

DEVELOPMENT NO.:	21015778
APPLICANT:	ProHealthCare Stirling
ADDRESS:	104 MOUNT BARKER RD STIRLING SA 5152
NATURE OF DEVELOPMENT:	Alterations and additions to existing consulting rooms, car parking and landscaping
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Rural Neighbourhood <p>Subzones:</p> <ul style="list-style-type: none"> • Adelaide Hills <p>Overlays:</p> <ul style="list-style-type: none"> • Hazards (Bushfire - Medium Risk) • Mount Lofty Ranges Water Supply Catchment (Area 2) • Native Vegetation • Prescribed Water Resources Area • Regulated and Significant Tree • Traffic Generating Development • Urban Transport Routes <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Site Area
LODGEMENT DATE:	29 Jul 2021
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	Version 2021.10 - (29 July to 11 August 2021).
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Melanie Scott Statutory Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Council Engineering Council Environmental Health

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DETAILED DESCRIPTION OF PROPOSAL:

The application as publicly notified proposed alteration and additions to existing consulting rooms, removal of 1 regulated tree, alteration of car parking layout and landscaping. In response to representations the regulated tree removal has been withdrawn from the application resulting in the following description of the proposed works: Alterations and additions to existing consulting rooms, car parking and landscaping.

The proposed demolition works generally comprise the removal of internal walls and creation of new openings to become connective with the new additions. Of note the proposal does include the removal of a total of four (4) large trees, all of which are not protected by legislation. Three are *Cupressus macrocarpa* and not protected as an exempted species by regulated tree legislation, the fourth is excluded by its proximity to a dwelling in a bushfire prone area and is a *Eucalyptus crenulata*. In response to representations the applicant is proposing to preserve the fifth tree, tree 18, a regulated *Eucalyptus maculate* and the proposal description has been amended to reflect no regulated tree removal. The proposed additions include a new waiting room and consulting room added to the front (northern aspect) of the building addressing Mount Barker Road, three new consulting rooms and corridor to the north-western side aspect of the existing building. A new main entrance will be formed at the north-western corner of the building adjacent to the

new waiting room and consulting rooms. The entrance will be served by new access steps and pedestrian ramp from the altered 'front car park'. At the rear of the existing building there will be addition of a new staff room and amenities.

Associated with the proposed building works will be landscaping, short wall / garden borders and steps where transition occurs between the car park areas and the building.

There are extensive earthworks and retaining proposed to form the new carpark to the rear. The site has a cross fall and all the retaining is proposed below natural ground level. The south eastern boundary proposes a one metre above neighbouring ground level extension to the retaining wall in this location. The retaining is proposed to be rendered, painted white and have climbers on it.

The building will maintain setbacks to the eastern and western side property boundaries as established by the existing building, and the southern (rear) property boundary setback. The proposal will establish a new front setback of 7.5 metres from the Mt Barker Road site frontage as a result of the new building entry and waiting room.

New roof sections will be added over the additions, maintaining the shallow pitched roofline and generally the form of the existing building will be modernised, improving the aesthetics of the façade.

BACKGROUND:

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF THE PROPSAL
21/08/2017	17/224/473	Demolition of existing consulting rooms & construction of new two-storey consulting rooms, 5,000 litre underground water tank, associated car parking, landscaping, earthworks, combined fence & retaining walls (maximum height 6.56m), 160 tilt-up roof mounted solar panels, pylon sign (5.75m) & removal of one regulated tree (<i>Eucalyptus maculata</i> -spotted gum) LAPSED
18/04/2016	15/999/473	Signage including illuminated sign, to be located on new masonry wall (maximum height 3 metres) & removal of existing sign
14/01/2015	14/225/473	Regulated tree removal - one <i>Cupressus torulosa</i> (Himalayan cypress)
12/01/2012	11/1163/473	Variation to development authorisation 473/1275/10 to undertake the work in stages
17/01/2012	10/1275/473	Commercial building - alterations and additions and associated carparking
26/06/2002	02/598/473	Domestic outbuilding
18/06/1998	98/558/473	Advertising display
17/12/1985	85/698/333	Alterations and additions to existing dwelling for use as a surgery with 5 medical consulting rooms including dispensary with associated parking and landscaping
12/05/1975	9742	Toolshed

The existing medical consulting rooms and car parking have been on the site since 1985, with subsequent consideration of the vehicle access in Development Application (DA 473/224/17) in 2017. The use has historically operated with minimal reported neighbourhood impacts supporting the sensitive land uses such as the surrounding residential dwellings in this mixed-use locality. Of note with regards to access to the site the Department of Infrastructure and Transport was formally consulted during the 2017 application process where the single point of access to the site was approved. For that reason staff considered the current proposal does not alter that proposed and approved as part of the 2017 application.

SUBJECT LAND & LOCALITY:

Location reference: 104 MOUNT BARKER RD STIRLING SA 5152

Title ref.: CT 5553/788

Plan Parcel: F158290 AL44

Council: ADELAIDE HILLS COUNCIL

Site Description:

The subject land comprises a generally regular shaped allotment of approximately 2700m² within the Rural Neighbourhood Zone of the township of Stirling, with a frontage of approximately 36.0 metres and a depth of approximately 74.0 metres. The site has a gentle rise in elevation of approximately 10 metres from its frontage to its rear boundary, or approximately 1: 7.5 grade.

The site contains an existing building of approximately 380m² currently utilised for the existing health services clinic and sealed car parking areas generally set-out to the north-west and south-west of the building, with the rear (south-eastern) aspect of the land containing a number of substantial trees.

Access to the subject site and car parking is obtained directly from Mount Barker Road, however also utilises shared access across adjoining allotment 43 FP158289 (dental surgery) to the north onto Twin Street. The access through the dental surgery has no legal basis and will cease on completion of this proposal.

Locality

The locality has a mixed-use character, with residential developments on the northern side of Mount Barker Road and generally to the south-west and south-eastern sides of the subject land. Commercial land uses are interspersed predominantly on the southern side of Mount Barker Road, including the aforementioned dental surgery to the north-west and a commercial premises (architects' studio) to the south-east side.

The locality exhibits similar, typically gentle undulation rising to the western side of Mount Barker Road and generally falling to the northern side of the road excluding some localised elevated land. The locality contains well vegetated and landscaped land and road reserves and attractive streetscapes.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Consulting room: Code Assessed - Performance Assessed – All Other Code Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed – All Other Code Assessed
- **REASON**
The Planning & Design Code does not define any Accepted, DTS or Restricted pathway for assessment – therefore will be performance assessed under the *All Other Code Assessed* process, broadly assessed against all relevant requirements applicable to the land and form of development.

PUBLIC NOTIFICATION

Required

REASON

The proposed development (including re-development/addition/alteration) of a consulting room is identified in Table 5, Column A Item 4 (a), as exempt subject to requirements, however it fails to accord with the corresponding requirements in Column B. Specifically the proposal does not accord with Rural Neighbourhood Zone DPF 1.2 (a) or (b) and therefore is subject to public notification. The proposed building meets the building height requirement in 2.1 but has a floor area that exceeds the value in 1.2.

Public notification processes occurred between the dates of 5 November and 25 November 2021.

- **LIST OF REPRESENTATIONS**

During the prescribed public notification period, a total of five representations were received. Of the five representations, one in support of the proposed development and four representations were made in opposition to the proposal on common grounds, submitting a common document of objection.

Rep. No.	Name / Address	Property Affected	Opposes / Supports	/Desires to be heard?
1	P Nielsen	108 Mount Barker Rd Stirling 5152	Supports	No
2	H Manthorpe	135 Mount Barker Rd Stirling 5152	Opposes	Yes – by Susan Scrymgour
3	L Hansman	129 Mount Barker Rd Stirling 5152	Opposes	No
4	J Deere	131 Mount Barker Rd Stirling 5152	Opposes	No
5	J Woore	116 Mount Barker Rd Stirling 5152	Opposes	Yes – Self

• **SUMMARY**

The matters raised in the common representation shared by the four opposing representations reflects the matters in the following table. A copy of the representations is provided in **ATTACHMENT 5** and the Applicant’s response is provided in **ATTACHMENT 6** respectively annexed to this report.

Summary of Representations	
Representation Issue	Applicant’s Response
<i>Simultaneous two way vehicle movements:</i>	
<p><i>Further to conversations with the Councils Planner, we have found out that dual access “simultaneous two-way vehicle movement” to the said site was granted approval in 2010 and 2017.</i></p> <p><i>...the original Planning requirement for the site for a shared facility ingress from Mt Barker Road and egress at Twin Street was prompted by safety concerns decades ago...</i></p> <p>The representation contends that the traffic on this section of Mt Barker Road, in peak commuting hours is considered to present a serious traffic risk at interface with pedestrian, bus and general traffic movements and that the exit on to Twin Street offers much better sight lines to traffic, seeking that:</p> <ul style="list-style-type: none"> • traffic engineering assessment be provided to assess this matter • the egress route be maintained past the dental clinic to Twin Street, and • the speed limit be reduced to 40km/h in this locality and a formal pedestrian crossing be identified at this point. 	<p><i>The representors have raised a previous proposal for shared access via an adjacent property with access to Twin Street.</i></p> <p><i>This is not proposed as part of this application.</i></p> <p><i>Moreover, the subject land has no right or way, easement or other formal access to any adjoining land to facilitate such an arrangement.</i></p> <p><i>Any such proposal would not be legal and could not be considered by the relevant planning authority.</i></p> <p><i>The subject land does have legal access to Mt Barker Road. The access is designed to meet the relevant Australian Standard and facilitate two way access.</i></p> <p><i>The proposed reduction of speed limits and creation of formalised crossings are separate issues and cannot be proposed or considered as part of this application.</i></p>
<i>Proposed Tree Removal:</i>	
<p><i>Further to reviewing the Tree Identification Plan and the development note;</i></p>	<p><i>We note the representors issues relating to tree removal.</i></p>

