

**CAP MEETING – 09 July 2025****ITEM 8.1**

<b>DEVELOPMENT NO.:</b>	24040612
<b>APPLICANT:</b>	Mark Ebenreuter
<b>ADDRESS:</b>	12 MAPPINGA RD OAKBANK SA 5243
<b>NATURE OF DEVELOPMENT:</b>	Outbuilding ancillary to existing dwelling and parking of one (1) heavy vehicle (over 3 tonne).
<b>ZONING INFORMATION:</b>	<b>Zones:</b> <ul style="list-style-type: none"><li>• Productive Rural Landscape</li></ul> <b>Overlays:</b> <ul style="list-style-type: none"><li>• Environment and Food Production Area</li><li>• Hazards (Bushfire - Medium Risk)</li><li>• Hazards (Flooding - Evidence Required)</li><li>• Limited Land Division</li><li>• Mount Lofty Ranges Water Supply Catchment (Area 2)</li><li>• Native Vegetation</li><li>• Prescribed Water Resources Area</li><li>• Traffic Generating Development</li><li>• Urban Transport Routes</li><li>• Water Resources</li></ul>
<b>LODGEMENT DATE:</b>	31 Jan 2025
<b>RELEVANT AUTHORITY:</b>	Adelaide Hills Council Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	P&D Code (in effect) Version 2025.2 30/01/2025
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Tim Mason
<b>REFERRALS STATUTORY:</b>	Nil
<b>REFERRALS NON-STATUTORY:</b>	Civil Services

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**DETAILED DESCRIPTION OF PROPOSAL:**

The proposal is for the construction of an outbuilding that is associated with an existing dwelling on the land. The building is to be used for undercover storage of vehicles, a caravan, trailer and other domestic items. One of the vehicles to be stored in the proposed building is a heavy vehicle (i.e. truck) that is greater than 3000kg. This vehicle is to be restored and not operated from the site for any commercial or industrial purpose.

The size of the outbuilding has been amended in response to concerns raised by the representations. The revised proposal has a total (gross) floor area of 441m<sup>2</sup>, a wall height of 4.30 metres and a ridge height of 6.04 metres. The building is designed with a pitched gable roof and Colourbond wall and roof cladding in Woodland Grey. There are roller doors on the front and rear elevations and a small personal access door on one side.

The outbuilding will replace an existing smaller outbuilding that is in the north-western corner of the site. The new building is setback a minimum of 8.50 metres from the northern boundary, approximately 19.00 metres from the north-western boundary of Downers Road and 16.30 metres from the western boundary.

A 20KL rainwater tank is to be provided adjacent to an existing above-ground tank.

**BACKGROUND**

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
1997	97-460-473	Dwelling Verandah and Garage
18 September 1997	97-109-473	Domestic Garage and Storage Building

**SUBJECT LAND & LOCALITY:**

**Location reference:** 12 MAPPINGA RD OAKBANK SA 5243

**Title ref.:** CT 5361/111   **Plan Parcel:** D46276 AL100   **Council:** ADELAIDE HILLS COUNCIL

**Site Description**

The subject land is a rural residential allotment situated at 12 Mappinga Road, Oakbank.

The land comprises a single allotment that is described as Allotment 100 in Deposited Plan 46276, Certificate of Title Volume 5361 Folio 111. There are no easements for service infrastructure or other registered interests on the land title.

The land is an irregular shape with a site area of 1.20 hectares. The allotment has a primary frontage of approximately 136.00 metres to Mappinga Road and a secondary frontage of 26.50 metres to Downers Road, which is an offshoot road from Mappinga Road.

Currently occupying the site is a single storey detached dwelling, an outbuilding (to be replaced), tennis court and a large above-ground rainwater tank. The site is well vegetated with a mix of remnant and planted species. The site includes a small dam which is located within close proximity to the northern boundary with Mappinga Road.

The site gains access from Mappinga Road with a compacted gravel driveway traversing most of the site from east to west.

The land is gently sloping with a crossfall of around 7 metres in a northerly direction.

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#### Locality

The locality has a semi-rural character where rural living allotments border larger rural land holdings that are used for farming and horticulture.

Rural living allotments are typically between 1 and 8 hectares and are well-vegetated. Some allotments are used for hobby farming. Existing buildings are setback from boundaries and are sited inconspicuously amongst vegetation.

There are larger rural allotments to the east along Mappinga Road that are mostly used for small-scale grazing, vineyards and orchards.

Overall, the locality has a pleasant living environment that is of high amenity.

#### CONSENT TYPE REQUIRED:

Planning Consent

#### CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**  
Other - Residential - Heavy Vehicle Parking: Code Assessed - Performance Assessed  
Outbuilding: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**  
Code Assessed - Performance Assessed
- **REASON**  
The Planning and Design Code does not provide an 'Accepted' or a 'Deemed to Satisfy' pathway for the above noted elements. They are also not listed as being 'Restricted' forms of development under Table 4 of the Productive Rural Landscape Zone. Therefore it is considered that as per Sections 105 (b) and 107 of the PDI Act, 2016, that the proposal be assessed as 'Performance Assessed' development.

#### PUBLIC NOTIFICATION

- **REASON**  
Heavy Vehicle Parking is not a listed element in Table 5 of the Zone and therefore the development is not excluded from public notification

Public Notification period – 1 to 23 April 2025

- **LIST OF REPRESENTATIONS**

Three (3) representations were received during the notification period opposing the development. The representors have requested to be heard by the Panel.

Representor Name	Representor's Property Address	Wishes to be heard (Y/N)	Nominated Speaker (if relevant)
Wilfred Burrows	PO Box 210 BALHANNAH	Yes	Peter Burrows

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Jo-Anne Burrows	PO Box 210 BALHANNAH	Yes	Peter Burrows
Erika Sames	15 Mappinga Road OAKBANK	Yes	Self

#### • SUMMARY

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

- Excessive building size
- Insufficient boundary setbacks
- Potential use of building for commercial/industrial purposes
- Inadequate rainwater tank capacity
- Potential storage of fuels and flammable chemicals
- Inadequate firefighting provisions
- Vegetation removal

A copy of the representations is included as **Attachment 4 – Representations** and the applicant's response is provided in **Attachment 5 – Response to Representations**.

#### AGENCY REFERRALS

No agency referrals were required

#### INTERNAL REFERRALS

##### Engineering Department

Council Engineering requested the following documentation in support of the application:

The following information is required:

1. Stormwater management plan and calculations supporting the development as follows:
  - Pre Development calculation 1:5 ARI @ 5 minutes
  - Post Development calculations 1:100 ARI @ 5 minutes
  - Post Development discharge kept to pre development rates at 1:5 ARI @ 5 minutes
  - Calculations that indicate who the Critical Detention Volume was achieved.
  - Calculations indicating how the restricted orifice size was achieved

The applicant has submitted a Stormwater Management Plan and Stormwater Calculation prepared by TMK Consulting Engineers in support of the application. Council Engineering has reviewed the supplied calculations and confirmed they satisfy Council requirements.

#### 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.*

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**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.*

A detailed assessment of the application has taken place against the relevant provisions of the Planning and Design Code (P & D Code) and this is provided below under a series of headings. A Policy Enquiry extract containing the relevant provisions of the P & D Code is contained in **Attachment 6 – Relevant P & D Code Policies**.

**Zone:**

**Productive Rural Landscape Zone:**

Desired Outcomes	
DO1	A diverse range of land uses at an appropriate scale and intensity that capitalise on the region's proximity to the metropolitan area and the tourist and lifestyle opportunities this presents while also conserving the natural and rural character, identity, biodiversity and sensitive environmental areas and scenic qualities of the landscape.
DO2	A zone that promotes agriculture, horticulture, value adding opportunities, farm gate businesses, the sale and consumption of agricultural based products, tourist development and accommodation that expands the economic base and promotes its regional identity.
DO3	Create local conditions that support new and continuing investment while seeking to promote co-existence with adjoining activities and mitigate land use conflicts.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 2.1, 2.2, 6.3, 6.4 11.1 and 14.1	
DPFs: 1.1, 2.1, 2.2, 6.3 and 6.4	

The subject land is a rural living allotment of approximately 1.2 hectares that contains a single storey dwelling and ancillary structures. The proposal is seeking to construct a building that is to be used for the storage of personal vehicles, a caravan, trailer and other domestic items.

