

**COUNCIL ASSESSMENT PANEL MEETING
13 November 2019**

AGENDA – 8.1

Applicant: Stanley Bridge Freehold Pty Ltd	Landowner: Stanley Bridge Freehold Pty Ltd
Agent: Folland Panozzo Architects	Originating Officer: Sarah Davenport
Development Application:	19/120/473
Application Description: Change of use from light industry & retail showroom to restaurant (40 seats), associated car parking & landscaping (non-complying)	
Subject Land: Pce: 11 Sec: P1922 DP:46011 CT:6120/996	General Location: 34 Onkaparinga Valley Road Verdun Attachment – Locality Plan
Development Plan Consolidated : 24 October 2017 Map AdHi/3 & AdHi/76	Zone/Policy Area: Watershed (Primary Production) Zone - Settlement Policy Area
Form of Development: Non-complying	Site Area: 1302 m ²
Public Notice Category: Category 3 Non Complying Notice published in The Advertiser on 2 August 2019	Representations Received: 2 Representations to be Heard: 1

1. EXECUTIVE SUMMARY

The purpose of this application is to undertake alterations and additions to the stone building of heritage character (but which is not listed as such) at 34 Onkaparinga Valley Road, changing the use of the land to a restaurant (café). The additions comprise an internal fit out of the existing stone building and an extension to the rear, including deck area. The development includes provision of 14 car parking spaces, including one parking space for persons with a disability and one dedicated staff car parking space. The car parking area is to be landscaped. The proposal will not include advertising or signage.

The subject land is located within the Watershed (Primary Production) Zone - Settlement Policy Area and the proposal is a non-complying form of development. One representation in opposition and one representation in support of the proposal were received during the Category 3 public notification period.

As per the CAP delegations, the CAP is the relevant authority for Category 3 development where a representor wishes to be heard.

The main issues relating to the proposal are impact on the interface with adjoining land uses, particularly in relation to operating hours and patron/entertainment noise and the impact of the extension on an existing tree.

Following an assessment against the relevant zone and Council Wide provisions within the Development Plan, staff are recommending that **CONCURRENCE** from the State Commission Assessment Panel (SCAP) be sought to **GRANT** Development Plan Consent.

2. DESCRIPTION OF THE PROPOSAL

The proposal is for the following:

- Change of use to restaurant with 40 seat capacity
- Alterations and additions to existing stone building, including upgrade to the façade and replacement of the existing galvanised roof and verandah. The additions include an internal fit out and extension to the rear of the building, including the construction of a deck area. The extension is to be constructed with timber, galvanised iron and glazing.
- Creation of a 14 space car park and landscaping
- Operating hours :
Sunday to Thursday - 7.00am to 10.00pm
Friday and Saturday - 7.00am to 12.00am (midnight)

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

3. BACKGROUND AND HISTORY

The application was initially submitted, proposing the following hours of operation:

Sunday to Thursday: 7:00am – 11:00pm
Friday to Saturday: 7:00am - 2:00am the next day

Council staff requested an acoustic report to ascertain the likely offsite impact of such extensive hours, noting the proposal incorporates live entertainment on weekends. Despite the recommended noise attenuation measures, staff determined that the proposed hours would still fail to satisfy a number of development plan policies, particularly around interface and scale of commercial development. The applicant has complied with Council’s request and since reduced the proposed hours of operation to those more conducive of a restaurant.

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
19 October 1998	1998/995/473	Removal of Kitchen wall
Pre-1985	District Council Mount Barker	Light Industry – glass blower and screen printing

4. REFERRAL RESPONSES

- **DPTI**
The Department of Planning, Transport and Infrastructure (DPTI) have no objections to the proposed development provided that the proposed car park can facilitate forward access and egress at all times. DPTI are satisfied with the 6m wide access off Onkaparinga Valley Road subject to recommended conditions (refer conditions 22-28). DPTI’s response and conditions have been attached.

The above response is included as **Attachment – Referral Responses**.

- **AHC EHU**
Council's Environmental Health Officer has approved the installation of a new 12,000L septic tank and connection to CWMS via application WWS/146/19. The approved waste water plan has been attached as part of the proposal plans.
- **AHC Engineering**
Council's Technical Officer has reviewed the proposed car parking design, stormwater plan and proposed finished floor levels. The proposed car parking, finished floor levels and stormwater solution have been deemed satisfactory by Council Engineering and satisfy Australian Standards.
- **AHC Arboriculture**
Council's Arboriculture team have peer reviewed the submitted arborist report and conducted a site inspection. Council's Horticulture Officer concurs with the recommendations outlined within the Arboriculture Impact Assessment and Development Impact Report, prepared by Arborman Tree Solutions, dated 20 February 2019. The assessing officer has requested Council ensure the applicant/ owner is fully aware of their responsibility to maintain health and integrity of the tree and obligation to consult Native Vegetation Council of any proposed pruning. (refer Note 6 of the recommendation).

Pursuant to Schedule 8 (10(a)) the development technically requires referral to the Environmental Protection Agency (EPA) as Verdun is not a gazetted township. However, the EPA has informally advised Council they do not wish to receive applications where the site is connected to CWMS or sewer. For this reason the application was not referred to the EPA.

5. CONSULTATION

Within the Watershed (Primary Production) Zone a restaurant which is not located on the same allotment as a winery is a non-complying form of development. As the proposed development is to be undertaken on land which does not contain a winery, the application was assessed as non-complying.