<p><i>The application also proposes the removal of one regulated tree (identified as Tree 18 on the attached Tree Identification Plan). This tree is a spotted gum (Eucalyptus maculate) and has a trunk circumference of 2.4 metres at 1 metre above ground level. The proposal required removal of some other trees, however these are either not regulated (as a result of size or species), or are exempt from requiring approval pursuant to schedule 4, clause 18 of the Planning, Development and Infrastructure (General) Regulations 2017.</i></p> <p><i>The representation contends that the Architects Ink drawing 15 SK01 titled Demolition Plan is not adequate, as it fails to show the rear of the property where veiled references to "removal of other trees", including this significant gum, is made.</i></p> <p><i>The representation seeks to be informed upon:</i></p> <ul style="list-style-type: none"> <i>• on what grounds is this significant tree to be removed,</i> <i>• are the adjacent old pines also to be removed, and</i> <i>• That plans accurately identify the whole site and clearly define all trees which are identified for removal.</i> <p><i>And contends that that not only the Pine but this magnificent Gum tree offers habitat and food to wildlife in a dwindling sphere of options in the townscape. The black, red tailed cockatoo feasts on the pine nuts and the gum offers nesting and food for numerous species, including the pollinators when it flowers, and that the representors, have no reason to believe it could not be retained.</i></p>	<p><i>Attached to this response is a drawing indicating trees to be removed overlaid on the new carpark.</i></p> <p><i>The tree removal was discussed in our planning statement supporting the application.</i></p> <p><i>As a result of the proposed works at the rear of the site, some trees are proposed to be removed. There are 5 trees that have a diameter of greater than 2 metres when measured from 1 metre above ground level, however, these 3 trees are Cupresses macrocarpa (Monterey cypress) which are a species that are excluded from being regulated trees. The remaining trees include a silver gum (Eucalyptus crenulata – Tree 32) and a spotted gum (Eucalyptus maculate – Tree 18).</i></p> <p><i>The Eucalyptus crenulata (silver gum) is located within 20 metres of an existing dwelling and is located within a medium risk bushfire protection area and its removal does not constitute development.</i></p> <p><i>The Eucalyptus maculata (spotted gum) is located approximately 22 metres from the dwelling and therefore approval is required for its removal.</i></p> <p><i>In response to representations the removal of tree 18 has been withdrawn from this application and the tree will be retained.</i></p> <p><i>The proposed landscaping has been designed to complement the proposed building and site and to provide shade within the car park. The majority of existing landscaping is retained – particularly at the front of the site where it is most visible from the streetscape. While some landscaping is proposed to be removed from the rear of the site, this is proposed in order to provide a suitable building site</i></p>
<p>Car Parking:</p>	
<p><i>The representation identifies concern that a parent with small children or prams, or even ambulant persons will have no safe pedestrian access from the carparks (12 stairs are impractical)... querying whether an alternate path (rampway) could be instated, with a concept provided.</i></p> <p><i>The representation further queries the intended parking arrangements for ambulance(s), suggesting that the 'existing arrangement' where ambulances will park behind the front car bays (the most easily accessed and popular car spot) and as the entry is wide enough visitors just swing past them. Currently this is safe to do, however this seems to create traffic</i></p>	<p><i>The representors have suggested amendments for the location of disabled parking spaces and site arrangements.</i></p> <p><i>The provision of 4 carparks will not fit in the area proposed by the representors and still meet AS2890.1.</i></p> <p><i>This suggestion therefore cannot be accommodated.</i></p> <p><i>Similarly, a complying pedestrian ramp cannot be accommodated in this area. Providing a 'non-complying' pedestrian ramp alternative is not recommended and will not meet the relevant Standard. This has resulted in the proposed stairwell option.</i></p>

<p>conflict for vehicles existing the rear car-park and vehicles entering the carpark, around a parked ambulance.</p>	<p><i>The proposed ramp will be access compliant.</i></p>
<p>Retaining walls:</p>	
<p>The representation contends that plans <i>fail to illustrate any sections through the boundary walls around this new upper-level carpark in relation to the neighbouring property.</i> And that <i>the MQZ civil plan gives a height of the retaining walls as 1.8 and 2 metres, but no detail is given as to the nature of the wall or its finishes.</i></p> <p>It is noted that the MQZ Civil Plan does show the top and bottom datum points at both the northern and southern ends of the upper level, rear car park, <u>identifying retaining wall heights between 0.2 metres (not 2.0 metres) and 1.8 metres on the boundary.</u></p> <p>The representation seeks also to clarify:</p> <ul style="list-style-type: none"> • The proposed finish of the retaining walls, • Whether the south-eastern retaining wall will have an additional fence atop the kerb, • What the overall height and appearance will be. 	<p><i>Engineer's spot levels indicate height of retaining wall to deal with adjacent property levels. Retaining walls will be masonry (blockwork with painted finish) and extended 1m above adjoining natural ground as required (where the level difference is greater than 1m).</i></p> <p><i>Attached are revised plan and elevations indicating the new walls proposed as well as landscaping strips to be provided on the carpark side to soften the impact.</i></p>
<p>Representation in support:</p>	
<p>The representation in support of the proposal identifies that the proposed development <i>is in keeping with the scale of existing, and adjacent buildings along this stretch of road and is a vastly reduced proposal to the previous Proposal.</i></p>	

The Applicant's response recognises the issues raised by the representations and has provided further information to clarify some of the matters raised by the representors and amended the proposal for the purposes of the assessment.

It is considered that the access concerns and tree removal matters have been responded to adequately and with relevant legislative references to the extent that the elements of access across adjoining land without lawful rights of way and the removal of trees which are not protected by legislative controls are clearly excluded from consideration in this assessment. Additionally the regulated tree to be removed is now retained. In particular the regulated tree is no longer to be removed and is subject to a condition.

The proposed retaining is largely below neighbouring ground levels with a one meter extension to act as a fence/balustrade. No fencing is proposed. The retaining will be rendered, painted white and have creepers grown on it. The visual impacts of retaining walls have been more thoroughly addressed with further plans and details submitted in response, such that they can be considered objectively in this assessment.

The element of Ambulance parking was not considered to have been addressed in the applicant's response and the following additional comment was provided: *As the clinic is not an emergency centre, the number of times the ambulance is required is minimal. The bollard between the disabled carparks will be removable (for the ambulance use only) in order to provide access.*

AGENCY REFERRALS

No referral to DIT was triggered as the nature of the existing access is not changing.

INTERNAL REFERRALS

Council Engineering – detailed stormwater management plans are acceptable. There will be a condition requiring a section 221 application for works on the footpath (refer recommended condition 8)

Council Environmental Health –site connected to mains sewer.

PLANNING ASSESSMENT

Desired outcomes

Desired outcomes are policies designed to aid the interpretation of performance outcomes by setting a general policy agenda for a zone, subzone, overlay or general development policies module. Where a relevant authority is uncertain as to whether or how a performance outcome applies to a development, the desired outcome(s) may inform its consideration of the relevance and application of a performance outcome, or assist in assessing the merits of the development against the applicable performance outcomes collectively.

Performance outcomes

Performance outcomes are policies designed to facilitate assessment according to specified factors, including land use, site dimensions and land division, built form, character and hazard risk minimisation.

Designated performance features

In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a *designated performance feature* or DPF). A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in **Attachment 8**.

Code Assessment:

A detailed assessment of the application has taken place against the most pertinent provisions of the State Planning and Design Code and is described below under relevant headings.

The subject land lies within the *Rural Neighbourhood Zone* and the *Adelaide Hills Sub-Zone*.

The land is subject to a series of policy overlays which are relevant to the land and are considered unlikely to adversely influence assessment of the proposal.

The proposal is not captured within any defined *assessment pathways* for this form of development and therefore identified as '*All Other Code Assessed*' development to be assessed against all relevant planning policies applicable to the land.

The Assessment Provisions (AP) provides Performance Outcomes (PO) and Designated Performance Features (DPF) which are accommodating of the proposed development, particularly citing that the proposal is for a relatively small addition/alteration and increase in the intensity of use and remains suitably contained on the land and within the locality such that it will not adversely affect the amenity or character of the locality or unreasonably impact nearby sensitive receivers.

The proposed nature of the altered land use is considered to be consistent with the Planning and Design Code as provided in the following assessment (*emphasis has been added by underlining*).

Zones and Sub Zones:

Rural Neighbourhood Zone

Land Use and Intensity

Desired Outcomes	
DO1	Housing on large allotments in a spacious rural setting, often together with large outbuildings. Easy access and parking for cars. Considerable space for trees and other vegetation around buildings, as well as on-site wastewater treatment where necessary. <u>Limited goods, services and facilities that enhance rather than compromise rural residential amenity.</u>
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & DTS/DPF1.1, PO1.2 & DTS/DPF1.2, PO1.3, PO1.4	

In relation to the Zone DO 1 and PO/DPFs 1.1, 1.2, 1.3, 1.4 the existing land use is maintained in the proposed development and is proposed to be modestly intensified. It remains largely contained within the general building footprint, with expansion of the car parking area to the rear. The proposal goes from six (6) consulting rooms to ten (10). The applicant has stated this does not represent an increase in the number of clinicians on site, rather a change in the way the rooms are used. The applicant contends concurrent occupation of the ten (10) consulting rooms is unlikely.

The proposal is considered to present as one of a range of community health and wellbeing related types of service which continues to complement living in the locality and is in itself of relatively low intensity use, not producing any substantive impacts of noise or human activity, other than the comings and goings of clientele to the site.