Part 7 of the Planning and Design Code defines an “outbuilding” as:

*a non-habitable detached building on the same site as a main building which is ancillary and subordinate to the main building and has a use and function which relates to the main building, but does not include a private bushfire shelter.*

The applicant has confirmed that the building is non-habitable and will be used by the occupants of the existing dwelling for domestic storage purposes. Although the building is larger than a typical outbuilding, the building is subordinate to the existing dwelling given the low intensity of its use, the low scale of the built form, and the siting of the building in the same location as an existing outbuilding to which it will replace. The proposed building is therefore a form of outbuilding.

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The proposal also includes the storage of a heavy vehicle (i.e. truck) on the site as the storage/parking of a vehicle greater than 3000kg is not excluded from the definition of 'development'. The applicant has confirmed that the heavy vehicle is a domestic restoration project and will not be operated from the site for any commercial or industrial activities.

The representors are concerned that the size of the proposed building and the storage of a heavy vehicle may give rise to industrial or commercial activities on the site. The proposal must be assessed based on the information provided and there is no reason to suspect that the building will be used for activities other than those that relate to existing dwelling on the land. A condition of approval has been included to reinforce that the building is to be used only for domestic purposes and not involve any commercial, industrial or habitable activities.

The subject land is situated within the Productive Rural Neighbourhood Zone of the Planning and Design Code. DO 1 and PO 1 of the zone envisage primary production activities and lifestyle opportunities that conserve the natural and rural character. Domestic buildings and activities such as outbuildings, that are ancillary and subordinate to existing residential development are supported. An 'outbuilding' is listed in DPF 1 as a contemplated form of development in the zone. The proposed outbuilding is therefore orderly and appropriate from a land use perspective.

PO 11.1 supports "large buildings" provided they are designed and sited to minimise their visual impact. This can be achieved by siting buildings away from roads and boundaries and on flat land, and by using low reflective materials. The proposed outbuilding is of a standard shed design comprising a gable roof and Colourbond wall and roof cladding finished in Woodland Grey. The design and appearance of the built form is acceptable for an ancillary building and the dark colour will complement the rural character. The siting of the building also achieves substantial setbacks of between 8.5 and 20 metres from adjacent boundaries, which allows existing vegetation to be retained. The existing vegetation will provide a dense screen, particularly to the road frontages. For these reasons, the impact of the proposed building on scenic and rural vistas would not be significant. PO 11.1 is therefore considered to be satisfied.

DTS/DPF 14.1 provides several quantitative parameters for outbuildings. These parameters include a maximum floor area of 100m<sup>2</sup> and maximum wall and roof height of 5 metres and 6 metres respectively. It is important to note that these size parameters are applied to Deemed-to-Satisfy development that do not require a performance-based assessment. The maximum floor area and wall/roof heights are also applied to all properties, irrespective of their site area.

As the proposal is a performance assessed development, the size and scale of the building needs to be assessed against the relevant Performance Outcome. PO 14.1 requires ancillary buildings to be "sited, designed and of a scale that maintain a pleasant natural and rural character and amenity". The revised proposal has a reduced floor area of 441m<sup>2</sup> and a wall height of 4.30 metres and roof height of 6.04 metres. The wall and roof height is consistent with the DTS standard. Although the floor area of the proposed outbuilding is significantly greater than the DTS standard, the overall size and scale of the building is considered to achieve the key Performance Outcomes given that:

- The building floor area of approximately 441m<sup>2</sup> is proportionate to the size of the subject land that at least 1.2 hectares in area;
- The new building will replace an existing building resulting in a net floor area increase of approximately 297m<sup>2</sup>;
- The building is located on the northwestern side of the site and thus will not cramp or visually overwhelm the existing dwelling;
- The siting of the building is consistent with that of the existing outbuilding;
- The significant boundary setbacks will allow for the retention of existing vegetation that will visually screen the building.
- The building is single storey with a maximum roof height of 6.04 metres; and

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- The gable roof design and dark colour of the external materials will complement the existing rural character and amenity.

It has been reasonably demonstrated that the use, siting and scale of the proposed development is such that it would not undermine existing, or desired primary production activities nor detract the from the rural character and scenic qualities of the surrounding area. The proposal is consistent with DO 1 and PO 1.1, 2.1, 2.2, 11.1 and 14.1 of the Productive Rural Landscape Zone.

### Overlays

#### Hazards (Bushfire- Medium Risk) Overlay

Desired Outcomes	
DO2	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 2.2, 5.1 and 5.3	
DPFs: 2.2 and 5.1	

The subject land is with the Hazards (Bushfire – Medium Risk) Overlay.

As required by the Overlay, the proposal includes the following bushfire safety measures:

- The outbuilding is sited no closer than 6 metres from the existing dwelling;
- The vegetation surrounding the proposed building is not potentially hazardous;
- An additional water supply of 15000 litres will be provided for firefighting;
- The site has public road access and the internal driveway is designed with a formed all-weather surface and with gradient, dimension and turning areas that facilitate safe and convenient access for fire fighting vehicles; and
- There are clear and unobstructed pedestrian pathways for the evacuation of occupants.

The bushfire risks have been adequately considered by the applicant with measures put in place that satisfy the requirements of the Hazards (Bushfire – Medium Risk) Overlay.

#### Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay

Desired Outcomes	
DO1	Safeguard Greater Adelaide's public water supply by ensuring development has a neutral or beneficial effect on the quality of water harvested from secondary reservoirs or diversion weir catchments from the Mount Lofty Ranges.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 1.2, 2.5, 3.2, 3.3 and 4.1	
DPFs: 1.2, and 2.5	

DO 1 of the Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay is seeking the protection of public water supply in the Watershed Area. A civil design and associated stormwater calculations have been prepared by TMK Engineers to ensure that stormwater runoff is not increased and that appropriate containment measures are in place. This includes a new 20KL rainwater tank that is to be provided adjacent to an existing above-ground tank.

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It has been demonstrated that stormwater runoff will be managed on-site so as not to result in any negative impacts on the water quality within the catchment area. The proposal is consistent with DO 1 and the relevant PO's of the Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay.

#### Native Vegetation Overlay

Desired Outcomes	
DO1	Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1	
DPFs: 1.1	

This proposal does not include the removal of any native vegetation as the site for the proposed building is clear of vegetation and is already occupied by an outbuilding.

The applicant has also provided a Native Vegetation Declaration advising that the proposal will not impact on vegetation. It is further noted that Council Historical Imagery of the site indicates that all vegetation has been planted and would not satisfy the definition of native vegetation as per the *Native Vegetation Act 1991*. The proposal is therefore consistent with DO 1 and PO 1.1.

#### Urban Transport Routes Overlay

Desired Outcomes	
DO1	Safe and efficient operation of Urban Transport Routes for all road users.
DO2	Provision of safe and efficient access to and from Urban Transport Routes.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 2.1, 3.1 and 5.1	
DPFs: 1.1, 2.1, 3.1 and 5.1	

The existing access arrangements from Mappinga Road will be maintained and the proposed building will not generate any additional traffic as it is to be used for domestic storage.

The existing access is over 25 metres, with an approximate setback of 100.00m from Onkaparinga Valley Road.

The proposal will not impact on the safety and efficiency of Urban Transport Routes.

#### Water Resources Overlay

Desired Outcomes	
DO1	Protection of the quality of surface waters considering adverse water quality impacts associated with projected reductions in rainfall and warmer air temperatures as a result of climate change.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 1.2, 1.5 and 1.7	
DPFs: 1.5	

The proposed outbuilding is to be setback 7.40m from an existing dam on the site that is located near the northern boundary. There are no other existing water resources traversing the subject land.



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The proposal is consistent with the Water Resources Overlay.

**General Development Policies**

**Design**

<b>Desired Outcomes</b>	
DO1	Development is: <ul style="list-style-type: none"><li>a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area</li><li>b) durable - fit for purpose, adaptable and long lasting 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</li><li>c) 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.</li></ul>
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 3.1, 5.1, 6.1, 8.1, 10.1, 10.2, 20.1, 31.1 and 31.2	
DPFs: 6.1, 8.1, 10.1 and 10.2	

As considered above in the zone section, the gable roof and dark colour of the external materials will complement the existing rural character and amenity. Also, the built form will not be readily visible from the adjacent road frontages given the significant boundary setbacks and screening provided by existing vegetation. The proposed outbuilding is fit for purpose and will respond appropriately to the surrounding rural character in accordance with DO 1.

The proposed outbuilding will require minimal earthworks as it is located on flat land that was previously benched for the existing outbuilding. Similarly, no earthworks will be required for vehicle access as the existing driveway will continue to provide safe and convenient access as per PO 8.2.