The application was categorised as a Category 3 form of development in accordance with Section 38(2)(c) of the Development Act 1993 requiring formal public notification and a public notice. Two (2) representations were received and of these, one (1) representation is opposing the proposal and one (1) is in support of the proposal. Both were from adjacent and nearby properties.

The following representor wishes to be heard:

Name of Representor	Representor's Property Address	Nominated Speaker
Peter Drake	38 Onkaparinga Valley Road Verdun	Peter Meline

The applicant (or their representatives – Wayne Gladigau and Carlo Panozzo) may be in attendance.

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

- The non-complying nature of the development
- Variance with desired character statement, objectives and policies within the policy area
- Conflict with zone objective 2 and PDC 66

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

A copy of the submissions is included as **Attachment – Representations** and the response is provided in **Attachment – Applicant’s Response to Representations**. A copy of the plans which were provided for notification are included as **Attachment – Publically Notified Plans**

6. PLANNING & TECHNICAL CONSIDERATIONS

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

i. The Site’s Physical Characteristics

The subject land is a quadrilateral shaped parcel, defined as piece 11 of CT 6120/996, and forming one allotment with piece 12 (across Onkaparinga Valley Road) which contains the Stanley Bridge Hotel. The land measures in the order of 1302m², is relatively flat in nature and has direct frontage to Onkaparinga Valley Road. A large River Red Gum tree exists on the land which will be retained as part of the development and a drainage line which runs along the Western Boundary.

Whilst the existing stone building has been historically linked to the hotel, functioning as the hotel’s stable, it is not heritage listed. In more recent years the land has been used for light industrial purposes and as a retail show room for Red Gum Furniture.

ii. The Surrounding Area

The subject land is located within the settlement of Verdun, characterised by its rural- residential style allotments and modest, historic dwellings. Land adjacent and within the immediate locality is primarily being used for very low density residential purposes with the Stanley Bridge Tavern, an art gallery and Walk the Talk Kitchen and Catering company being the primary forms of commercial development in the immediate locality . It should also be noted that Hills Christian Community School is located 500m to the west of the subject land.

iii. Development Plan Policy considerations

a) *Policy Area/Zone Provisions*

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

Policy Area

- *Low density residential land uses that exist in conjunction with low scale commercial operations*
- *Development of small scale services and facilities grouped together*
- *Restriction on residential development within the Policy Area boundaries*

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

Objectives: 1, 2 & 4

PDCs: 1, 3, 4(c), 4(d), 6, 7 & 8

Watershed (Primary Production) Zone

- *Protection of natural resources and water quality within the Mount Lofty Ranges*
- *Development which supports the continuation of primary production activities and preserves land viable for primary production activities*
- *Development which supports the tourism industry within the Mount Lofty Ranges including provision of accommodation*

The following are considered to be the relevant Zone provisions:

Objectives: 3, 4 & 6

PDCs: 1, 2, 3, 4, 7, 10, 11, 12, 16, 17, 27, 28, 29, 30, 35, 43, 44, 66, 69

The proposed development involves the change of use of the existing stone building to a 40 seat restaurant (café). The change of use will include additions to the rear of the building and establishment of on-site car parking and landscaping. Occasional, low scale live entertainment is proposed as part of the development however it will be restricted by decibel limitations in accordance with EPA Music Noise Guidelines 2015 and Acoustic Report prepared by Sonus.

Zone Objectives 3 and PDCs 43 and 44 are particularly concerned with retaining land which is viable for Primary Production. As the land is not currently being used for primary production purposes, and is not of a nature that is feasible for future use for primary production, the development is deemed to uphold the policies.

In accordance with Objective 4 and PDCs 29 and 30, the development will retain the existing Red Gum tree located on the land. The submitted arborist report notes that the encroachment into the tree protection zone (TPZ) is unlikely to have a noticeable impact on the tree's vitality, given the tree species and the proposed encroachment is within acceptable limits, as long as their recommendations regarding the management of the tree protection zone during the development are complied with. In the event of an approval being granted, recommended conditions will require the applicant to maintain the tree protection zone with protective fencing, as far as practical, and ensure there is no storage in this area, or attachments to the tree (refer conditions 11-14).

Zone objective 6 envisages sustainable tourism development within the zone that relates to natural and cultural resources within the Mount Lofty Ranges. The development fundamentally intends to utilise an existing character building to deliver a new café to the settlement of Verdun. In accordance with PDCs 1 and 2 the built form components of the proposal aim to optimise and enhance the existing character of the historic building by directly replacing the existing façade elements with new materials. Furthermore the alterations and additions will be positioned at the rear of the cafe, preserving the original scale of the building and the historic character when viewed from the streetscape, aligning with PDCs 7 and 28.

The proposed restaurant (café) is considered to be a viable use of the land, given the central location of the subject site within the settlement and relationship with the Stanley Bridge Hotel. The subject land is in a central point within the Verdun settlement with direct access to Onkaparinga Valley Road – an arterial road which connects the townships of Verdun, Balhannah, Oakbank, Woodside and Charleston. In accordance with PDCs 16 and 17 the use is appropriate within a township/settlement context and will not impinge upon primary production uses.

PDCs 66 and 69 are primarily concerned with restaurants where the sale of wine is the predominant activity. Whilst the development does not primarily involve the sale of wine, the proposal accords with the intent of the policies with regard to scale and siting.