The fundamental nature of the existing land use remains, with a small increase in the capability to provide medical consultation and/or treatment in line with modern practice management principles. For example treatment is augmented with an accessory health facility/rehabilitation space and modern patient waiting and reception areas. The additions to the front, creating a new building façade observe the building *Primary Street Setback* provisions in PO 3.1, suitably amalgamating with the streetscape and the specific requirements of DPF 3.1 (b), matching the setback of the adjoining architect’s studio to the south, and in consideration of the dental surgery to the north-west, which is designed to address Twin Street frontage with car parking occupying the Mount Barker Rd aspect.

The proposal does not include the addition of any new advertising or signage to the façade or the building additions in general.

The proposal is considered to be suitably supported by the Zone’s DO 1 and PO/DPF’s 1.1, 1.3 and 1.4 notwithstanding it does not accord with DPF 1.2 (size) - and has not historically accorded with this in its existing use. It is however not considered to be incompatible with the intended character of the zone or locality.

Adelaide Hills Subzone

Desired Outcomes	
DO1	Additional residential and tourist accommodation that <u>retains and embraces the values of the established mature vegetation as a defining characteristic of the area.</u>
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & DTS/DPF1.1	

Adelaide Hills Sub-Zone DO 1, PO/DPFs 1.1 seeks to more specifically support tourist accommodation and development of residential opportunities within the locality. The proposal could be considered to be at odds with the sub-zone provisions, however it is noted that the activity is complimentary and orientated towards providing support to the community and surrounding areas and, the proposal is an existing use.

The nature of the activities carried on at this site currently and the additions/alterations are a modest intensification of the activities. On this basis they are considered supportive and complimentary to existing and future residential development and increased population in the area. In this respect the proposal does not undermine or prejudice the attainment of the sub-zone’s desired outcomes.

Overlay Planning Policies:

The proposal is not considered to have any impact and avoids interface with the *Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay* as it does not propose any impacts or interface with water resources identified in the *Prescribed Water Resources Overlay*, and in respect of these overlay policies, it is considered to be non-prejudicial to the Desired Outcomes (DO) of the Overlay policies.

With respect to the *Hazards (Bushfire - Medium Risk) Overlay* – generally the proposal maintains built form/design which is simple in form and does not present as being unusually susceptible to any greater bushfire risk through its design. The access maintained within this development which provides capability for a degree of access and protection of other adjoining assets and a safe turn around space for CFS appliances, notwithstanding this is not a critical assessment factor for this non-habitable form of development.

The following are considered to be relevant Overlay matters, to varying degrees, in assessment of the proposal as explained below:

Native Vegetation Overlay

Desired Outcomes	
DO1	<u>Areas of native vegetation are protected, retained and restored</u> in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & DTS/DPF1.1, PO 1.2, PO1.4	

In regard to Native Vegetation DO 1, PO/DPF’s 1.1, 1.2, 1.4 the proposal does propose removal of vegetation, particularly for the purpose of access and construction of the new southern car parking area. However, the majority of trees are non-native *Cupresses macrocarpa* (Monterey cypress) and a range of other non-native species, with the exception of two (2), being the silver gum (*Eucalyptus crenulata*) and a spotted gum (*Eucalyptus maculate*) which are also identified in the *Regulated and Significant Tree Overlay*. *The trees are not part of an intact stratum of native, remnant vegetation* and the spotted gum’s removal is no longer proposed.

The proposal does include additional landscaping including native species such as *Eucalyptus leucoxyton* (flowering gum) and *Eucalyptus Citroedora* (lemon scented gum), accompanied by other native and non-native landscaping.

Regulated and Significant Tree Overlay

Desired Outcome,

Desired Outcomes	
DO1	<u>Conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss.</u>
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.4	

The application detail and the applicant’s response to representations has identified in respect of the proposed vegetation removal at the rear of the site, that there are five (5) trees which have a diameter greater than 2 metres when measured 1 metre above ground level, which would constitute *Regulated Trees*. Three (3) of the identified trees are *Cupresses macrocarpa*, or Monterey cypress trees, which are a species that are specifically *excluded* from being regulated trees, in Regulation 3F (4) (b) of the *Planning Development and Infrastructure (General) Regulations 2017*, and are therefore not controlled.

The remaining large trees impacted by the proposal include a silver gum (*Eucalyptus crenulata* – Tree 32 on the supplementary landscaping plan), which is located within 20 metres of an existing dwelling (adjacent to the south). As the land is within a medium risk bushfire protection area the tree removal does not constitute development.

The remaining spotted gum (*Eucalyptus maculate* – Tree 18 on the supplementary landscape plan) is located more than 20 metres from the dwelling and therefore approval is required for its removal. The spotted Gum is situated some 34 to 36 metres from the existing building and its additions, 11.3 metres from the south-eastern side boundary, 7 metres from the nearest point of the existing northern car park and 10 metres from the new southern car park. The car park setback is defined on the site plan as being similar in setback to the canopy line for the tree. It is considered that there is reasonable feasibility for retaining the Regulated spotted gum tree without adverse impact from the additional parking being established 10 metres to the north-east.

In response to representations the applicant has proposed to preserve this tree and its removal is no longer part of this application. It is proposed to condition its protection with sourcing of arborist expertise prior to commencing works on site (Refer recommended condition 7).

General Planning Provisions:

Advertisements

Desired Outcomes	
DO1	<u>Advertisements and advertising hoardings are appropriate to context, efficient and effective in communicating with the public, limited in number to avoid clutter, and do not create hazard.</u>
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.2 & DTS/DPF1.2, PO1.5 & DTS/DPF1.5. PO2.1 & DTS/DPF2.1, PO5.2 & DTS/DPF5.2	

Design

Desired Outcomes	
DO1	<u>Development is:</u> <ol style="list-style-type: none"> 1. <u>contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area</u> 2. <u>durable - fit for purpose, adaptable and long lasting</u> 3. <u>inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors</u> 4. <u>sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.</u>
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.3 & DTS/DPF1.3, PO8.1 & DTS/DPF8.1, PO12.1 & DTS/DPF12.1, Transport Access and Parking: Vehicle Access PO3.1 & DTS/DPF3.1, Vehicle Parking Rates PO5.1 & DTS/DPF5.1	

The proposed development is considered to generally accord with the design and infrastructure requirements of the Code, acknowledging that generally the built form, scale and design of the proposed medical clinic is already substantially established. The proposed additions and alterations are generally within the existing building footprint and curtilage area. The building work is acceptably compact and concealed, addressing the Mount Barker Road frontage, with existing trees and proposed landscaping provides a building address which is not considered dominant in the streetscape.

The proposed new façade presents a more easily interpretable point of access with well-defined paths and ramps being established from car parking areas and from the Mount Barker Road reserve footpath areas.

The development requires minimal earthworks for preparation of the building site and more significant earthworks to create the additional car parking area at the rear of the clinic, including earthworks to establish foundations for the retaining / boundary walls. It is noted the retaining is largely below the neighbouring land level but does include a one metre high extension which will act as a fence/balustrade. Given the natural slope of the subject land, the area and the requirement to achieve universal access grades the earthworks required are the subject of a condition (Refer recommended condition 6).

The proposed development is connected to SA Water services including water and wastewater utilities and therefore presents no issues in respect of on-site wastewater management.

The existing medical clinic closely accords with the parking requirements providing an existing arrangement of 24 car parking spaces associated with the six (6) existing consulting rooms within the clinic. The re-configured parking arrangement associated with the proposed additions to the clinic provides a total of 30 car parking spaces to service the re-configured internal layout of the clinic and its ten (10) consulting rooms (double treatment room excluded). This equates to a shortfall of ten (10) parking spaces or an alternate parking ratio of three (3) car parking spaces per consulting room.

The provision of three (3) parking spaces per consulting room is considered to be relatively consistent with the actual requirements of the clinic, whereby it will provide (for each consulting room) one car parking space occupied by a patient who has been attended to and is in the process of departing the clinic, one car parking space for a patient who is being seen or treated, and one space for a person arriving for an appointment. The applicant advised there will generally be 7-8 clinicians on site and there will be very few occasions where all consulting rooms are staffed meaning less staff will be on site at any time than the number of consulting rooms. On this basis the parking is consistent with the actual proposed use of the clinic.

The turn-over of vehicles arriving and leaving this premises should be consistent as the clinic is unlikely to have patients dwell on the premises for any other purpose than checking in/out. The clinic does not include any café or pharmacy which would potentially have patients dwell longer within the building, and for these reasons it is contemplated that the ratio of 3 parks to each consulting room can provide an appropriate parking rate for the premises.

In respect of *Transport Access and Parking* PO 5.1, the clinic is in proximity to a number of Adelaide metro bus services which would support access via public transport for patients without vehicular access or requiring alternative transport. Adelaide Metro Stop 39 is situated adjacent to the subject site and is utilised by a number of services passing through Stirling connecting with a number of Hills' townships. Stop 37, located approximately 500 metres northeast provides a connection to the local Stirling-Crafers routes to facilitate further transport opportunities. The neighbourhood areas of Stirling are within walking distance and Mount Barker Road provides pedestrian access at least from nearby residential areas also.

CONCLUSION

This assessment report has provided a detailed assessment of the application against the most pertinent provisions of the South Australia Planning and Design Code.

The assessment has considered the statutory requirements of the Code and the concerns raised by representors in respect of the interface between land uses and general amenity.