**Infrastructure and Renewable Energy Facilities**

<b>Desired Outcomes</b>	
DO1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 12.2	
DPFs: 12.2	

As the proposed building is ancillary to the existing dwelling and will be used for storage purposes, it will not result in any additional demand on existing infrastructure and services.

The proposed building will not encroach on the existing wastewater system.

DO 1 and PO 12.2 are satisfied.

### **CONSIDERATION OF SERIOUSLY AT VARIANCE**

Having considered the proposal against the relevant provisions of the Planning and Design Code Version 2025.2 30/01/2025, the proposal is not considered to be seriously at variance with the provisions of the Planning and Design Code for the following reasons:

- The proposal is consistent with the Desired Outcome for the Productive Rural Landscape Zone.
- The proposed development is ancillary and subordinate to the existing dwelling and will facilitate the better enjoyment of the subject land for its occupants.
- The proposed building will not have any adverse visual impacts as it is well-setback from boundaries and screened by existing vegetation.
- The proposed built form is sufficiently compatible with the existing rural character and amenity.
- It has been demonstrated that the proposal would not undermine existing, or desired primary production activities nor detract the from the amenity of surrounding land, through design or proposed use.

### **CONCLUSION**

Having considered the proposal against the relevant provisions of the Planning and Design Code, the proposal is not seriously at variance with the Planning and Design Code.

The proposed outbuilding is ancillary and subordinate to the existing dwelling on the land and will facilitate the better enjoyment of the subject land by its occupants. The proposal is an orderly and contemplated form of development within Productive Rural Landscape Zone.

Although the outbuilding is rather large for a domestic building, it has been demonstrated that the visual impacts would not be significant given the low-impact nature of the use, the low building profile and non-reflective materials, and the separation to road frontages and property boundaries.

The proposal would not undermine existing, or desired primary production activities nor detract the from the rural character and scenic qualities of the surrounding area.

For these reasons, the proposal achieves the Desired and Performance Outcomes for the Productive Rural Landscape Zone, the relevant Overlays and General Provisions of the Code and thus warrants the granting of Planning Consent.

### **RECOMMENDATION**

**It is recommended that the Council Assessment Panel resolve that:**

- 1) The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.**
- 2) Development Application Number 24040612 by Mark Ebenreuter for outbuilding ancillary to existing dwelling and parking of one (1) heavy vehicle (over 3 tonne) at 12 Mappinga Road Oakbank is granted Planning Consent subject to the following conditions:**

### **CONDITIONS**

**Planning Consent**

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- 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) The external finishes to the outbuilding herein approved shall be as follows.  
WALLS: Colorbond Woodland Grey or similar  
ROOF: Colorbond Woodland Grey or similar
- 3) Prior to commencement of work, straw bales (or other soil erosion control methods as approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during construction.
- 4) The outbuilding shall not be used for human habitation, commercial or industrial purposes. Any such activity may constitute a change in use and will require separate development approval.
- 5) The heavy vehicle (over 3 tonne) is not to be used for commercial or industrial purposes. Any such activity may constitute a change in use and will require separate development approval.
- 6) Activities undertaken in the outbuilding and/or machinery use in the outbuilding shall be limited to the hours of 8:00am to 8.00pm Monday to Saturday, and to the hours of 9:00am to 8.00pm Sunday.

### **ADVISORY NOTES**

- 1) 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.
- 2) This Planning Consent is valid for a period of twenty four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.
- 3) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
- 4) 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.
- 5) This consent is strictly limited to works on the subject land. This consent does not permit any alteration to road verge. Works including tree pruning/removal, earthworks, kerbing, storage of material or any alteration to the verge or a reserve requires a separate approval under Section 221 of the *Local Government Act 1999*. For more information regarding this process please visit: <https://www.ahc.sa.gov.au/development/roads-and-construction/authorisation-to-alter-a-public-road>

### **OFFICER MAKING RECOMMENDATION**

**Name:** Tim Mason  
**Title:** Statutory Planner

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<b>DEVELOPMENT NO.:</b>	25007199
<b>APPLICANT:</b>	Cobbs Hill Estate
<b>ADDRESS:</b>	362 OAKWOOD RD OAKBANK SA 5243 362 OAKWOOD RD OAKBANK SA 5243
<b>NATURE OF DEVELOPMENT:</b>	Variation of DA 21017786 – Change to location and design of the approved function venue and water storage tanks (30KL and 22KL) and removal of retaining walls and the 100KL underground tank (Retrospective)
<b>ZONING INFORMATION:</b>	<b>Zones:</b> <ul style="list-style-type: none"><li>• Productive Rural Landscape</li></ul> <b>Overlays:</b> <ul style="list-style-type: none"><li>• Environment and Food Production Area</li><li>• Hazards (Bushfire - High Risk)</li><li>• Hazards (Flooding - Evidence Required)</li><li>• Limited Land Division</li><li>• Mount Lofty Ranges Water Supply Catchment (Area 2)</li><li>• Native Vegetation</li><li>• Prescribed Water Resources Area</li><li>• Water Resources</li></ul>
<b>LODGEMENT DATE:</b>	16 Apr 2025
<b>RELEVANT AUTHORITY:</b>	Adelaide Hills Council Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	P&D Code (in effect) Version 2025.7 10/04/2025
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	No
<b>RECOMMENDING OFFICER:</b>	Doug Samardzija Senior Statutory Planner
<b>REFERRALS STATUTORY:</b>	None
<b>REFERRALS NON-STATUTORY:</b>	None

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**DETAILED DESCRIPTION OF PROPOSAL:**

The proposal seeks to vary the original Development Authorisation of 21017786 which was for the construction of a function centre and restaurant building with associated car parking and landscaping, 100,000 litre underground water storage tank and the proposal also included variations to Development Authorisation 16/973/473 to increase the overall capacity, the number of functions and operating hours and Development Authorisation 16/882/473 to increase the capacity of the existing cellar door and to undertake the development in two stages:

Stage 1: Vary cellar door capacity and number of functions, with deletion of special events, upgrade of car parking, vehicle access and waste control system, and

Stage 2: Construction of the function centre and restaurant building and remainder of works

Stage 1 of DA 21017786 as outlined above has already been completed and the applicant is now seeking to vary Stage 2 of the application by proposing to alter the design and the location of the function centre building. A breakdown of the changes is provided below:

- The architecturally designed building is being replaced by a permanent light weight function venue building referred to as the 'Pavilion'.
- Retaining walls, 100KL underground water storage tank, earthworks and associated landscaping surrounding the original proposal is also being removed. Additionally, the kitchen and the toilet areas are being removed from the floor plan.
- The new function venue is proposed on the lawn area currently used for functions, east of the existing cellar door/restaurant building. The amended building location is 31m north of where the original function venue building was approved.
- The new building will measure 25m x 15m for a total floor area of 375m<sup>2</sup>. It will have 3m wall heights for an overall height of 4.88m to the apex of the roof.
- No changes are proposed to the site's existing overall capacity of 330 persons or the function capacity of 130 persons. With the exception to the amended acoustic conditions, no other conditions from DA 21017786 are changing.
- 22KL above-ground water tank is proposed for fire-fighting water supply in addition to a 30KL water tank for stormwater management.

A copy of the varied proposal plans and details is contained in **Attachment 1**.

A copy of the Previous approval documents is contained in **Attachment 6**.

**BACKGROUND:**

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
18/08/2008	473/90/2006	Land Division - Boundary Realignment - DAC relevant authority
11/10/2016	473/466/16	Vineyard addition (11.33 hectares in total) to be undertaken in two (2) stages - Stage 1- 5.25 hectares - Stage 2- 6.08 hectares
13/11/2017	473/882/16	Change of use from dwelling to cellar door (maximum capacity 75) & motel (maximum of 6 guests), including two (2) freestanding advertising signs & associated car park & earthworks

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01/06/2021	473/973/16	Change of use to a function centre (Special Events with maximum capacity 208 persons on 7 occasions a year & Functions with maximum capacity of 130 persons on 18 occasions a year) in association with existing cellar door & increase the car parking area (non-complying)
14/12/2021	20128842	Store building (bottled wine storage)
15/03/2021	21041517	Alterations and additions to existing cellar door (shop), verandah & deck
09/05/2022	22000517	Horticulture (vineyard)
28/12/2023	23036588	Variation of DA 21041517 - Internal stairs deleted, construct a deck and alteration to toilet lay out.
08/03/2024	21017786	<p>Construction of a function centre and restaurant building with associated car parking and landscaping, 100,000 litre underground water storage tank and variations to Development Authorisation 16/973/473 to increase the overall capacity, the number of functions and operating hours and Development Authorisation 16/882/473 to increase the capacity of the existing cellar door and to undertake the development in two stages:</p> <p>Stage 1: Vary cellar door capacity and number of functions, with deletion of special events, upgrade of car parking, vehicle access and waste control system; and</p> <p>Stage 2: Construction of the function centre and restaurant building and remainder of works</p>
07/03/2024	23009545	Agricultural building, alterations and enclosure of existing verandah and construction of a masonry wall
25/07/2024	23037800	Change of use of existing cellar door building to include a restaurant, variation to DA 21017786 to remove the restaurant from the approved function centre building and to vary Condition 13 to increase the days of restaurant operation from 2 days per week to 3 days per week plus public holidays, and to vary Condition 11 to increase the capacity of the cellar door to 200 persons on public holidays

**SUBJECT LAND & LOCALITY:****Location reference:** 382B Swamp Rd, Oakbank SA 5243**Title ref:** CT6035/473 **Plan Parcel:** D7987 QP 1 and QP 2**Council:** Adelaide Hills Council

**Site Description:**

The subject land is a large irregular shape primary production allotment consisting of two pieces with a combined area of 88 hectares. The allotment has two frontages with the primary frontage and access to the site from Swamp Road with an internal gravel access track, whilst the secondary frontage and access is from Oakwood Road. Swamp Road is a sealed road.