The development fails to satisfy policy (a) of PDC 66 in that the subject land does not contain a winery. However, the proposal achieves (b) and (c) in that the proposed clientele capacity is well under the 75 person threshold and does not include an area dedicated for the sale and or display of non-food or beverage related items.

PDC 69 designates appropriate siting for restaurants, cellar doors and shops where the tasting and sale of wine are the predominant activities. Whilst the function of the development is not centrally focused on the sale of wine, the siting policies are still applicable.

Council's Development Plan identifies a portion of the site as prone to inundation from flood waters. Accordingly, the floor levels have been designed at 600mm above the predicted flood levels to avoid the entry of flood waters into the building. In alignment with PDC 69 the proposed development will not be within 25 metres of an identified watercourse.

The development cannot satisfy the 50 metre set back from the public road as the existing building does not achieve the setback. Whilst this provision exempts heritage listed items, it is considered that due to the historical nature of the building and connection to the Stanley Bridge Hotel, the exemption from this provision can be applied. In undertaking the development in an existing building, the proposal will not result in a ribbon development pattern and maintains the character of the settlement policy area.

Accordance with Zone

The Watershed (Primary Production) Zone covers the vast majority of land within the Council area, with the exception of townships. The Zone is primarily concerned with ensuring development supports the continued preservation and protection of South Australia's water resources and primary production. Policies within the zone also envisage development which contributes to the tourism industry, either through provision of accommodation or new attractions. The proposed restaurant is considered to accord with the zone by virtue of establishing a new place for visitors to meet, eat and enjoy occasional live entertainment. Furthermore, by connecting to the CWMS and managing stormwater on site, the proposed development is not considered to undermine the water quality or sustainability of water within the Mount Lofty Ranges.

Form of Development

The zone specifically envisages development which contributes to the tourism industry within the Adelaide Hills. It is considered that the establishment of a café within a township/settlement context is generally appropriate. The subject land abuts an arterial road, can connect to Council's Community Waste Management System (CWMS) and has capacity for on-site car parking and stormwater management.

Appropriateness of Proposal in Locality

Land within the immediate locality is primarily being used for rural residential purposes, with the closest dwelling being approximately 45 metres from the subject land. The proposed café will operate in conjunction with the Stanley Bridge Hotel and was originally to operate under the same hours of operation. Due to the interface between residential properties, an acoustic report was requested to identify potential off-site impacts, particularly due to the extensive proposed hours of operation. Sonus Pty Ltd was engaged by the applicant, and has undertaken a detailed environmental noise assessment. Part of this assessment recommended a number of essential noise attenuation measures to be undertaken at the construction phase which would allow the restaurant to operate within the EPA guidelines. The hours of operation were amended following public notification and during the final assessment. The assessment and recommendations have been appended to this report and supported via conditions 3 - 9.

The proposal satisfies a number of zone and policy area provisions focussed on restaurant development, particularly in terms of scale. Furthermore, noise attenuation measures, limited hours of operation and decibel limitations are to be implemented in order to address potential interface issues with rural residential properties. Proposed conditions 3 and 6-9 have been suggested for implementation. Condition 6 - 9 align with the suggestions of the Sonus report with regard to use of the deck area and limiting the hours in which it can be used, whilst Condition 3 has been suggested to ensure the development operates within the scope of its approval.

Appearance of Land and Buildings

The proposed upgrades to the building facade are anticipated to improve the visual amenity in the streetscape and maintain the historic character of the building. The proposed additions to the building are to be positioned at the rear and will be of a scale which is considered in keeping with the existing building and general scale of development within the locality. Landscaping will improve the presentation of the site within the streetscape and soften the area designated for car parking and the service yard.

Conservation

The existing stone building contributes to the historical character of the township. It is considered that the redevelopment of the site will assist in the preservation of the building and its character.

The proposed development is not anticipated to undermine the historic character or amenity of the streetscape.

b) Council Wide provisions

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

- *Development which promotes tourism and attracts visitors to the Adelaide Hills*
- *Development which is appropriately sited and designed to avoid detrimentally affecting the amenity of the locality*
- *Restriction on development within flood prone areas*
- *Retention and protection of native vegetation*

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

Centres and Retail Development

Objectives: 1, 2(a)

PDCs: 2, 8, 9, 10

Whilst Verdun is not a designated township, the settlement policy area identifies the area as minor local centre for the broader rural surrounds. The general Objectives 1 and 2 call for centres to contain a mixture of retail, entertainment, community and recreational facilities and support economical provision of goods and services with a focus on community life. The subject land is within close proximity to other local businesses and a local school. The development will make better use of an underutilised piece of land and aims to provide low scale entertainment to the local community.

PDC 8 designates that development which is envisaged within the area should be located and operated so as to not affect the residential area or traffic movements. DPTI have indicated that they are satisfied with the development and provision of parking and access. Furthermore, attenuation measures are to be undertaken as part of the development to avoid negatively impacting on adjoining rural/ residential land uses. These measures include:

- Installation of glazing, not less than 6.38mm in thickness and assurance that all windows are closed when music is playing within the restaurant
- Installation of 10mm thick plasterboard and insulation (minimum 75mm thickness) into the roof, ceiling and wall
- Installation of 'self-close' devices on door to the outdoor deck

In alignment with PDCs 9 and 10, the development is to be undertaken, abutting an arterial road and will be limited to the one side of the road.