The proposed development detail has provided a sound basis for assessment of the proposal, which sufficiently determines that:

- The scale and nature of the proposed upgraded consulting rooms presents a reasonably appropriate form of development within the Rural Neighbourhood Zone, having had regard to the existing building and land use intensity as well as the proposed additions and alterations' aesthetic effect, siting and context relative to the character of the locality;
- The proposal presents a compact building design and site layout, including increased car parking which, notwithstanding a shortfall in on-site car parking spaces, provides parking provisions suitable to cater for the intended land use intensity without any obtuse impacts to the existing neighbourhood character or pleasant amenity of the locality, and
- The level of landform modification and vegetation removal is not inappropriate in respect of native vegetation and controls for Regulated and Significant trees, notwithstanding public sentiment differs somewhat.
- Access changes have been adequately addressed within the legislative framework available.

Accordingly, it is recommended that Planning Consent be granted, subject to conditions of consent.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- 2) Development Application Number 21015778 by ProHealthCare Stirling for Alterations and additions to existing consulting rooms, car parking and landscaping, at 104 Mount Barker Road Stirling is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.
- 2) Car Parking Designed In Accordance With Australian Standard AS 2890.1:2004.
All car parking spaces, driveways and manoeuvring areas shall be designed, constructed, drained 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 bitumen prior to occupation/commencement of the use and maintained in good condition at all times to the reasonable satisfaction of the Council.
- 3) Car Parking Numbers
The proposed development shall maintain a minimum of 30 vehicle parking spaces in accordance with the approved plans and details.
- 4) Timeframe for Landscaping to be Planted
Landscaping including plantings shall be completed in the planting season following occupation and maintained in good health and condition at all times. Any such vegetation shall be replaced in the next planting season if and when it dies or becomes seriously diseased.

- 5) The development herein approved shall be connected to the existing sewer services with all relevant approvals including underfloor plumbing approved prior to the issue of Building Rules Consent and Development Approval.
- 6) Prior to Building Consent being granted the applicant shall prepare and submit to Council a final Siteworks Plan, Soil Erosion and Drainage Management Plan (SEDMP) and Construction Management Plan (CMP) for the site for Council's approval.

The Siteworks Plan shall accurately address the required levels across the site and the final stormwater plan.

The SEDMP shall comprise a site plan and design sketches that detail erosion control methods and installation of sediment collection devices that will prevent:

- a) soil moving off the site during periods of rainfall;
- b) erosion and deposition of soil moving into the remaining native vegetation; and
- c) 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.

The CMP shall address amongst other things access and safety issues for employees, vehicle and general public during construction.

- 7) Prior to Building Consent Being Granted - a tree protection plan for tree 18 prepared by a suitably qualified tree professional shall be prepared and submitted to Council for approval to ensure appropriate tree protection measures are applied during construction.
- 8) Prior to Building Rules Consent Being Granted – the applicant is required to lodge and have approved a Section 221 application for works on Council land with regards to final footpath design and stormwater outlet(per the approved Civil Plan notes from MQZ Consulting Engineers)
- 9) Tree Protection Zone

A tree protection zone (TPZ) around 'regulated' tree 18 to be retained is required. The protection zone is to encompass the structural root zone of the tree and shall be determined by the project arborist. During construction each TPZ shall be fenced with 2.0 metre high chain mesh material with posts at 3 metre intervals and incorporate on the east and south sides a clearly legible sign displaying the words "Tree Protection Zone".

The following restrictions apply to the tree protection zone:

- a) No machine excavation is permitted.
- b) If any major roots (roots with a diameter greater than 25mm) are found outside the TPZ during construction the project arborist shall be contacted immediately to assess the situation.
- c) A layer of organic mulch to a depth of 100mm shall be placed over all root systems so as to assist with moisture retention and to reduce the impact of compaction
- d) No material, equipment or temporary buildings shall be placed within any TPZ.
- e) No items shall be attached the tree including temporary service wires, nails, screws or any other fixing device.
- f) Supplementary watering shall be provided to the tree through any dry periods during and after the construction process. The tree is to be provided with a circular dripper system comprising 19mm polypipe, 4 litre per hour drippers spaced every 2 metres.
- g) Only landscaping, permeable paving or rubble paths shall occur in the TPZ, and only when all construction of the proposed alterations, additions and carparking has been completed. The area within the TPZ shall be retained at natural ground level and no additional soil or fill shall be placed within the zone

- h) **No other works shall occur within the TPZ without the consent of Council’s Arborist during the life of the retained tree**
- i) **Any services such as stormwater, sewer and electrical that enter the TPZ are to be excavated using non-destructive methods such as Hydro vac® or directional boring systems. This work is to be supervised by the project arborist. If any tree roots are discovered at this time, the project arborist is to assess and address accordingly.**

ADVISORY NOTES

General Notes

- 1) **No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.**
- 2) **Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.**
- 3) **A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate:**
 - a) **until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or**
 - b) **if an appeal is commenced:**
 - i. **until the appeal is dismissed, struck out or withdrawn; or**
 - ii. **until the questions raised by the appeal have been fully determined (other than any question as to costs).**
- 4) **All proposed retaining and masonry walls exceeding 1.0 metre in retained ground levels, or wall heights above ground shall be assessed as part of the Building Rules Certification.**

Planning Consent

This Planning Consent is valid for a period of twenty four (24) months commencing from the date of the decision.

Building Consent must be applied for prior to the expiry of the Planning Consent.

OFFICER MAKING RECOMMENDATION

Name: Melanie Scott

Title: Senior Statutory Planner

DEVELOPMENT NO.:	21018753
APPLICANT:	Kate Bishop Bella Casa, Ashton
ADDRESS:	159 RIDGE RD ASHTON SA 5137 CT 5756/921 F130666 AL2
NATURE OF DEVELOPMENT:	Tourist Accommodation & associated free standing advertisement
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Hills Face <p>Overlays:</p> <ul style="list-style-type: none"> • Water Resources • Environment and Food Production Area • Hazards (Bushfire - High Risk) • Heritage Adjacency • Hazards (Flooding - Evidence Required) • Mount Lofty Ranges Water Supply Catchment (Area 1) • Native Vegetation • Prescribed Wells Area • Regulated and Significant Tree • State Significant Native Vegetation
LODGEMENT DATE:	9 Aug 2021
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	2021.10
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Doug Samardzija Statutory Planner
REFERRALS STATUTORY:	Environment Protection Authority South Australian Country Fire Service
REFERRALS NON-STATUTORY:	Environmental Health Department

CONTENTS:

ATTACHMENT 1: Minutes of CAP Meeting 12 January 2022 ATTACHMENT 2: Amended Plans

Please refer to the original CAP report and attachments for further details relating to the application.

DETAILED DESCRIPTION OF PROPOSAL:

The proposal is for the establishment of a new small scale, single tourist accommodation 'module' comprising a 'bedsit' suite and free-standing advertising display signage at 159 Ridge Road Ashton.

The proposed tourist accommodation, in this form, commonly referred to in contemporary terms as a 'pod', is basic in its composition and compact, with 7.77 metres overall length, 4.68 metres width and a maximum height above ground of 3.77 metres to the top of its flat-skillion roofline, and comprising a 'bedsit' bedroom / living area along with a compact shower and toilet amenities and kitchenette.

The proposed tourist accommodation is to be situated upon the subject land, setback 50.0 metres from the Ridge Road frontage of the site, 160 metres from the south-western side property boundary and 65 metres from the eastern side property boundary. The proposed accommodation is situated approximately 40 metres from an existing implement shed which has been approved to be utilised as a cellar door facility and in excess of 90 metres from the existing dwelling. The rear property boundary lies in excess of 430 metres to the north-east.

The proposed building is to be finished in a composite of materials including colour-finished trimdeck profile metal roof sheeting and trims in 'monument' (dark grey colour), with composite wood panelling in a timber-look finish, feature timber battens and decking, and predominant glazing to the northern aspect to take advantage of the available views.

The proposed free-standing advertising display is to be comprised of a galvanised metal 'square' frame dimensioned 0.8 metres wide x 0.7 metres high, constructed to be fixed 0.3 metres above ground level. The proposed signage is to be situated at the Ridge Road property frontage immediately south-west of the proposed access to the tourist accommodation pod and approximately 40 metres south-west of the existing main driveway to the property's dwelling and cellar door.

The proposed signage is to contain advertising for the '*Bella Casa Vineyard Accommodation*' and contains email and website details and graphics. The signage will not be illuminated in any way, or move or flash.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 159 RIDGE RD ASHTON SA 5137

Title ref.: CT 5756/921 **Plan Parcel:** F130666 AL2 **Council:** ADELAIDE HILLS COUNCIL

DISCUSSION OF REVISED DRAWINGS & CONTOUR PLAN:

At the CAP meeting on 12 January 2022, the Panel deferred consideration of this application for the provision of the following information:

- 1) A detailed site and contour plan with location of access to tourist pod, CFS turnaround, detailed sign position and proposed landscaping.
- 2) Site specific elevations taking into account the nature of the site and any cut and fill.

The applicant has now provided a response and amended plans which are discussed below.

(1) A detailed site and contour plan with location of access to tourist pod, CFS turnaround, detailed sign position and proposed landscaping.

During the Council Assessment Panel meeting on 12 January 2022, the Panel concluded that the plans provided with the application did not accurately and sufficiently depict the location of the proposed tourist accommodation and signage, as well as the associated access and CFS turning area. The Applicant's planning consultant has provided a report and amended site plan addressing the matters.

In addition, a wastewater plan, approved by Council's Health Department, has been provided which details of the location of the pod in relation to the contours of the land.

In relation to the landscaping, the applicant has provided a response which includes images depicting the location of the proposed pod. The images shows the pods visibility from the road when viewed from the entry point where

the sign is proposed which highlights that the views would be limited and as such no further landscaping would be required. Furthermore, applicant argues that additional landscaping would limit the views of the vineyard. No further details have been shown on amended site plan in relation to landscaping requested along the southern and south/eastern end of the pod as stipulated in the recommended condition 7.