The subject land is one of undulating topography containing a large water course running north-east through the land as well as a number of other smaller water courses scattered throughout the site. The primary use of the site is primary production related activities in the form of viticulture with secondary uses being a cellar door/restaurant and function venue, with associated bed and breakfast. All activities are contained within and surrounding the existing building on the site which was previously used as a homestead. Other site features include outbuildings and agriculture buildings predominantly clustered together with a small portion of buildings located in the other areas of the allotment. Whilst not part of the development site, the immediate adjoining allotment to the south of the Swamp Road access known as 382 Swamp Rd, Oakbank is under the same ownership as the subject land and this allotment contains a dwelling that is occupied by the caretaker of the Cobbs Hill Estate.

**Locality:**

The locality is characterised by a mixture of allotment sizes and uses ranging from smaller rural living allotments of approximately 1 hectare to large primary production allotments of up to 88 hectares. The majority of the allotments in the locality are used for rural living purposes however there are a number of allotments smaller than the subject land which too are also used for a range of different primary production purposes. The locality is also characterised by dense vegetation on surrounding allotments along with water courses. East of the locality are the two closest townships of Balhannah and Oakbank.

**CONSENT TYPE REQUIRED:**

Planning Consent

**CATEGORY OF DEVELOPMENT:**

- **PER ELEMENT:**  
Function centre: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**  
Code Assessed - Performance Assessed

**PUBLIC NOTIFICATION**

- **REASON**  
The proposal being only a variation application to the original DA did not require public notification. The elements that are being changed relating to the function venue location do not trigger public notification as specified in Table 5 of the Zone. The proposal was deemed to be a variation because it is only in reference to the location and the design of the function venue building. All other aspects of the original DA relating to the capacity, parking, stormwater management, vehicle movements and the waste system remain unchanged with these elements already established on site.

**AGENCY REFERRALS**

None.

ITEM 8.2

EPA have confirmed that because the variation only relates to the change in the function venue location and design and does not seek to change the capacity or the waste system, that no referral is required. EPA email confirmation is contained in **Attachment 4 – Referral Responses**.

**INTERNAL REFERRALS**

None

**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.*

A detailed assessment of the application has taken place against the relevant provisions of the Planning and Design Code (P & D Code) and this is provided below under a series of headings. A Policy Enquiry extract containing the relevant provisions of the P & D Code is contained in **Attachment 5 – Relevant P & D Code Policies**.

**Productive Rural Landscape Zone:**

Desired Outcomes	
DO1	A diverse range of land uses at an appropriate scale and intensity that capitalise on the region's proximity to the metropolitan area and the tourist and lifestyle opportunities this presents while also conserving the natural and rural character, identity, biodiversity and sensitive environmental areas and scenic qualities of the landscape.
DO2	A zone that promotes agriculture, horticulture, value adding opportunities, farm gate businesses, the sale and consumption of agricultural based products, tourist development and accommodation that expands the economic base and promotes its regional identity.
DO3	Create local conditions that support new and continuing investment while seeking to promote co-existence with adjoining activities and mitigate land use conflicts.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 2.1, 2.2, 6.1, 6.2, 6.5, 6.6 and 11.1	
DPFs: 1.1, 2.1, 2.2, 6.1, 6.2, 6.5 and 6.6	

The overall bulk and scale of the varied building design is less than that of the original building. The floor area is reducing from 410m<sup>2</sup> to 378m<sup>2</sup>. The overall height is also reducing from 8m to 4.88m. The building is still of a large scale, but that scale has significantly been reduced, especially the height.



**ITEM 8.2**

The location of the building is still adjacent to the cellar door/restaurant building and largely in the same vicinity as the original building. The building is significantly setback from boundaries with a 341m setback from the front boundary and 200m from the closest neighbouring boundary, meaning that it is either not going to be visible or that all views of the structure would be distant. The location is also part of the existing lawn area that has approval rights for functions. Whilst externally the roof of the building is of a lighter tone than that of the original, it is still considered acceptable. Given its location as outlined above plus the fact that it will be nestled amongst the vegetation, there will be no visual impacts. The proposal is therefore consistent with PO 11.1.

The extent of the earthworks is also reducing. The original proposal included approximately 1.3m of cut along the rear portion of the building and 2m of fill along the front portion of the building. The variation will eliminate the need for any earthworks with the building proposed on the existing flat portion of land. The proposal will not create any visual impacts and as such it still satisfies PO 2.2.

**Overlays****Environment and Food Production Areas:**

<b>Desired Outcomes</b>	
DO1	Protection of valuable rural, landscape, environmental and food production areas from urban encroachment
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1 DPFs: -	

Considering that the proposed development is not related to land division the above overlay is not considered to be relevant in assessment of this application.

**Hazards (Bushfire-High Risk):**

<b>Desired Outcomes</b>	
DO1	Development, including land division is sited and designed to minimise the threat and impact of bushfires on life and property with regard to the following risks: <ul style="list-style-type: none"> <li>a) potential for uncontrolled bushfire events taking into account the increased frequency and intensity of bushfires as a result of climate change</li> <li>b) high levels and exposure to ember attack</li> <li>c) impact from burning debris</li> <li>d) radiant heat</li> <li>e) likelihood and direct exposure to flames from a fire front.</li> </ul>
DO2	Activities that increase the number of people living and working in the area or where evacuation would be difficult is sited away from areas of unacceptable bushfire risk.
DO3	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1, 2.1, 3.1 and 6.1 DPFs: 6.1	

**ITEM 8.2**

The proposed external colours and materials are of non-reflective nature and consist of a single layer of clear PVC for the walls and a white thermo system for the roof. The roof is of a brighter tone but is not the type that is reflective. Additionally, the proposal is considered to be in a location that will not result in magnification or reflection of light and therefore become a bushfire risk. The proposal is consistent with PO 1.1. The building is also proposed in an area that is not covered in dense hazardous vegetation or steep terrain to ensure consistency with PO 2.1.

The proposed building is not elevated above ground and as such there is no potential for trapping of debris against or underneath the building which ensures consistency with PO 3.1.

Adequate access has been designed from the road to the proposed structure along with a turning area for emergency vehicles to ensure consistency with PO 6.1 and DPF 6.1. The access and the turning area will remain unchanged from that originally approved because the new location is only 31m away from the original approved location. Whilst the proposed use will increase the number of people working in the area it has been designed in a way that ensures that those people are not exposed to unnecessary bushfire risk. This has been done by placing the building away from hazardous vegetation and through the previous upgrade of the access point and the internal track in a way that ensures vehicles, including the emergency vehicles, are able to easily enter and exit the site. A 22KL above ground water tank is proposed for fire-fighting water supply in addition to the 30KL water tank for stormwater management. The proposal is therefore consistent with the intent of DO 2.

**Hazards (Flooding-Evidence Required):**

<b>Desired Outcomes</b>	
DO1	Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1 DPFs: -	

The subject land is not flood prone nor is there any evidence to suggest that the site of development is flood prone. As such it is considered that the above overlay is not applicable to the assessment of this application.

**Limited Land Division:**

<b>Desired Outcomes</b>	
DO1	The long term use of land for primary production is maintained by minimising fragmentation through division of land.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1 and 1.2 DPFs: -	

Considering that the proposed development is not related to land division the above overlay is not considered to be relevant in assessment of this application.