Design and Appearance

Objectives: 1, 2

PDCs: 1, 3, 7, 8, 9, 16, 21, 27

In accordance with the objectives and PDC 1 the proposed development aims to upgrade the existing façade of the stone building and improve the appearance of the site in the streetscape through implementation of landscaping. The proposed addition to the rear is considered contemporary, whilst using materials which are sympathetic to the historic and rural character of the building, as encouraged by PDC 8. Like-for-like materials are to be used on the façade of the building so as to not

alter the character but improve its presentation in accordance with the intent of PDC 7. Landscaping will assist with location of the site, clearly showing the entry point into the restaurant. The landscaping plan submitted as part of the application aims to utilise both exotic and native plant species, but is limited to a set number of species, giving a coordinated appearance in accordance with the intent of PDC 21.

The development does not satisfy PDC 3, by virtue of the galvanised roofing. However, due to the historic nature of the building and given that it will directly replace the existing galvanised roof, this was not considered to be fatal to the application and is in alignment with PDC 16.

The proposed service areas are located to the rear of the site and will be enclosed - pursuant to PDC 27.

The proposed development is considered to reasonably satisfy Design and Appearance policies.

Hazards

Objectives: 4,

PDCs: 1, 2, 3, 5, 6, 7, 8,

A portion of the subject land is identified as being at a Low to High Flood Hazard, pursuant to AdHiFPA/12. The highest point of inundation is projected at approximately AHD 308.40. Subsequently the finished floor level of the proposed additions is to match the floor level of the existing building at AHD 309.00, 600mm higher than the predicted flood level, as envisaged under PDCs 1 and 3. In accordance with PDC 2, the closest component of the building to the flood hazard is the deck. Due to the open nature of the deck, in a flood event water would be able to flow through rather than being obstructed. In alignment with PDC 5, there is not to be any fencing constructed within the predicted flood path.

As PDC 6 highlights, the subject land is within a medium bushfire risk area, pursuant to AdHi(BPA)/8. In alignment with PDC 8 the development is to be located in a built up area which is easily accessible and is located along an arterial road. The development of the car parking area is considered to provide an acceptable buffer around the building to avoid the spread of fire. The site has access to reticulated water, although a 'dedicated tank' for fire-fighting has not been indicated on the submitted plans as PDC 7 designates.

Heritage Places

Objectives: 3

PDCs: 6, 10, 13

The building on the subject site is not heritage listed, and the works are not to a State heritage place. However, the land is opposite the State heritage listed Stanley Bridge Tavern. In accordance with Objective 3 and PDCs 6, 10 and 13, the façade of the stone building will remain largely unchanged with the majority of works taking place at the rear of the site. The façade works will essentially involve the direct replacement of existing materials to improve the building's address in the streetscape. For this reason the development was not deemed likely to materially

affect the heritage context of the Stanley Bridge Tavern and no referral to State Heritage was undertaken.

The development is deemed to sufficiently address the Heritage Places policies.

Interface Between Land Uses

Objectives: 1,

PDCs: 1(b),1(h),7, 9, 10

Objective 1 designates that development should be designed to minimise adverse impact and conflict between land uses. The application originally requested to observe the existing hours of operation as the Stanley Bridge Hotel, being 7:00am – 11:00pm Sunday to Thursday and 7:00am – 2:00am Friday and Saturday. Noting the scale and nature of the proposed café, these hours were considered disproportionate. The statement of effect designated that the development was to include low impact entertainment within the definition of Schedule 3 (5)(3) and suggested that noise levels will not exceed 47dB(A) between 8:00am and 10:00pm and 40dB (A) 10:00pm to 12:00am. In order to substantiate these suggestions and justify the substantial hours of operation, an acoustic report was requested. Sonus has prepared an environmental noise assessment on behalf of the applicant, which has been appended to this report. The assessment details projected noise levels and recommends noise attenuation measures and decibel restrictions to avoid interface issues, in accordance with PDCs 1(b), 7 and 9.

PDC 10 designates that development which proposes music should include noise attenuation that achieves EPA standards. The table provides two noise level assessment locations and noise criteria for these locations: adjacent noise sensitive development property boundary or adjacent land property boundary. Given the distance of the closest residence from the subject site the assessment was undertaken at the adjacent land property boundary, and these provisions are deemed applicable.

Sonus, as the acoustic engineer engaged by the applicant, has calculated the background noise level and the criteria using SoundPlan modelling and the location of speakers, music levels and building construction noise. Based on their findings, they have designated a number of building alterations which will allow the restaurant to operate within the scope of the policy and EPA guidelines. In accordance with the noise criteria, the highest predicted noise level to the nearby residents, with windows and doors open is 43 dB(A), providing all recommended attenuation measures are installed prior to occupancy.

In addition to the noise generated by music, general noise generated by plant equipment has been considered, though the specific equipment has not yet been selected. Sonus has determined the typical amount of noise generated from plant equipment from a development of this scale and has resolved that should the equipment installed exceed the predicted thresholds, additional attenuation measures will be required.

The environmental noise assessment, undertaken by Sonus, has demonstrated that the proposed development can achieve the provisions of PDC 10 for entertainment, provided all attenuation works are undertaken. The proposal has not designated delivery hours, therefore a standard condition has been recommended – refer condition 5.