(2) Site specific elevations taking into account the nature of the site and any cut and fill.

In addition to the amended site plan and contour plan, the Panel requested that site specific elevation drawings be provided taking into account the nature of the site and any cut and fill associated. Amended elevation drawings have been provided which illustrate the natural ground line and the proposed finished floor level of the pod. The drawings illustrated that the proposed works will not result in any cut and fill of the site but rather the building has been designed to be elevated above the natural ground to work with the natural slope of the land.

CONCLUSION

The assessment has contemplated the statutory requirements of the Code and the legislation in processing the application.

The proposed scale and nature of the tourist accommodation presents a reasonably appropriate form of development within the Hills Face Zone. Whilst there were concerns raised by the representors about the appropriateness of the use in the zone, safety and amenity impacts, the proposal is considered to be of low scale compact building design and site layout, including car parking suitable to cater for the intended land use without any obtuse impacts upon the visual character or pleasant amenity of the locality. Amended documentation provided also provides clear indication of the location of the proposed pod and signage which demonstrates that the proposed development is going to be of low scale which will not dominate the landscape. Plans further demonstrate that CFS access and turning areas can be satisfied.

The signage associated with the proposed tourist accommodation is considered to be of appropriate size and scale consistent with the requirements of the Hills Face Zone. Whilst the sign is proposed along the front property boundary it is considered to be appropriate and low impact given that the external finishes, size and the fact that the sign would be advertising lawful use of land.

Accordingly, it is recommended that Planning Consent be granted, subject to conditions of consent.

RECOMMENDATION

It is recommended that the Council Assessment Panel/SCAP resolve that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and**
- 2) Development Application Number 21018753 by Kate Bishop and Bella Casa Ashton for Tourist Accommodation & associated free standing advertisement at 159 Ridge Road Ashton is GRANTED Planning Consent subject to the following conditions:**

CONDITIONS

1) Development in Accordance with Approved Plans

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

2) Flood Lighting

Flood lighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties.

3) External Finishes

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

WALLS: Vertical wood panelling in a timber-look finish or similar
ROOF: Colorbond Monument or similar

4) Use of Building

The person(s) having the benefit of this consent shall refrain from permitting the use of the building (or any part thereof) for provision long term accommodation or as a separate dwelling. The tourist accommodation unit shall be used and operated on a short term rental arrangement with a maximum of a one week stay per occupancy.

A logbook shall be kept of all occupancies for each calendar year and made available for inspection by the Council upon request.

5) Stormwater Overflow

All roof run-off generated by the development hereby approved shall be managed on-site to the satisfaction of Council using design techniques such as:

- Rainwater tanks
- Grassed swales
- Stone filled trenches
- Small infiltration basins

Stormwater overflow management shall be designed so as to not permit trespass into the effluent disposal area. Stormwater shall be managed on site with no stormwater to trespass onto adjoining properties.

6) External Colours of Signage

The external colours of the sign herein approved shall be comprised of non-reflective materials and finishes.

Any lighting associated with the sign shall be switched off at midnight on each day and shall not be switched back on before sunrise the following day.

7) Landscaping

- a) The southern and south-eastern elevations of the tourist accommodation herein approved, including the associated rainwater tank shall be planted with locally endemic tree and shrub species to the reasonable satisfaction of Council staff.
- b) Such landscaping shall be planted in the next planting season following occupation of the tourist accommodation herein approved.
- c) Landscaping shall thereafter be maintained in good health and condition at all times. Any landscaping that dies or becomes seriously diseased shall be replaced in the next available planting season.

Conditions imposed by South Australian Country Fire Service under Section 122 of the Act:

1) Siting

'The Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Objective 2.1, 4.2, 4.3) details the mandatory requirements for buildings and structures to be located away from areas that pose an unacceptable bushfire risk in order to provide sufficient defensible space for occupants and fire fighters; ensure radiant heat levels at the buildings are minimised in line with the assessed bushfire attack level & construction level; whilst maintaining reduced fuel loads and ensuring it can be maintained in perpetuity by the occupants:

- Outbuildings and other ancillary structures shall be sited no closer than 6m from the habitable building, unless built to building code requirements for associated structures in Bushfire Prone Areas.

2) Access to Habitable Building

'The Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Objective 6.2) details the mandatory requirements for 'Private' roads and driveways to facilitate safe and effective firefighting, evacuation where required. These requirements apply when the path of travel to the furthest point of the building is more than 60m from the nearest public road:

- A clear and unobstructed vehicle or pedestrian pathway shall be provided; no greater than 60 metres in length between the most distant part of the habitable building and the nearest part of the formed public access way.
- The driveway shall be connected to a formed, all-weather public road with the transition area between the road and driveway having a gradient of not more than 7 degrees (1-in-8).
- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large fire-fighting vehicles, to within 60m of the furthest point of the building. or
- (4m where the gradient of the driveway is steeper than 12 degrees (1-in-4.5))
- The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either:
 1. A loop road around the building, OR
 2. A turning area with a minimum radius of 12.5 metres, OR
 3. A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres OR
 4. A 'U' shaped 'drive-through' option.
- Private access shall have minimum internal radii of 9.5 metres on all bends.
- Private access shall provide overhead clearance of not less than 4.0m horizontally and vertically between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures.
- Private access shall provide overhead clearances of not less than 4.0m horizontally and vertically between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures.
- The all-weather road shall incorporate passing bays. The combined width of the passing bay & access track shall be 6m, and a minimum formed length of 17 metres. The passing bays should be constructed at 200 metre intervals along the road or driveway. Where it is necessary to provide adequate visibility, such as the nearest point to the public road or other passing bay, passing bays may be required at intervals of less than 200 metres.
- The gradient of the access road shall not exceed 16 degrees (1-in-3.5) at any point along the driveway. In steep terrain exceeding 10 degrees the surface should be sealed.
- The cross fall of the driveway shall be not more than 6 degrees (1-in-9.5) at any point along the driveway. In steep terrain roads shall be widened and appropriate guard rails and visibility markers should be installed on sides where a steep downslope is present.
- Solid crossings over waterways shall be provided to withstand the weight of large bushfire appliances (GVM 21 tonnes).

3) Water Supply & Access (to dedicated water supply)

Ministerial Building Standard MBS008 “Designated bushfire prone areas – additional requirements” July 2020, as published under the *Planning, Development and Infrastructure Act 2016*, provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone.

‘The Planning and Design Code’ Hazards (Bushfire – High Risk) Overlay (Performance Objective 4.3) details the mandatory requirements for the site to provide a dedicated hardstand area in a location that allows fire fighting vehicles to safely access the dedicated water supply.

Where a water storage facility is required to have a fire authority fitting, the following will apply:

- The water supply outlet shall be easily accessible and clearly identifiable from the access way and at a distance of no greater than 60 metres from the proposed dwelling.
- The dedicated water supply and its location should be identified with suitable signage (i.e. blue sign with white lettering “FIRE WATER”).
- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- Provision shall be made adjacent the water supply for a nominally level hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
- SA CFS appliance’s inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.
- A gravity fed water supply outlet may be remotely located from the tank to provide adequate access.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.
- Ideally a remote water supply outlet should be gravity fed, where this is not possible the following dimensions shall be considered as the maximum capability in any hydraulic design for draughting purposes:
 1. The dedicated water supply outlet for draughting purposes shall not exceed 5 metres maximum vertical lift (calculated on the height of the hardstand surface to the lowest point of the storage) and no greater than 6 metres horizontal distance.
 2. The suction outlet pipework from the tank shall be fitted with an inline non return valve of nominal internal diameter not less than that of the suction pipe and be located from the lowest point of extract from the tank. All fittings shall be installed to allow for easy maintenance.

Pools are permissible as the dedicated firefighting water supply, if the following can be achieved:

- Provision shall be made adjacent to the water supply for a nominally level hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes), that is a distance equal to or less than 3m to edge of water source; or
- a gravity fed outlet can be incorporated into the design of the plumbing; and
- is unobstructed by associated landscaping and barriers.

Access via a removable inspection opening is permissible if the following can be achieved:

- Provision shall be made adjacent to the water supply for a nominally level hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes), that is a distance equal to or less than 3m to edge of the tank and
- the opening is a minimum of 200mm wide and is not more than 1.5m above ground level and no lower than 5m to the lowest point of the water source.
- is unobstructed by associated landscaping and barriers.

4) **Vegetation Management**

'The Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Objective 4.2) details the mandatory requirements to establish and maintain an asset protection zone. As such, landscaping shall include bushfire protection features that will prevent or inhibit the spread of bushfires and minimise the risk to life and/or damage to buildings and property and maintain a fuel reduced zone for safe movement of occupants and fire fighters.

A vegetation management zone (VMZ) shall be established and maintained within 20 metres of the habitable building (or to the property boundaries – whichever comes first) as follows:

- The number of trees and understorey plants existing and to be established within the VMZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%'.
- Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
- Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
- Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
- Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height from the trees' lowest branches.
- Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
- No understorey vegetation shall be established within 1 metre of the habitable building (understorey is defined as plants and bushes up to 2 metres in height).
- Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves
- The VMZ shall be maintained to be free of accumulated dead vegetation

ADVISORY NOTES

General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate:
 - a) Until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b) If an appeal is commenced:
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been fully determined (other than any question as to costs).

Planning Consent

- 1) This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision.

Building Consent must be applied for prior to the expiry of the Planning Consent.

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

Advisory Notes imposed by Environment Protection Authority under Section 122 of the Act

- 3) The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.
- 4) More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au .

Advisory Notes imposed by South Australian Country Fire Service under Section 122 of the Act

- 5) Building Considerations

Ministerial Building Standard MBS008 “Designated bushfire prone areas - additional requirements” 2020, as published under the Planning, Development and Infrastructure Act 2016 applies to this site.