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**Mount Lofty Ranges Water Supply Catchment (Area 1):**

<b>Desired Outcomes</b>	
DO	None
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 2.4	
DPFs: -	

The main concerns in this overlay relate to the on-site effluent disposal area to ensure that the proposal does not impact on the water quality of the Watershed Area 1. As mentioned earlier in the report, the proposed variation is not making any changes to the already approved and installed on-site waste system. The overall capacity of the site is also remaining the same despite the reduction in the size of the function venue. Toilet facilities and the kitchen have also been removed from the floor plan in the varied proposal. Instead, the kitchen and the toilet facilities in the existing restaurant building will be used. The proposal is also not seeking to increase the capacity of the site beyond that already approved. As such, there are no additional watershed implications.

**Mount Lofty Ranges Water Supply Catchment (Area 2):**

<b>Desired Outcomes</b>	
DO1	Safeguard Greater Adelaide's public water supply by ensuring development has a neutral or beneficial effect on the quality of water harvested from secondary reservoirs or diversion weir catchments from the Mount Lofty Ranges.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1 and 1.2, 2.1, 2.4, 2.5, 3.1, 3.2, 3.6, 3.9 and 4.1	
DPFs: 1.2, 2.1, 2.4, 2.5, 3.1, 3.6 and 3.9	

The amended stormwater management plan includes a 30,000-litre tank with the stormwater from the building proposed to be directed into the tank and with the overflow to effectively be managed on site. Given the location of the building and the allotment size this will be easily managed. There are no changes proposed to the stormwater management from the car parking area. The proposal is therefore considered to be consistent with the relevant POs 1.2, 3.1, 3.2, 3.3, 3.9 and DPFs 1.2 and 3.9.

**Native Vegetation:**

<b>Desired Outcomes</b>	
DO1	Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1 and 1.2	
DPFs: 1.1	

The proposal does not include removal of any native vegetation. Additionally, a native vegetation declaration form has been signed and provided confirming that the proposal does not include removal of native vegetation. The proposal is therefore consistent with PO and DPF 1.1.

**Prescribed Water Resources Area:**

<b>Desired Outcomes</b>	
DO1	Sustainable water use in prescribed surface water resources areas maintains the health and natural flow paths of water courses
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1	
DPFs: 1.1	

The variation is not changing anything in relation to the water supply. Whilst the building is being relocated it will still have adequate on-site water supply to cater for the needs and as such be consistent with PO 1.1.

**General Development Policies****Clearance from Overhead Powerlines:**

<b>Desired Outcomes</b>	
DO1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1	
DPFs: 1.1	

This proposal will not impact on any powerlines and a declaration to this effect has also been provided by the applicant confirming that construction of the building is going to be in accordance with the section 86 of the Electricity Act 1996.

**Design:**

<b>Desired Outcomes</b>	
DO1	<p>Development is:</p> <ul style="list-style-type: none"> <li>a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area.</li> <li>b) durable - fit for purpose, adaptable and long lasting.</li> <li>c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors.</li> <li>d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.</li> </ul>
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.4, 1.5, 2.1, 2.3, 3.1, 3.2, 5.1, 6.1, 7.2, 7.3, 7.6, 7.7, 8.1, 15.1, 19.3, 19.4, 19.5, 20.1, 31.1 and 31.2	
DPFs: 1.4, 6.1, 8.1, 19.2, 19.3, 19.4 and 19.5	

DO 1 seeks development that is durable, fit for purpose, adaptable and long lasting. The proposed building is considered to adequately address this desired outcome considering that it has been designed for the intended use.

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The footprint of the building is being reduced to that of the original approval, the overall footprint is still one of a larger scale but appropriate given that the building is proposed in the middle of the site with the setbacks from all boundaries in excess of 300m, additionally any views of the building if present from the road or neighbouring properties are going to be distant in nature. Whilst the external design of the amended building is of a far lower standard to the original, when considering its location and the fact that it will be behind the existing cellar door/restaurant building and considering it is proposed to be nestled amongst the vegetation, the overall size, height and appearance of the building is considered to be acceptable. All waste management, loading and unloading areas will continue be out of view and internal to the site. The proposal is therefore considered to be consistent with POs 1.4, 1.5 and 15.1,

The site plan provided shows that existing vegetation around the building is going to be maintained. A detailed landscaping plan in this instance has not been requested given that the area is not going to be visible from public realm. Additionally, the area surrounding the building is already relatively well landscaped and this landscaping will remain in place. The proposal is consistent with POs 3.1 and 3.2.

The extent of the earthworks is being reduced. The original proposal included approximately 1.3m of cut along the rear portion of the building and 2m of fill along the front portion of the building. The works also included retaining walls and steps. The variation will eliminate the need for any earthworks with the building proposed on the existing flat portion of land.

Earthworks relating to access upgrades and car parking have already been undertaken as part of the stage 1 of works relating to the original DA.

**Infrastructure and Renewable Energy Facilities:**

<b>Desired Outcomes</b>	
DO1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1, 11.1, 12.1 and 12.2	
DPFs: 11.1, 12.1 and 12.2	

Upgrades and amendments to the existing on-site waste system has been reviewed and approved by the Department for Health and Wellbeing (DHW) as part of the previous DA. The propped variation as mentioned previously is not increasing the capacity or making changes to the waste system and as such the policies listed above do not need to be considered. The only difference between the two is that the new function venue will not have a kitchen and toilets as illustrated on the floor plan. Instead, the kitchen and toilet facilities in the existing restaurant will be used. This will essentially remove the need for additional underfloor plumbing that would have been required with ethe original proposal.

**Interface between land Uses:**

<b>Desired Outcomes</b>	
DO1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.2, 2.1, 4.1, 4.2, 4.5, 4.6, 6.1 and 6.2	
DPFs: 2.1, 4.1 and 4.6	

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This proposal as mentioned earlier is not seeking to change the approved capacity or the hours of operations. That being said, given that the location of the function building as well as its overall design and construction are changing, applicant has prepared an amended acoustic report. Whilst the acoustic report considered all the noise impacts including the delivery vehicles and the car parking noise, the only relevant ones in relation to this application were the patron and music noise.

On comparison of the original acoustic report to the amended, the measurements and the findings are almost identical, demonstrating that the noise impacts associated with music and patrons is within the allowable parameters provided that the use is undertaken in accordance with the original conditions attached. Those conditions did require some minor changes to reflect the new building and the new acoustic report.

In summary, the noise assessment investigation was undertaken factoring in 3 different scenarios and has determined that the music noise at the nearest sensitive receiver will be within the day and night time criterion with the following recommendations:

- No speakers are to be installed external to the proposed function centre;
- The sound pressure levels from the sound system be limited to not more than 90dBA with the levels measured approximately in the middle of the function centre;
- external performers should only use the sound system provided by the function centre;
- the sound system should be tuned and commissioned by an acoustic engineer once the speakers are in place and the sound limiter is installed.

The only difference to the original report was that it no longer required the doors and any operable glazing to be fitted with compressible acoustic seal. Condition has however still been attached requiring the doors and windows to be closed during when the music is played as per the original approval.

As previously mentioned, the new building will be located in the existing lawn area, which already has approval to host functions. To date, these functions have been held in the existing restaurant building and the associated lawn area.

Based on the noise assessment undertaken for the proposed development and based on the proposed numbers it was determined that all noise generating activities will meet the required criterion with existing conditions in place. As such it is considered that the proposal satisfies all of the relevant requirements in PO 2.1 and also the POs 4.1, 4.2, 4.4, 4.6 and DPF 4.6.

#### Out of Activity Centre Development:

Desired Outcomes	
DO1	The role of Activity Centres in contributing to the form and pattern of development and enabling equitable and convenient access to a range of shopping, administrative, cultural, entertainment and other facilities in a single trip is maintained and reinforced.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1 and 1.2	
DPFs: -	

The proposed variation has no implications on the above policies and as such they do not need to be considered.

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**Tourism Development:**

<b>Desired Outcomes</b>	
DO1	Tourism development is built in locations that cater to the needs of visitors and positively contributes to South Australia's visitor economy.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1	
DPFs: -	

The proposed variation has no implications on the above policies and as such they do not need to be considered.

**Transport, Access and Parking:**

<b>Desired Outcomes</b>	
DO1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1, 1.2, 1.3, 1.4, 3.1, 3.3, 3.4, 4.1, 5.1, 6.2, 6.4, 6.5, 6.6 and 6.7	
DPFs: 1.4, 3.1, 5.1 and 6.6	

There are no changes proposed to access and car parking arrangements. The proposal is also not increasing the capacity and as such the above policies do not need to be considered.