Landscaping Fences and Walls

Objectives: 1, 2

PDCs: 1,2,3,4

The proposed restaurant is to incorporate landscaping around the new car park and boundary of the development site. In accordance with Objective 1 the proposed landscaping plan has incorporated groundcovers and tube stock, including indigenous species.

Pursuant to PDC 2, screen trees have not been included, as the proposed plantings are to assist in framing the development site and softening the car parking areas, rather than screening the development from view. The selected species are a mixture of exotic and native plants, limited to three (3) main species – presenting a more a coordinated appearance. The native ground cover species selected are drought tolerant which will limit water use and the amount of maintenance.

In accordance with PDC 3, the subject land is a substantial distance from neighbouring dwellings therefore the proposed plantings are not likely to inhibit solar access, nor are the plantings of such a size that they are likely to undermine foundations as a result of root invasion or threaten local biodiversity.

The proposed fencing will replace existing post and wire fencing and a new portion of good neighbour fencing to screen the service area from view. In accordance with PDC 4, the fencing is to be non-flammable and will be non-reflective in nature. The positioning of the fencing will not restrict passive surveillance into the site as the current fencing does, nor will it restrict sight lines for motorists.

Natural Resources

Objectives: 1, 2, 4, 5, 6(b),6(c), 6(d), 6(f),6(g) 7, 10

PDCs: 1,3,9,10,11,12,13,14,15,16,17(b),21,22,23,24,36(a),37,38,39,40 and 45(a)

Whilst the subject land is within the Watershed (Primary Production) Zone, the site falls within the settlement policy area - distinguishing the immediate locality as it is relatively built up compared to other areas within the zone. The proposed development has incorporated a number of water management solutions which have been accepted by Council's engineering department.

Stormwater from the carpark is to be filtered via two gross pollutant traps with ECOSOL Pollution filters, directed to a junction box, then released through a headwall, fitted with a reno-mattress to an existing culvert which drains underneath Onkaparinga Valley Road. Stormwater runoff from the roof is to be captured within a 3000L detention tank with overflow directed to the same discharge point. The proposed drainage method is considered to align with Objectives 4 and 6, and PDCs 11, 21, 22, 23 and 36(a) which are concerned with water quality and on site

management of stormwater. Furthermore the proposed stormwater management systems are located outside of the projected inundation area for the 1 in 100 ARI flood event, in accordance with PDC 12. Pursuant to PDC 24 the development will not encroach upon the drainage channel on the subject land, the closest component of the development is the decking which will not require cutting or filling in or, near the drainage channel.

PDCs 37, 38, 39, 40 and 45(a) are concerned with the ongoing protection of native vegetation and flora and fauna. As discussed earlier in this report, the proposed landscaping is considered appropriate based on the species which have been selected and it is not anticipated to present a risk to local biodiversity.

A large River Red Gum exists on the subject land which is to be retained as part of the development. At present, encroachment into the TPZ of the tree is deemed to be 'Major' in accordance with AS4970-2009. However, the Arboricultural Impact Assessment, prepared by Arborman Tree Solutions has identified that based on the age and health of the tree, the characteristics of the species and proximity to the drainage channel, the proposed development of the site is not anticipated to undermine the tree or pose a threat to its health. Though the development does not satisfy PDC 46 (a) the arborist expert report suggests that the proposed works are unlikely to jeopardise the ongoing health of the tree. Conditions will be placed on the consent to ensure the ongoing protection of the tree (refer conditions 11-14).

The proposed development is deemed to satisfactorily address the Natural Resources policies and objectives by virtue of the stormwater management plan, landscaping proposal and protection of the existing large tree on site.

Orderly and Sustainable Development

Objectives: 2, 3, 4, 7, 9, 11, 12

PDCs: 1, 4, 6, 7, 9, 11, 12, 16, 17

The proposed development is to be located within the designated Settlement Policy Area within the Watershed (Primary Production) Zone, and will primarily utilize an existing building. The Orderly and Sustainable policies are fundamentally concerned with ensuring development is appropriately sited and can be facilitated on the development land. As discussed in the zone and policy area assessment of this report, the subject land is considered to be appropriate for low scale commercial use, in alignment with Objectives 4, 7, 9, 11, 12 and PDC 1.

In accordance with Objectives 2 and 3, and PDCs 4, 7, 9, 11, 16 and 17 the proposal includes the re-use of an existing vacant site, and will involve the fit-out of an existing stone building within the settlement of Verdun. The development has demonstrated that the provision of on-site infrastructure can be facilitated, specifically for the purposes of stormwater and waste water and that sound proofing measures will avoid off site noise impacts. The site has existing direct access to Onkaparinga Valley Road – an arterial road. DPTI were satisfied with the proposed access width of the car park and have not raised particular concerns with the development, providing that vehicles enter and exit in a forward motion and cars are restricted from parking on the road reserve. The car parking plan submitted by Folland Panozzo (Revision E) was reviewed by Council's engineering department who

were satisfied that the car parking arrangement, including car park dimension and access width would satisfy Australian Standards.

In accordance with PDC 12, the extension works to the existing building have been designed to elevate the finished floor level 600mm above to projected flood level.