Please refer to the National Construction Code (NCC), relevant standards and state provisions for construction requirements and performance provisions.

A site Bushfire Attack Level (BAL) assessment is a requirement in accordance with the NCC and Australian Standard™3959 (AS3959) “Construction of Buildings in Bushfire Prone Areas”.

- 6) The subject land is known to be within 500m of a former landfill site where there is a site contamination audit being undertaken on behalf of the Adelaide Hills Council (Council). Landfill gas has been detected on the former landfill site. However, the source (anthropogenic or natural) and extent of this gas is subject to ongoing monitoring and further analysis. At this stage, it is unknown whether or not landfill gas is migrating offsite, noting that testing for landfill gas has so far only occurred within the site of the former landfill. While the Environment Protection Authority (EPA) has not issued any formal advice or direction to the Council in relation to the proposed development, its general advice suggests that in the absence of site-specific risk information, an effective control measure is a 500m buffer between new development and a landfill, measured from the outer boundary of the area containing waste: see EPA Information Sheet ‘Landfill gas and development near landfills – advice for planning authorities and developers’ issued February 2021.

The applicant is reminded that if they elect to proceed with the development in the absence of site-specific risk information:

1. They do so entirely at their own risk.
2. Under the Environment Protection Act 1993, a developer may be considered to have caused site contamination if the development creates a risk to future residents or occupiers from landfill gas.
3. The Council accepts no responsibility for any harm to persons, or any harm or damage to, or loss of property, or any other detriment resulting from the applicant’s actions.

It is the applicant’s responsibility to ensure that all appropriate steps are undertaken to minimise the potential harm or damage to property or persons arising from this situation.

Any queries in regards to landfill gas migration or site contamination should be directed to the EPA Hotline on 1800-729-175.

OFFICER MAKING RECOMMENDATION

Name: Doug Samardzija
Title: Statutory Planner

DEVELOPMENT NO.:	21035570
APPLICANT:	Adelaide Hills Council
ADDRESS:	Buildings 12A-12B, 20A-20F and 21/1 Lobethal Road, Lobethal
NATURE OF DEVELOPMENT:	Variation to development authorisation 18/802/473 for the following: -Removal of building 12A &12B from the proposal -Floor plan layout changes for buildings 20A-20F & 21 with associated change to external openings -Installation of raised flooring to portion of building 21
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Employment <p>Overlays:</p> <ul style="list-style-type: none"> • Hazards (Flooding) • Hazards (Bushfire - Medium Risk) • Heritage Adjacency • Mount Lofty Ranges Water Supply Catchment (Area 2) • Native Vegetation • Prescribed Water Resources Area • Regulated and Significant Tree • State Heritage Place • Traffic Generating Development • Urban Transport Routes • Water Resources <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Frontage • Minimum Site Area
LODGEMENT DATE:	12 Nov 2021
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	2021.16
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	No
RECOMMENDING OFFICER:	Marie Molinaro Statutory Planner
REFERRALS STATUTORY:	State Heritage
REFERRALS NON-STATUTORY:	Nil

CONTENTS:

ATTACHMENT 1: Application Documents

ATTACHMENT 4: Agenda & Minutes from
CAP Meeting 14 October 2020

ATTACHMENT 2: Subject Land Map

ATTACHMENT 5: State Heritage Referral Response

ATTACHMENT 3: Zoning Map

ATTACHMENT 6: Relevant P&D Code Policies

DETAILED DESCRIPTION OF PROPOSAL:

The proposal is a variation to development authorisation 18/802/473 to make changes to the three buildings forming the Fabrik arts hub operated by Council at the former Lobethal Woollen Mills complex.

The Fabrik arts hub is to consist of artist studios, art display and workshop/performance areas with ancillary retail sales and special events within buildings 12A-12B, 20A-20F and 21 of the complex.

The changes to each building are listed below:

- Building 12A-12B

This building is being removed/deleted from the proposal.

It is to be demolished, and approval for this is being sought by separate development application 21035577. Building 12A-12B is being demolished in favour of a new building which will connect to Building 14. Building 14 will eventually have a physical connection/link to building 20A-20F.

Approval for the new building and link connection is also being sought via development application 21035577.

Although not forming part of this proposal, the proposed new building, Building 14 and the link are shown on the application plans. The plans are clear that these works are outside the scope of application 21035570.

- Building 20A-20F

A two storey building, the floor plan of both levels is to be re-configured.

The lower level will contain artist studios with meeting spaces, area for retail sales, toilets, lift and staircase access to the upper level.

The upper level will contain a meeting/workshop space, area for events, kitchen, toilet and storage areas.

The associated layout reconfiguration results in addition of a small external canopy at ground level over a new doorway entrance on the side of the building is proposed, in addition to new doorways and replacement glass windows.

- Building 21

The floor plan layout is to change, but the building will still contain (as previously approved) artist studios, art gallery/exhibition space, museum (heritage interpretation space) and retail area with associated amenities – toilets, kitchen, meeting/workshop and storage rooms.

The associated layout re-configuration results in an additional two windows and two doorways.

A raised floor to the museum and retail sales area is included.

There are no changes proposed to the use or approved operating conditions of the Fabrik arts hub.

BACKGROUND:

CAP granted Development Plan Consent to the original development application 18/802/473 on 14 October 2020.

The Development Plan Consent was granted an extension of time until 14 October 2023 for the applicant to gain Building Consent and Development Approval.

A copy of the agenda and minutes from the 14 October 2020 CAP meeting are included as **Attachment 4 – Agenda & Minutes from CAP meeting 14 October 2020.**

As per the Council delegations as CAP were the relevant authority for development application 18/802/473 the variation application must also be determined by CAP.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 12A-12B/1 Lobethal Road, 20A-20F Lobethal Road and 21/1 Lobethal Road, Lobethal
Title ref.: CT 6223/762 **Plan Parcel:** C41623 FL203 **Council:** ADELAIDE HILLS COUNCIL

The subject buildings are located in the former Lobethal Woollen Mills complex on the northern side of Lobethal Road. The complex contains multiple buildings and a variety of industrial and commercial uses. There are parking areas to the north and south-west of the site, providing approximately 132 shared parking spaces. A further 28 parking spaces are available on-street directly adjacent to the site.

The largest parking area on-site is to the north of the site and it is approximately 115m away from the proposed Fabrik buildings. The entrance to this car-park is from Main Street, which is opposite a cluster of dwellings on the eastern side of Main Street. The car-park is also in view of a cluster of residential properties along Mill Road to the west.

The complex is in the State Heritage Place Overlay and is a State Heritage Place.

Locality

The locality contains a mix of commercial and residential land uses. Building 21 is the closest building to residential property, with a separation distance of approximately 70m to 3 Lobethal Road to the west.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Internal building work and variation to external appearance: Code Assessed - Performance Assessed.

- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed.

- **REASON**
In the Employment Zone internal building work is designated as Accepted development, except where the State Heritage Overlay applies. The works are not listed as Accepted development so the proposal defaults to being Performance Assessed.

PUBLIC NOTIFICATION

- **REASON**
There are no triggers per the Employment Zone which would require the proposal to be publicly notified.

AGENCY REFERRALS

- State Heritage

Required the proposal to be amended, which has been done and State Heritage are now supportive of the proposal. They have power of direction, and directed three (3) conditions be imposed. These are conditions three (3) to seven (7).

The State Heritage response is included as **Attachment 5 – State Heritage Referral Response**.

INTERNAL REFERRALS

Nil

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in **Attachment 6 – Relevant P&D Code Policies**.

Employment Zone

Desired Outcomes	
DO1	A diverse range of low-impact light industrial, commercial and business activities that complement the role of other zones accommodating significant industrial, shopping and business activities
DO2	Distinctive building, landscape and streetscape design to achieve high visual and environmental amenity particularly along arterial roads, zone boundaries and public open spaces
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & DTS/DPF1.1 & PO2.1	

There is no additional substantive built form or change to the approved use proposed. The artist studios were considered a form of light industry in the assessment of application 18/802/473. Nonetheless, light industry and commercial uses are anticipated in the Employment Zone.

Recommended condition two (2) reminds the applicant that except where amended by the variation application all other conditions, plans and details from 18/802/473 continue to apply.

Overlays

There are multiple Overlays that apply. As there is no additional built form or change of use, the Overlays except for the State Heritage Overlay are not considered relevant to the proposal.

The State Heritage Overlay is discussed below.

State Heritage Place Overlay

Desired Outcomes	
DO1	Development maintains the heritage and cultural values of State Heritage Places through conservation, ongoing use and adaptive reuse consistent with Statements of Significance and other relevant documents prepared and published by the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the Heritage Places Act 1993
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.3, PO1.5, PO1.7 & PO2.2	

The proposal required a referral to State Heritage. State Heritage requested amendments to the proposal, which were made. Subject to conditions, State Heritage as the experts are satisfied with the proposal.

As State Heritage are accepting of the proposal it is considered to meet the Desired Outcome and Designated Performance Features of the State Heritage Place Overlay, including maintaining the heritage value of the buildings.

General Development Policies

Clearance from Overhead Powerlines

Desired Outcomes	
DO1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & DTS/DPF1.1	

The applicant has signed the building safety near powerlines declaration, which complies with DTS/DPF1.1

CONCLUSION

The proposal is seeking consent for a variation to development authorisation 18/802/473 at the former Lobethal Woollen Mills complex for operation of the Council Fabrik arts hub.

The variation is for building changes which are largely internal, with there being no change to the approved use or conditions of operation.