**CONSIDERATION OF SERIOUSLY AT VARIANCE**

The proposal is not considered to be seriously at variance with the provisions of the P & D Code. The Productive Rural Landscape Zone policies stipulate shops as an envisaged form of land use provided it maintains a pleasant rural character and amenity. The change to the design of the building and its location will not result in any interface or visual impacts. The new location is still in the predominantly same location on site and is proposed to be nestled amongst existing vegetation and any views of the building from neighbouring properties or the public realm would be distant in nature. As far as interface issues, the applicant has demonstrated that they can be effectively managed.

**CONCLUSION**

The proposal is for variation of DA 21017786 – Change to the location and design of the approved function venue and water storage tanks.

Fundamentally, the main concerns with the variation were the visual and interface issues with adjoining properties and public realm. The new location of the building is the lawn area where functions are already held, 31m north of the as previously approved building location. As such the location is still central to the site and adjacent to the existing cellar door and restaurant building. Whilst the building is in the form of a permanent marquee design of lighter roof colours, given its location and separation from the road and neighbouring properties, its impacts would be minimal if any.

From an interface perspective, the new acoustic report prepared is almost identical to the previous report, demonstrating that the interface issues can effectively be managed subject to a number of conditions which were imposed on the original application, and which only require minor adjustment to line up with the new design.

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The variation includes replacement of the approved 100KL water storage tank with two smaller water storage tanks for stormwater management and fire-fighting water supply.

Council staff are satisfied the proposed development is not seriously at variance and is sufficiently in accordance with the Planning and Design Code to warrant Planning Consent.

### **RECOMMENDATION**

**It is recommended that the Council Assessment Panel resolve that:**

**The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*; and**

**Development Application Number 21019844 by Cobbs Hill Estate for Variation of DA 21017786 – Change to location and design of the approved function venue and water storage tanks (30KL and 22KL) and removal of retaining walls and the 100KL underground tank at 362 Oakwood Road, Oakbank is granted Planning Consent subject to the following conditions: Development Application Number 25007199 by Cobbs Hill Estate for Variation of DA 21017786 – Change to location and design of the approved function venue and water storage tanks (30KL and 22KL) and removal of retaining walls and the 100KL underground tank at 362 Oakwood Road, Oakbank is granted Planning Consent subject to the following conditions:**

### **CONDITIONS**

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.**
- 2) Entertainment in the form of a range of music shall be contained within the function building during the operating hours. Windows and doors of the building shall be kept closed during times when music is played.**
- 3) Prior to occupation, the sound system shall be tuned and commissioned by an acoustic engineer in accordance with the recommendations from the Bestec Acoustic Services 100% Design Report dated 10 November 2024. When the nominated noise levels are achieved, the sound limiter and main amplifier should be locked by the acoustic engineer to prevent the settings being adjusted by staff or performers.**
- 4) All performers shall only use the sound system and amplifier provided by the function centre. No other sound systems and amplifiers are permitted to be used unless tuned and commissioned by an acoustic engineer prior to use in order to comply with the recommendations by supplementary report from Bestec Acoustic Services 100% Design Report dated 10 November 2024.**
- 5) Before each function the operator shall measure the reverberant sound pressure level (approximately in the middle of the function venue building) from each speaker to ensure it does not exceed 85dBA. The fixed automatic sound limiter shall be used to monitor sound pressure levels during the function to ensure music does not exceed 85dBA.**
- 6) Except where varied by this authorisation, all other conditions, plans and details relating to Development Authorisation 21017786 continue to apply to this amended authorisation.**

### **ADVISORY NOTES**



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**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) This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.**
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).**

**OFFICER MAKING RECOMMENDATION**

**Name:** Doug Samardzija  
**Title:** Senior Statutory Planner

## ITEM 8.3

<b>DEVELOPMENT NO.:</b>	25001838
<b>APPLICANT:</b>	Adelaide Hills Council
<b>ADDRESS:</b>	Building 10-22E 1 Lobethal Rd, Lobethal
<b>NATURE OF DEVELOPMENT:</b>	Variations to development authorisations 18/802/473 and 21035577, including alterations to internal layouts, external and internal finishes, materials, finished floor levels and expansion of plant enclosure for pavilion and buildings 14, 20, and 21 (retrospective)
<b>ZONING INFORMATION:</b>	<b>Zones:</b> <ul style="list-style-type: none"> <li>• Employment</li> </ul> <b>Overlays:</b> <ul style="list-style-type: none"> <li>• Hazards (Flooding)</li> <li>• Hazards (Bushfire - Medium Risk) (Medium)</li> <li>• Heritage Adjacency</li> <li>• Mount Lofty Ranges Water Supply Catchment (Area 2)</li> <li>• Native Vegetation</li> <li>• Prescribed Water Resources Area</li> <li>• Regulated and Significant Tree</li> <li>• State Heritage Place (15276 &amp; 26987)</li> <li>• Traffic Generating Development</li> <li>• Urban Transport Routes</li> <li>• Water Resources</li> </ul>
<b>LODGEMENT DATE:</b>	4 February 2025
<b>RELEVANT AUTHORITY:</b>	Adelaide Hills Council Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	2025.2
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed – Performance Assessed
<b>NOTIFICATION:</b>	No
<b>RECOMMENDING OFFICER:</b>	Sebastien Paraskevopoulos Senior Statutory Planner
<b>REFERRALS STATUTORY:</b>	State Heritage
<b>REFERRALS NON-STATUTORY:</b>	Nil

**CONTENTS:**

- 
- ATTACHMENT 1:** Application Documents
- ATTACHMENT 2:** Subject Land  
Map/Representation Map
- ATTACHMENT 3:** Zoning Map
- ATTACHMENT 4:** Heritage SA response
- ATTACHMENT 5:** Relevant P & D Code Policies

**DETAILED DESCRIPTION OF PROPOSAL:**

The proposal seeks to account for a number of variations made to several buildings and external elements that form the Fabrik Arts + Heritage Centre. The centre is operated by Council at the former Lobethal Woollen Mills complex. These variations, now retrospective in nature, were implemented as the Fabrik project evolved.

Many of the design changes were driven by budget constraints and escalating construction costs, prompting a series of modifications aimed at achieving cost savings while preserving the project's core objectives. Key changes included material substitutions, simplification of architectural features, reduction in project scope, rationalisation of building services, and the reuse of existing heritage elements.

Given the number and complexity of these variations, these are listed separately for each building in the sections below, to provide improved clarity and structure.

**The Pavilion building**

This building was approved in Development Application 21035577, as a 'ground floor addition (community facility including a shop, office and amenities)'. It was constructed in replacement of former buildings 12A and 12B.

Several retrospective design changes were made to the Pavilion building during construction. The slab level was raised to ensure a level transition from Building 14, which in turn influenced paving levels and eliminated the need for internal ramps. The concrete plinths beneath the windows were simplified, changing from exposed aggregate to a plain concrete finish. Changes also included the roof fascia profile being simplified from the originally approved inverted V-shaped design to a square form as constructed. Other minor changes included relocating the northern downpipes externally, a small increase in external lighting, and simplified counter joinery within the Pavilion.

**Building 14**

This building was included within the original scope of the Fabrik project and was the subject of Development Application 21035577, which proposed a change to the existing office use to include short-term accommodation for artists, along with other building alterations.

For this building, changes include removal of rear access stairs and ramp due to inconsistencies between the approved design and existing site levels, which made the original solution unworkable. The floor finish in the corridor linking the Pavilion and Building 14 was changed from timber to an extension of the exposed aggregate concrete floor for continuity and ease of construction. Minor changes were also made to internal floor finishes, including the use of vinyl in areas originally specified for other materials.

**Building 20**

This building was included in the original Fabrik Development Application (DA 18/802/473), which changed its use from offices and a museum to artist studios, art galleries with retail sales, and a hall for special events.

The HVAC system of this building was relocated externally after the original internal location proved unviable; this change, along with the increased fence height to 2400mm, has already been approved through Development Application 21035577 and an associated minor variation. This current variation seeks approval only for the increase in the fence's footprint to accommodate the relocated system. Other changes include the redesign of the lift shaft from a steel frame to a concrete core-filled block wall following engineering advice, and the addition of an internal wall to split the cleaners' rooms. The existing gantry structures on both floors were retained due to WHS constraints, with upgrades made for light storage and general tidiness. Floor changes were made, and toilet and joinery finishes were simplified, including a reduced-height reception counter to allow for artwork display.