Tourism Development

Objectives: 2, 3, 6

PDC's: 1, 3, 7

In alignment with Objectives 2 and 3, the proposed restaurant aims to redevelop a currently vacant site within the Verdun settlement. The development will include the upgrade of an existing stone building; the works to the building are anticipated to preserve the historic character of the building and compliment the character of the adjacent State heritage listed hotel. The use of the site is expected to assist in further activating the settlement of Verdun in accordance with PDC 6 and will assist in making Verdun a destination for visitors to the Adelaide Hills area.

Pursuant to PDCs 1 and 7, the stone building historically was connected to the Stanley Bridge Tavern as a former stable building and it substantially remains as part of the development. The proposed materials are sympathetic to the historical and rural character of the streetscape, being galvanised iron and stained timber. The stonework on the existing building will be repaired and maintained as part of the works to ensure the character of the building is preserved.

The proposed development is considered to accord with PDC3 with regard to scale of the built form, overall capacity of the restaurant and the amended hours of operation. The initially proposed hours aimed to mimic the operating hours of the Stanley Bridge Tavern as they are owned by the same company were deemed excessive based on the nature of the current development. However, following the submission of the acoustic report the hours were negotiated and reduced to better address development plan policies.

Transportation and Access

Objectives: 2(c) and (d)

PDCs: 1,2,14,18,23,25,26,28,30,33,35,36,38,39,40 and 41

Objective 2 envisages development which provides off street car parking and makes best use of existing transport networks. In alignment with the Objective and PDCs 2, 25, 26 and 28 the subject land directly addresses Onkaparinga Valley Road and is to be accessed via a 6.2m wide crossover. The speed limit within this portion of the road is 50 km/h, allowing patrons to safely access and exit the site without substantially interfering with traffic movement on the road. The access point is not obstructed by either infrastructure items or a watercourse, as addressed in PDC 14; nor are there any items within the verge which would limit sight lines for motorists.

DPTI have commented on the proposal, noting the existing access is of a sufficient width and forward entry and exit is possible for cars.

Whilst there is not a designated cyclist or pedestrian path along this portion of Onkaparinga Valley Road, cyclists and pedestrians can easily access the subject land, in accordance with PDC 18. However, dedicated bicycle parking facilities have not been provided as envisaged in PDC 23. Due to the rural nature of the locality there is no existing bicycle infrastructure within the road reserve, however it is considered that there is sufficient space for cyclists to informally park on site.

Table AdHi/4 designates that restaurant development should provide 1 space per 3 seats for indoor dining or 1 per 15m² of retail floor area, whichever is greater. In this instance the 1:3 ratio requires the greater car park provision. Fourteen (14) car parks have been provided as part of the proposal, including 1 car parking space for persons with a disability. In accordance with PDC 33, the designated disability parking space is directly adjacent the Eastern entrance into the restaurant, the entrance is level with the car park. One (1) staff car parking space has been provided, satisfying the requirements of PDC 34. The car parking area is considered to be consistent with PDCs 35, 36, 39, 40 and 41; as it is to be bitumised, line marked and will be appropriately drained and this is reinforced by condition [refer to condition 19(b)].

Landscaping is to be planted around the perimeter of the car park and the aisle has sufficient width for on-site turning. Council's engineering department have reviewed the car parking layout and are satisfied that it can comply with AS2890.

PDC 38 provides that car parks which are likely to be utilised in non-daylight hours should be floodlit. The application has not indicated that lighting will be included as part of the development, contradictory to the policy. Condition 21 has been suggested in order to satisfy the policy.

The proposed car parking addresses numerical requirements for on-site vehicle parking as well as design policies for car parking areas.

Other Matters

It has been identified that the subject land is technically located on the same allotment as the State heritage listed Stanley Bridge Hotel (ID12907), separated only by Onkaparinga Valley Road. The proposed works to the facade will directly replace the existing materials, improving the appearance of the building without undermining the historic character of the building. As the façade of the building will not substantially change, it was deemed that the proposed works would not materially impact the Stanley Bridge Hotel and subsequently did not warrant referral to State Heritage pursuant to Schedule 8 (2)(5)(1) of the Development Regulations 2008.

7. SUMMARY & CONCLUSION

The application proposes a change of use from light industry to restaurant with a maximum capacity of 40 patrons. The development includes façade upgrades to the existing historical building, internal fit out and the construction of an extension to the rear, including a deck area. The proposed alterations and materials are sympathetic to the existing building and do not materially impact on the Stanley Bridge Hotel, and address general development provision in regard to design and appearance. A 14 space car park is to be established and landscaped and necessary waste and stormwater infrastructure installed to ensure the proposal does not impact on the free flow of traffic or water quality in the locality.

The subject land is located within a Settlement Policy Area within the Watershed (Primary Production) Zone, where tourist friendly development is envisaged. The development has addressed general development plan provisions, particularly concerned with interface between land use in regard to operating hours and noise impact.

The proposal is sufficiently consistent with the relevant provisions of the Development Plan, despite its non-complying nature, and it is considered the proposal is not seriously at variance with the Development Plan. In the view of staff, the proposal has sufficient merit to warrant consent. Staff therefore recommend that **CONCURRENCE** from the State Commission Assessment Panel be sought to **GRANT** Development Plan Consent, subject to conditions.

