Development

Objectives: 1, 2, 3, 5

PDCs: 1, 4

The proposal does not intend to change the land uses at all and arguably better supports the retention of native vegetation and enhances primary production management in accordance with PDCs 1 & 4.

Interface Between Land Uses

Objectives: 1, 2, 3

PDCs: 2, 4, 13 & 16

As there is no change in the relationship of the buildings and uses on the subject land to the current situation the proposal is considered to minimise negative impacts on existing and future land uses in the locality in accordance with PDC 2.

The proposed increase in the size of proposed lots 101 and 103 offers increased buffers from potential land use conflicts in accordance with PDCs 4, 13(b) & 16.

Land Division

Objectives: 2, 4, 5

PDCs: 21, 22, 23

As previously discussed the proposal does not prejudice the primary production and natural resource values of the land and is considered to be in accordance with PDCs 21, 22 23.

Natural Resources

Objectives: 1, 2, 14

PDCs: 45

The property is well managed and the proposal ensures a continuation of the ability for each lot to be managed as a part of the whole or individually in accordance with best practice with regards to conservation, weed management and native vegetation as envisaged in PDC 45.

Orderly and Sustainable Development

Objectives: 1, 2, 3, 10

PDCs: 1, 2, 3, 9

The proposal does not present any change in streetscape or the way the subject land is managed when viewed from the public domain and is considered to have minimal impact on adjoining properties. The proposal does not change the intended use of the land or prejudice the development of land in the zone. Further it enables the continuation of the tourist accommodation uses which increases the economic base of the region. For all these reasons the proposal is considered orderly and economic in accordance with PDCs 1, 2, 3 & 9.

Stormwater Management

No change to existing stormwater arrangements is proposed and the proposal ensures infrastructure related to each dwelling/bed and breakfast is contained on the same allotment.

Water Supply & Effluent Disposal

On site waste for each dwelling/bed and breakfast is contained on the same allotment.

Fire Protection issues

No change to existing arrangements and set up for CFS access.

7. SUMMARY & CONCLUSION

The proposal is for a rearrangement of boundaries of six properties held in the same family. There is no change to access or the buildings and uses currently on the land. The increase of all lots to sizes that could be individually independent is considered an improvement to the current arrangement. The applicant contends the proposal is for better long term management of the land and of note the two smallest existing lots which were created as part of previous boundary realignment applications return to sizes similar to their original. Some of the changes are minor to match existing fence lines however the bulk of the proposal is for better management of the land.

The proposal is sufficiently consistent with the relevant provisions of the Development Plan, and it is considered the proposal is not seriously at variance with the Development Plan. In the view of staff, the proposal has sufficient merit to warrant consent. Staff therefore recommend that Development Plan Consent be **GRANTED**, subject to conditions.

8. RECOMMENDATION

That the Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and GRANTS Development Plan Consent and Land Division Consent to Development Application 18/259/473 (17/D16/473) by Brenton Charles & Gail Gwendolyn Adcock for Boundary realignment (6 into 6) at 229, 237, 259, 275, 339 & 357 Oakwood Road, Balhannah subject to the following conditions:

Planning Conditions

(1) Development In Accordance With The Plans

The development herein approved shall be undertaken in accordance with the following plans, details and written submissions accompanying the application, unless varied by a separate condition:

- Plan of Division from Fyfe Pty Ltd Reference 66140/1/1 drawing number 66140-1-1-SV-DUI-R2 sheets 1 to 6

REASON: To ensure the proposed development is undertaken in accordance with the approved plans.

Planning Notes

Nil

Council Land Division Statement of Requirements

Nil

Council Land Division Notes

(1) Land Division Development Approval Expiry

This development approval is valid for a period of three (3) years from the date of the decision notification. This time period may be further extended beyond the 3 year period by written request to, and approval by, Council prior to the approval lapsing. Application for an extension is subject to payment of the relevant fee. Please note that in all circumstances a fresh development application will be required if the above conditions cannot be met within the respective time frames.

SCAP Land Division Requirements

(1) Requirement For Certified Survey Plan

A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

REASON: Statutory requirement in accordance with Section 51 of the Development Act 1993.

SCAP Land Division Notes

Nil

9. ATTACHMENTS

- Locality Plan
- Proposal Plans
- Application Information
- Applicant's Professional Reports

Respectfully submitted

Concurrence

Melanie Scott
Statutory Planner

Deryn Atkinson
Manager Development Services