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#### Building 21

This building was also included in the original Fabrik Development Application (DA 18/802/473), which changed its use from a group of shops (markets) to light industry (artist studio), an art gallery with special events, and a museum.

Design modifications to Building 21 focused on cost-saving measures and heritage requirements. An existing internal wall to the store room was retained, while ramp nib walls and the new reception desk joinery were removed from the proposal with the existing reception desk reused. Externally, render was removed from the laneway-facing stone wall on the north façade, and the wall was then repointed in line with heritage advice to retain and restore the original stonework. Internally, toilet finishes were revised with updated fittings and materials.

#### EXTERNAL WORKS

Paving around a tree north of the Pavilion was removed from the proposal due to tree protection requirements. At Building 14, the front porch ramp finish was changed from exposed aggregate to paving to match the surrounding works, and the extent of paving was increased to replace existing stone finishes for a more consistent appearance. Around Building 20, concrete pavement renewal was reduced at the northern end and increased near the Udder Delights forklift door, with future works to the remaining areas to be coordinated separately with the Old Woollen Mill Body Corporate.

#### BACKGROUND

The subject land carries 20 Development Approvals, with the majority having their genesis in the Fabrik Arts + Heritage Centre project in recent years.

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
2 June 2025	24004145	Gas storage tank to building 11
8 May 2025	25006179	Installation of public artwork, fixed structure
2 January 2025	24034824	Installation of bollards with associated handrails at the front of Building 14, front corner bollard to Building 21 and bollards (with handrail) between Building's 20, 21 and the laneway being used by Udder Delights for forklift access and operations, with the addition of new yellow line marking.
20 September 2024	24029116	Variation to DA 18/802 and 21035570 - Building alterations
16 December 2024	24029060	Advertising signage
13 March 2024	23036030	External & internal signage for Buildings 14, 20, 21 & pavilion building approved via DA 21035577
11 May 2023	23011518	Partial roof re-placement and re-guttering of building 20
8 March 2023	22029330	Outbuilding

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6 October 2022	22026980	Variation #2 to DA 18/802/473 to alter internal layout with resulting change to openings to Building 21 and removal/deletion of artist studio (light industry use) from Building 21
1 June 2022	21035577	Demolition of Building 12A & 12B, 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 and equipment compound behind Building 20
1 June 2022	21035570	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
22 December 2021	21041259	Re-roofing and re-guttering to a portion of Building 18
14 October 2020	18/802/473	<p>Change of use of buildings numbered 12A-12B, 20A-20F &amp; 21, and associated building alterations (internal fitout) and car parking:</p> <p>Building 12A-12B – change of use from offices to offices and light industry (artist studios) with associated ancillary retail sales;</p> <p>Building 20A-20F – change of use from offices and museum to light industry (artist studios), art gallery (x 2) with associated ancillary retail sales &amp; special events (maximum 20 per year for 150 persons), and hall and associated special events (maximum 12 per year for 30 persons);</p> <p>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</p>

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		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.
11 November 2003	03/1040/473	Change of use from museum to market

**SUBJECT LAND & LOCALITY:**

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

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

**Site Description**

The subject buildings are located within the former Lobethal Woollen Mills complex, situated on the northern side of Lobethal Road in the township of Lobethal. The complex is a significant State Heritage Place and comprises a collection of interconnected and freestanding buildings, originally developed for textile manufacturing. Over time, the site has transitioned to a mixed-use precinct, now accommodating a mix of community, cultural, creative, and commercial activities. The site's history and built form have made it a practical candidate for adaptive reuse within the township, while also presenting challenges in delivering contemporary upgrades within a heritage context.

The Fabrik Arts + Heritage Centre occupies buildings 14, 20, 21, and the pavilion within the complex and is operated by Council as a dedicated hub for arts, heritage interpretation, and community engagement. The buildings associated with Fabrik are centrally located within the broader site and are interconnected via a network of internal pathways and access points.

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The site retains many of its original industrial features and materials, including brick and stone façades, timber joinery, steel gantries, and sawtooth roof forms. These elements contribute to the industrial character of the precinct and inform the approach taken to ongoing upgrades and modifications.

**Locality**

The Woollen Mills form a distinctive community space within Lobethal, supporting a mix of light industrial, cultural, and community uses. Lobethal itself is a low-density township in the Onkaparinga Valley, with a linear town centre along Main Street and mostly detached homes on larger allotments. The locality reflects a blend of heritage significance and adaptation to modern needs. Building 21, part of the precinct, lies approximately 70 metres from nearby residential properties, demonstrating the proximity of varied land uses within the area.

**CONSENT TYPE REQUIRED**

Planning Consent

**CATEGORY OF DEVELOPMENT:**

- **PER ELEMENT:**  
Building alterations: Code Assessed - Performance Assessed  
Fence: Code Assessed - Performance Assessed  
Other - Commercial/Industrial (External Building Work) - Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**  
Code Assessed - Performance Assessed.
- **REASON**  
The Planning and Design Code provides no 'Accepted' or 'Deemed to Satisfy' pathway for the above elements –nor are they categorised as 'Restricted' under Table 4 of the zone. Therefore, as per sections 105 (b) and 107 of the Planning Development & Infrastructure Act 2016, the development is categorised as Code Assessed – Performance Assessed.

**PUBLIC NOTIFICATION**

- **REASON**  
While Table 5 – 3 of the Employment Zone excludes fencing and internal building works from public notification, not all the building alterations could be considered as internal building work. This includes modifications such as the change to the pavilion's roof fascia profile, removal of the wall render from Building 21, and various material changes.

However, these external changes are considered 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. The following points support this opinion:

- The alterations are minor in scale and do not significantly affect the visual character of the buildings.
- They do not alter the footprint, height, or form of the existing buildings, maintaining the established built form and separation from adjoining properties.
- They do not involve any change in land use or intensification.

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The external changes are therefore excluded from public notification under Table 5 – 1 of the Employment Zone, as development of a minor nature.

**AGENCY REFERRALS**

- **Heritage SA**

No concerns. Noting heritage impact is of a minor nature only and not of concern. Their full response is included as *ATTACHMENT 4 – Heritage SA Response*.

**INTERNAL REFERRALS**

- Not applicable.

**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.*

A detailed assessment of the application has taken place against the relevant provisions of the Planning and Design Code (P & D Code) and this is provided below under a series of headings. A Policy Enquiry extract containing the relevant provisions of the P & D Code is contained in ***Attachment 5 – Relevant P & D Code Policies***.

**Zone:**

**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 (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO & DPF 1.1, PO 2.1, PO 2.2, PO & DPF 3.1, PO & DPF 3.2, PO & DPF PO 3.5, PO & DPF 5.1	



**ITEM 8.3**

The proposed variations continue to support a low-impact, employment-generating use that remains consistent with the overall intent of the zone. The changes do not introduce new activities or increase the scale or intensity of the approved use. As such, the proposal is not at variance with PO 1.1.

While several design elements have been simplified as part of the variations, (i.e. the change in roof fascia profile and the use of more cost-effective finishes) these adjustments remain in keeping with the former mill's industrial character and broader site context. Heritage values have been respected through actions such as the retention and repointing of original stonework. The visual presentation to the public realm remains coherent and compatible with the original intent of the approval. On this basis, the variations are considered to satisfy PO 2.1.

More visible aspects of the complex, particularly those visible from public areas, avoid blank façades and use appropriate materials. The reconfiguration, relocation, and substitution of design elements do not result in unarticulated or visually obtrusive elevations. In areas of high visibility, such as Building 21's stone wall, visual interest has been enhanced through heritage-guided restoration. Although some materials were substituted or simplified, these changes remain sympathetic to the visual character of the site. Accordingly, PO 2.2 is satisfied.

The proposed variations do not alter existing building setbacks from the primary street, and no new built form is introduced that would conflict with the approved envelope. The development therefore continues to maintain a consistent relationship with the streetscape and complies with the setback expectations. The development continues to comply with PO 3.1 and 3.2

Building heights remain unchanged under the variations. All structures remain low-rise, consistent with the previous approval and well within the expectations of PO 3.5.

Landscaping outcomes under the approved development are largely retained. Variations such as the removal of paving around a tree support improved visual appearance of the overarching development. Visual amenity is maintained through consistent paving treatments and integration of heritage materials. On this basis, PO 5.1 is considered satisfied.

**Overlays**

**Hazards (Bushfire- Medium Risk) Overlay**

<b>Desired Outcomes</b>	
DO1	Development, including land division responds to the medium level of bushfire risk and potential for ember attack and radiant heat by siting and designing buildings in a manner that mitigates the threat and impact of bushfires on life and property taking into account the increased frequency and intensity of bushfires as a result of climate change.
DO2	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
PO 1.1, PO 2.1, PO & DPF 2.2	

The proposal does not introduce new buildings in areas of unacceptable bushfire risk, nor does it alter the siting of existing structures. As such, the development is not considered to be at variance with PO 1.1.