8. RECOMMENDATION

That the Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and seeks the **CONCURRENCE** of the State Commission Assessment Panel to **GRANT** Development Plan Consent to Development Application 19/120/473 by Stanley Bridge Freehold Pty Ltd for Change of use from light industry & retail showroom to restaurant (40 seats), associated car parking & landscaping (non-complying) at 34 Onkaparinga Valley Road Verdun subject to the following conditions:

(1) Development In Accordance With The Plans

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

- Proposed Elevations, Folland Panozzo Architects, drawing number DA P03, Revision C, dated 31 May 2019
- Proposed Site/ Floor Plan, prepared by Folland Panozzo Architects, drawing number DA P02, Revision E, dated 17 October 2019
- Site Plan - Flood Plain Location Folland Panozzo Architects, drawing number DA P04, Revision C, dated 31 May 2019
- Civil Plan, prepared by TMK Consulting Engineers, dated 26 June 2019, drawing number 1906034-C1/PB
- Truck Manoeuvre Plan, prepared by Folland Panozzo Architects, drawing number DA P05, Revision D, dated 26 July 2019
- Licenced Area Plan, prepared by Folland Panozzo Architects, drawing number LLC01, Revision A, dated 30 October 2019
- Email correspondence sent 30 October 2019, from Carlo Panozzo
- Arboricultural Impact Assessment and Development Impact Report, prepared by Arborman Tree Solutions, dated 20 February 2019
- Environmental Noise Assessment, prepared by Sonus, reference number S6243C3, October 2019 revision

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

(2) Appearance of Buildings

Walls:	Western Red Cedar Timber and Galvanised Iron
Roof:	Galvanised custom orb
Existing Timber:	Charcoal paint

REASON: The external materials of buildings should have surfaces which blend with the natural rural landscape and minimise visual intrusion.

General Operational Restrictions

(3) Hours of Operation

The opening hours of the restaurant shall be:

7:00am to 10:00pm Sunday to Thursday

7:00am to 12:00am (midnight) Friday and Saturday

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

(4) Capacity of Restaurant

At any one time, the overall capacity of the restaurant/café shall be limited to a maximum of 40 patrons.

REASON: To ensure the proposed development is undertaken in accordance with the approved plans, to ensure that neighbouring properties are not impacted on negatively by this development and to ensure the waste control system is adequate.

(5) Hours of Delivery

All deliveries shall occur between the hours of 7:00am and 5:00pm

REASON: To ensure delivery trucks do not cause off site amenity impacts.

Noise Control

(6) Outdoor Patron Areas

Use of outdoor deck shall be limited to 20 patrons at any one time between the hours of 7:00am to 10:00pm, in accordance with the recommendation of the Environment Noise Assessment report prepared by Sonus.

REASON: To ensure the amenity within the locality is maintained.

(7) Music and Live Music

a) Entertainment in the form of live music shall be limited to Friday and Saturday only within the restaurant building and shall cease no later than 12:00am to the reasonable satisfaction of Council.

b) All music shall be played through the restaurant sound system and the outdoor speakers should not be utilised after 10:00pm on any day of the week.

REASON: To maintain the rural amenity of the locality.

(8) Noise Limitation

Music noise from the restaurant shall not exceed 43dB(A) within the hours of operation, measured from the closest residence, to the reasonable satisfaction of Council.

REASON: To ensure the amenity within the locality is maintained.

(9) Acoustic Treatments

Prior to occupation of the approved development the following acoustic attenuation measures shall be completed:

a) Restaurant and Deck

- Installation of a single layer of 10mm thick standard plasterboard to the inner face of all “galvanised Custom Orb” building elements (roof/ceiling or wall)
- Installation of insulation with a thickness being not less than 75mm and 14kg/m³ density within all “galvanised Custom Orb” building elements (roof/ceiling or wall)
- Glazing which is not less than 6.38mm in thickness and is airtight when closed
- Installation of a self-closing device on the door to the outdoor deck
- The deck shall be occupied by no more than 20 patrons

b) Mechanical Plant

- Locate the mechanical plant on the western side of the restaurant
- Construct a solid barrier which blocks the line of sight to nearby residences. The barrier should be constructed as a minimum up to the height of the mechanical plant and from solid material such as sheet steel
- Install acoustic absorption material to the mechanical plant side of the barrier, for the full height. The absorption material should be installed in accordance with the diagram

The acoustic treatments, as stipulated in the Environmental Noise Assessment report prepared by Sonus, shall be installed to the reasonable satisfaction of Council. Treatments must be maintained in good condition at all times.

REASON: To ensure the amenity of the area is maintained.

Landscaping and Vegetation

(10) Timeframe For Landscaping To Be Planted

Landscaping, detailed in Proposed Site/ Floor Plan, prepared by Folland Panozzo Architects, drawing number DAP02, Revision E, dated 17 October 2019 shall be planted in the planting season following occupation and maintained in good health and condition at all times. Any such vegetation shall be replaced in the next planting season if and when it dies or becomes seriously diseased.

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

(11) Fencing within TPZ

A protective fence must be erected around the TPZ as defined within Arboricultural Impact Assessment and Development Impact Report, prepared by Arborman Tree Solutions, dated 20 February 2019. The fencing must comply with the specifications designated within the report and be installed prior to commencement of works, to the satisfaction of Council.

REASON: To comply with the recommendations of the Arborist Report.

(12) Storage within the TPZ

No material, equipment or temporary building is permitted within the cordoned off TPZ, as defined within the Arboricultural Impact Assessment and Development Impact Report, prepared by Arborman Tree Solutions, dated 20 February 2019.