The land is in a State Heritage Overlay and as such the proposal required a referral to State Heritage. Subject to amendments which have been made State Heritage have no objections to the proposal.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- 2) Development Application Number 21035570, by Adelaide Hills Council for variation to development authorisation 18/802/473 for the following: - Removal of building 12A & 12B from the proposal – Floor plan layout changes for buildings 20A-20F & 21 with associated change to external openings – Installation of raised flooring to portion of building 21 at 1 Lobethal Road Lobethal is GRANTED Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
- 2) Except where varied by this authorisation, all other conditions, plans and details relating to Development Authorisation 18/802/473 continue to apply to this amended authorisation.

CONDITIONS Imposed by Minister responsible for the administration of the Heritage Places Act 1993 under Section 122 of the Act

- 1) Proposed solid egress door to street façade of Building 21 to be finished to match external colour of wall.
- 2) Final details relating to structural lintels to all new wall openings to be confirmed with Heritage South Australia, of the Department for Environment and Water, prior to commencement of construction.
- 3) Design and sectional details of saw-tooth roof windows to be replaced to be confirmed with Heritage South Australia, of the Department for Environment and Water, prior to commencement of construction.
- 4) External paint finish to Building 20 to be confirmed with Heritage South Australia, of the Department for Environment and Water. Colour scheduled is not compatible with the heritage values of the State Heritage Place. Further, if the applicant decides to expose and repoint stonework to this wall instead, Development Approval is required.
- 5) New door to Building 20, at ground floor level, within existing window opening – in-fill brickwork is to be recessed, so the original extent of opening is visibly clear and brickwork is to utilise existing salvaged bricks from other works to this building.

ADVISORY NOTES

- 1) This development authorisation to vary the original authorisation is valid for a period not exceeding that of the original authorisation – 14 October 2023. This time period may be further extended 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 and will be required to be paid for both the original authorisation and the variation authorisation.

- 2) **No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.**
- 3) **Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.**
- 4) **Please note the following requirements of the *Heritage Places Act 1993*:**
 - a) **If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.**
 - b) **Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works. For further information, contact the Department for Environment and Water.**
- 5) **Please note the following requirements of the *Aboriginal Heritage Act 1988*:**
 - a) **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) is to be notified under Section 20 of the *Aboriginal Heritage Act 1988*.**

OFFICER MAKING RECOMMENDATION

Name: Marie Molinaro
Title: Statutory Planner

DEVELOPMENT NO.:	21035577
APPLICANT:	Adelaide Hills Council
ADDRESS:	Building 10-22E 1 LOBETHAL RD LOBETHAL SA 5241
NATURE OF DEVELOPMENT:	Demolition of building 12A & B Alterations and additions to building 14 which will include a change of use to the existing offices to include accommodation (artist short term accommodation), a new bridge to building 20 and a ground floor addition (community facility including a shop, office and amenities), and Construction of a small plant & equipment compound behind building 20.
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Employment <p>Overlays:</p> <ul style="list-style-type: none"> • Hazards (Flooding) • Hazards (Bushfire - Medium Risk) • Heritage Adjacency • Mount Lofty Ranges Water Supply Catchment (Area 2) • Native Vegetation • Prescribed Water Resources Area • Regulated and Significant Tree • State Heritage Place • Traffic Generating Development • Urban Transport Routes • Water Resources <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Frontage • Minimum Site Area
LODGEMENT DATE:	22 Nov 2021
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	2021.16 4 November 2021
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	No
RECOMMENDING OFFICER:	Melanie Scott Senior Statutory Planner
REFERRALS STATUTORY:	State Heritage
REFERRALS NON-STATUTORY:	Council Engineering

CONTENTS:

ATTACHMENT 1: CAP Locality Map

ATTACHMENT 4: State Heritage Response

ATTACHMENT 2: Zoning Map:

ATTACHMENT 5: Planning and Design Code Rules

ATTACHMENT 3: Proposal Plans

DETAILED DESCRIPTION OF PROPOSAL:

The proposal is an addition to previous applications to make changes to the three buildings forming the Fabrik arts hub operated by Council at the former Lobethal Woollen Mills complex.

The Fabrik arts hub is to consist of artist studios, art display and workshop/performance areas with ancillary retail sales and special events within buildings 12A-12B, 20A-20F and 21 of the complex. CAP granted Development Plan Consent for the change of use on 14 October 2020.

The changes proposed in this application are listed below:

- Building 12A-12B is being demolished in favour of a new building which will connect to Building 14.
- The replacement building will be single storey and configured with a meeting space, kitchen area, display and bathroom facilities which form part of the link between the new building and building 14..
- Building 14 will have a number of internal alterations including the first floor becoming a dedicated meeting space with a physical connection/link to building 20A-20F which is an open first floor link (referred to as a bridge).
- The ground floor of Building 14 will be reconfigured with a link to the proposed new building 12, two (2) offices, a bathroom including shower and a studio for short term artist accommodation.
- Construction of a small plant & equipment compound behind building 20 (behind the existing public toilet block on the adjacent allotment).

There are no changes proposed to the use or approved operating conditions of the Fabrik arts hub. The extended works are the result of success in securing grants to fund more extensive works.

BACKGROUND:

The application is separate to the other item on the agenda for the Fabrik arts hub and is the next stage of the works proposed in the other application. The new building will have a slightly smaller footprint than the existing building which it replaces but is considered to have a more pleasing aesthetic appearance with an increase in landscaped areas between the proposed building and building 20.

Building 12

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
14 October 2020	18/802/473	Change of use of buildings numbered 12A-12B, 20A-20F & 21, and associated building alterations (internal fitout) and car parking: Building 12A-12B – change of use from offices to offices and light industry (artist studios) with associated ancillary retail sales; Building 20A-20F – change of use from offices and museum to light industry (artist studios), art gallery (x 2) with associated ancillary retail sales & special events (maximum 20 per year)

		for 150 persons), and hall and associated special events (maximum 12 per year for 30 persons); Building 21 – change of use from group of shops (markets) to light industry (artist studio), art gallery with associated special events (maximum 8 per year for 200 persons), museum and associated ancillary retail sales at 12A-12B/1 Lobethal Road, 20A-20F/1 Lobethal Road and 21/1 Lobethal Road, Lobethal
12 September 2018	17/4/473	Community title land division (6 allotments into 4), including reserve allotments and common property

Internal correspondence accepts office as the existing use.

Building 20

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
14 October 2020	18/802/473	Change of use of buildings numbered 12A-12B, 20A-20F & 21, and associated building alterations (internal fitout) and car parking: Building 12A-12B – change of use from offices to offices and light industry (artist studios) with associated ancillary retail sales; Building 20A-20F – change of use from offices and museum to light industry (artist studios), art gallery (x 2) with associated ancillary retail sales & special events (maximum 20 per year for 150 persons), and hall and associated special events (maximum 12 per year for 30 persons); Building 21 – change of use from group of shops (markets) to light industry (artist studio), art gallery with associated special events (maximum 8 per year for 200 persons), museum and associated ancillary retail sales at 12A-12B/1 Lobethal Road, 20A-20F/1 Lobethal Road and 21/1 Lobethal Road, Lobethal

28 October 2019	19/568/473	Alterations to Building 20 – internal – removal of office fit-out & replacement kitchen, removal of wall mounted computer server equipment and repair of opening & repair ceiling gaps – external – installation of 3x air-conditioning units, 2x motion sensors & 1x flood light
05 August 2019	19/567/473	Installation of 1x wall mounted air-conditioning unit to Building 20 (air-conditioning unit 4 only)
1 July 2019	19/509/473	Painting of interior walls of Building 20 – part of lower ground floor only
12 September 2018	17/4/473	Community title land division (6 allotments into 4), including reserve allotments and common property
02 March 2017	17/89/473	Repairs & maintenance works to State Heritage Listed Buildings
19 August 2008	08/559/473	Internal alterations to existing building to provide new toilet facilities Notes in the file show the building use as costume museum.

Internal correspondence shows this building was also used as offices.

Building 21

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
14 October 2020	18/802/473	Change of use of buildings numbered 12A-12B, 20A-20F & 21, and associated building alterations (internal fitout) and car parking: Building 12A-12B – change of use from offices to offices and light industry (artist studios) with associated ancillary retail sales; Building 20A-20F – change of use from offices and museum to light industry (artist studios), art gallery (x 2) with associated ancillary retail sales & special events (maximum 20 per year for 150 persons), and hall and associated special events (maximum 12 per year for 30 persons); Building 21 – change of use from group of shops (markets) to light industry (artist studio),

		art gallery with associated special events (maximum 8 per year for 200 persons), museum and associated ancillary retail sales at 12A-12B/1 Lobethal Road, 20A-20F/1 Lobethal Road and 21/1 Lobethal Road, Lobethal
12 September 2018	17/4/473	Community title land division (6 allotments into 4), including reserve allotments and common property
02 March 2017	17/89/473	Repairs & maintenance works to State Heritage Listed Buildings
11 November 2003	03/1040/473	Change of use from museum to market

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: Building 10-22E 1 LOBETHAL RD LOBETHAL SA 5241

Title ref.: CT 6223/762 **Plan Parcel:** C41623 FL203 **Council:** ADELAIDE HILLS COUNCIL

The subject buildings are located in the former Lobethal Woollen Mills complex on the northern side of Lobethal Road. The complex contains multiple buildings and a variety of industrial and commercial uses. There are parking areas to the north and south-west of the site, providing approximately 132 shared parking spaces. A further 28 parking spaces are available on-street directly adjacent to the site.

The largest parking area on-site is to the north and it is approximately 115m away from the proposed Fabrik buildings. The entrance to this car-park is from Main Street, which is opposite a cluster of dwellings on the eastern side of Main Street. The car-park is also in view of a cluster of residential properties along Mill Road to the west.