The retrospective design changes do not result in structural forms that would trap burning debris. Changes such as simplified fascia profiles and relocated downpipes do not compromise bushfire performance. Accordingly, PO 2.1 is considered satisfied.

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No new outbuildings or ancillary structures are proposed, and existing relationships between buildings remain unchanged. As such, the proposal does not conflict with PO 2.2.

**Hazards (Flooding) Overlay**

<b>Desired Outcomes</b>	
DO1	Impacts on people, property, infrastructure and the environment from high flood risk are minimised by retaining areas free from development, and minimising intensification where development has occurred.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
N/A	

This overlay is generally not applicable to the proposal as the development relates solely to historic/previously approved buildings and works, all of which are located outside identified flood-prone areas. The proposal does not involve land division, earthworks, new sensitive uses, or changes to access that would introduce or intensify flood risk. Accordingly, none of the overlay's provisions are considered relevant.

**Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay**

<b>Desired Outcomes</b>	
DO1	Safeguard Greater Adelaide's public water supply by ensuring development has a neutral or beneficial effect on the quality of water harvested from secondary reservoirs or diversion weir catchments from the Mount Lofty Ranges.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
PO 1.1	

The proposal complies with PO 1.1 as the variations do not introduce new land uses or intensify development in a way that would negatively affect water quality from the site, maintaining a neutral or beneficial impact on the catchment. Other policies are not relevant because the proposal does not involve increased wastewater generation, new stormwater management requirements, significant landscape modification, or land division. Therefore, the overlay does not restrict approval of these variations.

**Native Vegetation Overlay**

<b>Desired Outcomes</b>	
DO 1	Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystems services, carbon storage and amenity values.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
PO 1.1 & DPF 1.1	

The application is accompanied by a declaration stating that the proposal will not involve clearance of native vegetation under the Native Vegetation Act 1991, which accords with DPF 1.1 and associated PO 1.1.

**Prescribed Water Resources Area Overlay**

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Desired Outcomes	
DO 1	Sustainable water use in prescribed water resources areas maintains the health and natural flow paths of surface water, watercourses and wells.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
N/A	

The proposed variations have no bearing on the water supply of the site, and therefore the Performance Outcomes of the overlay are not applicable.

#### Regulated and Significant Tree Overlay

Desired Outcomes	
DO 1	Conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO 1.1, PO 1.2	

The proposed variations do not include the removal or damaging of any regulated or significant tree. In fact, the reconfiguration of the paving of to the north of the pavilion has been informed to protect a regulated tree on the site.

#### State Heritage Place Overlay

Desired Outcomes	
DO 1	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 <i>Heritage Places Act 1993</i> .
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO 1.1, PO 1.2, PO 1.3, PO 1.4, PO 1.5, PO 1.6, PO 1.7, PO 2.1, PO 2.2, PO 3.1, PO 3.2, PO 3.3, PO 3.4, PO 4.1, PO 5.1, PO 6.1, PO 7.1	

The proposal involves variations to an already approved adaptive reuse of State Heritage buildings and does not introduce new structures or land uses that would conflict with the heritage values of the place. The variations maintain original fabric where possible, simplify detailing without impacting significant elements, and reuse existing features in line with conservation principles. The variation application was referred to Heritage SA. They raised no objections, noting that the works were already completed on site, that they had been consulted on most of the changes during the project build, and that the heritage impact is only of a minor nature and not of concern. While the fascia profile to the roof of the Pavilion was not built as originally approved (DA 21035577), this variation is not considered detrimental to the heritage values of the place. The proposal is therefore consistent with all relevant provisions of the Overlay.

#### Traffic Generating Development Overlay

Desired Outcomes	
DO1	Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users.
DO2	Provision of safe and efficient access to and from urban transport routes and major urban transport routes.

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Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
N/A	

The proposed variations have no impact on access or egress from the site, with none of the POs of the overlay applicable.

**Urban Transport Routes Overlay**

Desired Outcomes	
DO1	Safe and efficient operation of Urban Transport Routes for all road users.
DO2	Provision of safe and efficient access to and from Urban Transport Routes.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
N/A	

Like the preceding overlay, the proposed variations have no impact on access or egress from the site, with none of the POs of the overlay applicable.

**Water Resources Overlay**

Desired Outcomes	
DO1	Protection of the quality of surface waters considering adverse water quality impacts associated with projected reductions in rainfall and warmer air temperatures as a result of climate change.
DO2	Maintain the conveyance function and natural flow paths of watercourses to assist in the management of flood waters and stormwater runoff.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
N/A	

This overlay is not applicable as the proposal does not involve any modification to watercourses, wetlands, floodplains, or drainage patterns, nor does it increase surface runoff or affect water-dependent ecosystems. No changes are proposed that would impact hydrology, vegetation, or water quality to any nearby watercourse.

**General Development Policies**

**Clearance from Overhead Powerlines**

Desired Outcomes	
DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO & DPF 1.1	

A declaration has been provided by the applicant that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the *Electricity Act 1996*

Design

Desired Outcomes	
DO 1	<p>Development is:</p> <ul style="list-style-type: none"><li>(a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area</li><li>(b) durable - fit for purpose, adaptable and long lasting</li><li>(c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors</li><li>(d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.</li></ul>
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO 1.1, PO 1.3, PO 3.1, PO 3.2	

Acknowledging that the proposal relates only to variations to an already approved development, the changes continue to satisfy PO 1.1 and 1.3 as the built form maintains its articulation, massing and identifiable entry points, ensuring a continued positive contribution to the street frontage and overall presentation. No alterations are proposed that would diminish the legibility or public interface of the development.

In relation to PO 3.1, the existing landscaping outcomes remain unchanged. The previously approved landscape treatments, including tree planting and soft landscaping, continue to contribute to shade provision, stormwater management, and the visual enhancement of the site and surrounding public realm. The proposal does not compromise the intent or effectiveness of these outcomes.

## CONSIDERATION OF SERIOUSLY AT VARIANCE

The proposal is *not* considered to be seriously at variance with the Planning and Design Code.

The proposed variations relate only to modifications of an already approved development and do not introduce new land uses, buildings, or substantial changes in activity or intensity. The intent and function of the development remains consistent with DO 1 and DO 2 of the Employment Zone, supporting a low-impact, employment-generating use and maintaining appropriate visual amenity.

The variations have been assessed against all relevant policies of the Code, including zone provisions and applicable overlays. Where design simplifications or substitutions have occurred, they are considered to retain alignment with the relevant performance outcomes. No adverse impacts arise in relation to water quality, flooding, traffic, heritage values, native vegetation, or overall amenity.

Accordingly, the proposal does not offend the intent of the relevant provisions and cannot be said to be seriously at variance with the Code under Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016.

## **CONCLUSION**

The variation proposal seeks retrospective approval for a number of variations to a previously approved development involving the adaptive reuse of State Heritage buildings within the Employment Zone. These changes do not introduce new land uses or intensify the approved use. The variations maintain alignment with the intent of the Employment Zone by supporting a low-impact, employment-generating activity that is compatible with the site's existing industrial character and heritage significance.

Assessment against the relevant provisions of the Planning and Design Code confirms that the proposal continues to satisfy applicable policies, including those relating to built form, heritage conservation, landscaping, bushfire risk, and visual amenity. The changes retain appropriate setbacks, height, and articulation, and preserve the overall quality and intent of the previously approved development. Heritage SA has reviewed the works and raised no objection, noting that the heritage impacts are minor and not of concern.

No overlays or general development policies are triggered in a way that would compromise the intent or functionality of the site. As such, the proposed variations are not seriously at variance with the Planning and Design Code and are considered to be acceptable from a planning perspective, warranting the granting of Planning 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 25001838, by Adelaide Hills Council for variations to development authorisations 18/802/473 and 21035577, including alterations to internal layouts, external and internal finishes, materials, finished floor levels and expansion of plant enclosure for pavilion and buildings 14, 20, and 21 (retrospective) at Building 10-22E 1 Lobethal Rd, 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 Authorisations 18/802/473 and 21035577 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**

**Nil.**

## **ADVISORY NOTES**

### **General Notes**

**ITEM 8.3**

- 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) This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
- 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.
- 6) 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**

**Name:** Sebastien Paraskevopoulos  
**Title:** Senior Statutory Planner