REASON: To comply with the recommendations of the Arborist Report.

(13) No Items to be Fixed to the Tree

Nothing is to be attached to the tree, including temporary service wires, nails, screws, signs or any other fixing device.

REASON: To comply with the recommendations of the Arborist Report.

(14) Maintenance of TPZ

The cordoned off area of the TPZ should have mulch installed and additional water applied during the development phase.

REASON: To avoid decline of the tree.

Stormwater

(15) Stormwater Management

All stormwater and car park water runoff is to be managed in accordance with approved drainage area plan Civil Plan, prepared by TMK Consulting Engineers, dated June 2019, drawing number 1906034-C1/PB. All roof water shall be directed to the detention tank and the overall stormwater management and water quality treatment system, including sumps and reno mattress, shall be installed within three (3) months of commencement of operations of the approved uses.

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

(16) Stormwater Water Quality

Upon installation all the sumps shall be fitted with a removable strainer to capture and retain pollutants. The vegetated swale and bio-retention basin shall be suitably planted in accordance with the approved landscape plan within three (3) months of commencement of operations of the approved uses.

REASON: Development should minimise the risk of pollution of water catchment areas.

Erosion Control

(17) Soil Erosion Control

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

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

Car Parking

(18) Carparking Spaces For Persons With A Disability

One (1) parking space in the car park shall be designated as spaces for people with a disability and designed in accordance with Australian Standard 2890.1:2004.

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

(19) Bitumen/brick paved carparking Designed In Accordance With Australian Standard AS 2890.1:2004.

a) All car parking spaces, driveways and manoeuvring areas shall be designed, constructed, and line-marked in accordance with Australian Standard AS 2890.1:2004. Line marking and directional arrows shall be clearly visible and maintained in good condition at all times.

b) Driveways, vehicle manoeuvring and parking areas shall be constructed of bitumen or brick paved prior to occupation and maintained in good condition at all times to the reasonable satisfaction of the Council.

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

(20) Carparking Stormwater Runoff – Commercial

All surface water from carparking or hardstand areas shall be directed to a proprietary pollutant treatment device capable of removing oils, silts, greases, and gross pollutants to Council and EPA satisfaction prior to discharge to Council stormwater system or street water table.

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

Lighting

(21) Commercial Lighting

Prior to occupation, low level car park lighting shall be installed for pedestrian safety and security purposes and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties.

REASON: To ensure lighting will not detrimentally affect the amenity of the locality.

DPTI Conditions

(22) All vehicles shall enter and exit the site in a forward direction.

- (23) The access to Onkaparinga Valley Road shall be constructed in accordance with Folland Panozzo Architects, Proposed Site Plan, Job No 2017 1724, DA P02, Revision E, dated 17 October 2019. The access shall be suitably flared for the largest vehicle expected to service the site.**
- (24) The access shall be sealed from the edge of the carriageway to the property boundary to minimise deterioration to the road edge, prevent dust and stones from entering the carriageway and ensure all weather traction**
- (25) Longitudinal drainage along Onkaparinga Valley road shall be maintained adjacent and across the access in order to minimise the potential for flooding adjacent the arterial road. Appropriately designed infrastructure shall be installed to achieve this. All costs associated with any upgrade/alterations shall be borne by the applicant.**
- (26) All off street parking shall be designed in accordance with AS/NZS 2890.1.2004 AND AS/NZS 2890.6.2009.**
- (27) The internal manouvering areas for commercial vehicles shall be designed in accordance with AS2890.2.2018.**
- (28) The applicant shall ensure that all stormwater generated by the proposal is appropriately collected and disposed of without entering or jeopardising the safety of the adjacent arterial road network.**

NOTES

(1) Development Plan Consent

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

(2) Works On Boundary

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

(3) Erosion Control During Construction

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

(4) EPA Environmental Duty

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

(5) Department of Environment and Water (DEW) - Native Vegetation Council

The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. The clearance of native vegetation includes the flooding of land, or any other act or activity that causes the killing or destruction of native vegetation, the severing of branches or any other substantial damage to native vegetation. For further information visit:

[www.environment.sa.gov.au/Conservation/Native_Vegetation/
Managing_native_vegetation](http://www.environment.sa.gov.au/Conservation/Native_Vegetation/Managing_native_vegetation)

Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council Secretariat on 8303 9777. This must be sought prior to Full Development Approval being granted by Council.

(6) Responsibility In Relation To Flooding

The applicant is reminded that Adelaide Hills Council accepts no responsibility for damage to, or loss of property, as a result of flooding. It is the applicant's responsibility to ensure that all appropriate steps are undertaken to minimise the potential damage to property as a result of flooding.

(7) Compliance with Food Act SA 2001

This approval under the Development Act 1993 does not in any way imply compliance with the Food Act 2001 and/or Food Safety Standards. It is the responsibility of the owner or other person operation the food business from the building to ensure compliance with the relevant legislation before opening the food business on the site.

(8) Food Handling Notification

Food business notification must be provided prior to commencing any food (or consumable product) handling activities. This may be provided on-line at www.fbn.sa.gov.au or by obtaining from the Adelaide Hills Council.

(9) Signage Requires Separate Development Application

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

9. ATTACHMENTS

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

Respectfully submitted

Concurrence

Sarah Davenport
Statutory Planner

Deryn Atkinson
Manager Development Services