The complex is in the State Heritage Place Overlay and listed as a State Heritage Place.

Locality

The locality contains a mix of commercial and residential land uses. Building 21 will remain the closest building to residential property, with a separation distance of approximately 70m to 3 Lobethal Road to the west.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

Other - Community - Community Facility including shop, office, artist in residence accommodation and gallery: Code Assessed - Performance Assessed.

Internal building work/Demolition: Code Assessed - Performance Assessed (by virtue of being a State Heritage Place).

- External building additions – Code Assessed – Performance Assessed.
- Change of use: Code Assessed - Performance Assessed.

- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed.

- **REASON**

In the Employment Zone internal building work is designated as Accepted development, except where the State Heritage Overlay applies. The works are not listed as Accepted development so the proposal defaults to being Performance Assessed. The new building is Performance Assessed as is the proposed change of use to include the short term artist accommodation.

- **REASON**
P&D Code

PUBLIC NOTIFICATION

REASON: There are no triggers in the Employment Zone which would require the proposal to be publicly notified. Given the intention to accommodate only one person at a time and the separation of the building from the nearest residential uses, Council staff considered the change of use to include artist accommodation to be of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.

AGENCY REFERRALS

- State Heritage

No issues however 3 conditions with regards to materials and finishes. The State Heritage response is included as **Attachment 4 – STATE HERITAGE REFERRAL Response**

INTERNAL REFERRALS

- Engineering

Notes although decreased roof area an increased impervious area so have conditioned a stormwater management plan for the impervious area prior to issue of building rules consent.

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in **Attachment 6 – Relevant P&D Code Policies**.

Employment Zone

Desired Outcomes	
DO1	A diverse range of low-impact light industrial, commercial and business activities that complement the role of other zones accommodating significant industrial, shopping and business activities
DO2	Distinctive building, landscape and streetscape design to achieve high visual and environmental amenity particularly along arterial roads, zone boundaries and public open spaces

Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria
PO1.1 & DTS/DPF1.1, PO/DPF1.2 & PO2.1, PO2.2, PO/DPF3.1, PO/DPF5.2

The proposal enhances the existing approved activities on-site noting those activities are as envisaged in PO1.1. The proposed shop/gallery portion of the new building is considered to meet relevant elements of DPF1.2 in that it proposes a gross leasable floor area of less than 100m² and is ancillary to and located on the same allotment as an industry and primarily involves the sale by retail of goods manufactured by the industry.

The proposed works are considered to offer a distinctive building, landscape and streetscape design to improve the visual and environmental amenity particularly along an arterial road, zone boundaries and public open spaces as envisaged in PO2.1. There is a gutter overhang in a small portion of the north eastern corner of the proposed building which is proposed to be accommodated with an easement of the adjacent land plan, noting the adjacent land is a common area in relation to the whole precinct.

Proposed varied materials and the tweaking proposed by the State Heritage Conditions are in accordance with PO/DPF3.1. The proposed new building is set back from the front boundary further than building 21 and the bridge and compound are behind existing buildings on-site. The proposal therefore meets PO/DPF3.1.

The proposal does include some soft and hard landscaping forward of the new building and within the site and is considered to meet PO/DPF 5.2.

The artist accommodation whilst not envisaged in the zone is at a minor scale, being a single bed, and in a location on the site where the amenity of the locality is not adversely impacted and the proposal is considered reasonable in the context of the use of the site. A condition (refer recommended condition 2) is proposed regarding the use of the accommodation.

Overlays

There are multiple Overlays that apply. The State Heritage Overlay is most considered relevant to the proposal.

State Heritage Place Overlay

Desired Outcomes	
DO1	Development maintains the heritage and cultural values of State Heritage Places through conservation, ongoing use and adaptive reuse consistent with Statements of Significance and other relevant documents prepared and published by the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the Heritage Places Act 1993
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1, PO1.2, PO1.3, PO1.4, PO1.5, PO1.6, PO1.7, PO2.2 & PO3.2	

The proposal required a referral to State Heritage. State Heritage as the experts are satisfied with the proposal, subject to 3 conditions being imposed on any Planning Consent granted.

As State Heritage are accepting of the proposal it is considered to meet the Desired Outcome and Designated Performance Features of the State Heritage Place Overlay, including the new building maintaining the heritage value of the buildings.

General Development Policies

Clearance from Overhead Powerlines

Desired Outcomes	
DO1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & DTS/DPF1.1	

The applicant has signed the building safety near powerlines declaration, which complies with DTS/DPF1.1

Design

Desired Outcomes	
DO1	Development is: <ol style="list-style-type: none"> 1. contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area 2. durable - fit for purpose, adaptable and long lasting 3. inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors 4. sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.3 & DTS/DPF1.3, PO1.5, PO2.2, PO2.5, PO3.1, PO8.1 & DTS/DPF8.1, PO12.1 & DTS/DPF12.1, Transport, Access and Parking PO3.1 & DTS/DPF3.1, PO5.1 & DTS/DPF5.1	

The proposed development is considered to generally accord with the design and infrastructure requirements of the Code, acknowledging that generally the built form, scale and design of the proposed building is already substantially established by the building to be demolished. The proposed additions and alterations are generally within the existing building footprint and curtilage area. The building work is acceptably compact and concealed, addressing the Lobethal Road frontage, with existing trees, proposed landscaping and the existing community space providing a building address which is not considered dominant in the streetscape. There is a compound proposed to the rear of the new building for storage of waste receptacles and plant. Furthermore State Heritage is supportive of the proposal.

The proposed built form and landscaping features are considered to enhance the locality, in particular the adjacent Mill Square.

The development requires minimal earthworks for preparation of the building site.

The proposed development is connected to SA Water services including water and wastewater utilities and therefore presents no issues in respect of on-site wastewater management.

The proposed works are not considered to change the existing parking arrangements and requirements for the site. There are no parking changes as part of this proposal and parking is in the main located some 200 metres to the north of the proposed building. This parking is accessible via the Lobethal Road footpath and internal pathways to the rear of the site.

Importantly this application is part of a suite of applications for this site and proposes universal access compliant openings in the new building. Other applications have addressed universal access upgrades to the existing buildings and associated parking provisions.

CONCLUSION

The proposal is seeking to upgrade an existing building with a replacement building and to improve linkages between buildings on the site which are used complimentary to each other. The use of one room in building 14 for single person accommodation on an occasional basis is considered incidental to the works on the site. The proposed bridge and service enclosure are behind existing buildings on the land and considered to have minimal visual impact on the amenity of the area. Design wise the new building is considered an improvement to the functionality and amenity of the site whilst offering a more effectively designed space. The proposal does not change the way the site is to be used, but rather offers more efficient and effective spaces and amenity enhancements for waste management without changing the expected number of visitors to the site.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and**
- 2) Development Application Number 21035577 by Adelaide Hills Council for the demolition of building 12A & B, alterations and additions to building 14 which will include a change of use to the existing offices to include accommodation (artist short term accommodation), a new bridge to building 20 and a ground floor addition (community facility including a shop, office and amenities), and construction of a small plant & equipment compound behind building 20 at 1 Lobethal Road Lobethal is granted Planning Consent subject to the following conditions:**

CONDITIONS

1) Planning Consent

The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below:

2) Artist Accommodation

The person(s) having the benefit of this consent shall refrain from permitting the use of the accommodation in building 14 (or any part thereof) for provision of accommodation for more than one person, for long term

accommodation or as a separate dwelling. The artist accommodation unit shall be used and operated on a short term rental arrangement with a maximum of a six weeks stay per occupancy.

A logbook shall be kept of all occupancies for each calendar year and made available for inspection by the Council upon request.

3) Landscaping

Landscaping including plantings completed in the planting season following occupation and maintained in good health and condition at all times. Any such vegetation shall be replaced in the next planting season if and when it dies or becomes seriously diseased.

4) Waste Removal

All putrescible waste including food, leaves, papers, cartons, boxes and scrap material of any kind shall be stored in a closed container having a close fitting lid. The container shall be stored in the proposed screened area so that it is not visible to Lobethal Road and other buildings on the site.

5) Prior to issue of Building Rules Consent - Stormwater

All roof runoff generated by the development hereby approved shall be directed to the existing stormwater connections on site or managed on-site to the satisfaction of Council using design techniques to the satisfaction of Council. Prior to issue of Building Rules Consent a stormwater management plan for the increased impervious area shall be submitted to and approved by Council.

Conditions imposed by Minister responsible for the administration of the Heritage Places Act 1993 under Section 122 of the Act

- 1) Measured drawings (plans and elevations) and an external and internal photographic record of Buildings 12A and 12B is required, to the satisfaction of Heritage South Australia, of the Department for Environment and Water, prior to commencement of demolition works, to ensure a record of each building is maintained.
- 2) Aluminium frame colour of the proposed door/window to the upper floor of Building 20 to be confirmed, to the satisfaction of Heritage South Australia, of the Department for Environment and Water, to minimise visual dominance in the façade of the building.
- 3) Selected red brick for external facades of proposed building to be confirmed, to the satisfaction of Heritage South Australia, of the Department for Environment and Water, to ensure compatibility with existing brick walls throughout the site.

ADVISORY NOTES

General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate:

- a) until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
- b) if an appeal is commenced:
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

Planning Consent

Advisory Note 1

This Planning Consent is valid for a period of twenty four (24) months commencing from the date of the decision.

Building Consent must be applied for prior to the expiry of the Planning Consent.

Advisory Notes imposed by Minister responsible for the administration of the Heritage Places Act 1993 under Section 122 of the Act

Advisory Note 2

Please note the following requirements of the *Heritage Places Act 1993*:

- a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.
- b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works. For further information, contact the Department for Environment and Water.

OFFICER MAKING RECOMMENDATION

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