

<b>DEVELOPMENT NO.:</b>	21031474
<b>APPLICANT:</b>	14 JOHNSTON PTY LTD
<b>ADDRESS:</b>	14 JOHNSTON ST STIRLING SA 5152
<b>NATURE OF DEVELOPMENT:</b>	Construction of a three-level childcare centre (pre-school) with ancillary car parking, outdoor play areas and landscaping
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Suburban Main Street</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Hazards (Bushfire - Medium Risk)</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>• Traffic Generating Development</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Maximum Building Height (Metres) - 10 Metres</li> <li>• Maximum Building Height (Levels) - 2 Levels</li> </ul>
<b>LODGEMENT DATE:</b>	12 Oct 2021
<b>RELEVANT AUTHORITY:</b>	Assessment Panel at Adelaide Hills Council
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	Operative Version 2021.14 - (23 September to 13 October 2021)
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Melanie Scott/Aaron Wilksch
<b>REFERRALS STATUTORY:</b>	Nil
<b>REFERRALS NON-STATUTORY:</b>	Council Engineering Council Arboriculture

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## DETAILED DESCRIPTION OF PROPOSAL:

The proposal is for the re-development of 14 Johnston Street, Stirling, including the demolition of the existing dwelling, a circa 1960's-70's single storey, brick building and associated outbuildings.

- The proposed re-development is to comprise a three-storey pre-school facility including children's pre-school services within the building and undercroft car parking arrangements for up to 23 car spaces and 6 bicycle parking spaces.
- The proposed building's overall dimensions are to be 18.0 metres wide at its frontage to Johnston Street and 45.5 metres in depth (inclusive of first storey platform deck). The overall building height is approximately 9.1 metres above natural ground level for the second storey roofline at the Johnston Street frontage and approximately 9.6 metres maximum height at the rear of the second storey roofline (lift-housing). The façade of the building is a maximum of 6.3 metres to the top of the first storey roof at the Johnston Street frontage noting the upper level is further set back from Johnston Street.
- The proposed building establishes a building line setback of 8.0 metres from Johnston Street (excluding dedicated play area fencing and stairway access, and exhibits zero side boundary setback, building-to-boundary line on both the north-eastern and south-western side property boundaries. There is a minimum setback of 5.6 metres to the north-west (rear) property boundary. The lower ground level (undercroft parking and rooms 1 and 2) has retaining on the boundaries for the entire length of the proposed building (approximately 45metres, generally less than 1 metre in height below ground level. There is retaining up to 2 metres in height adjacent the rear boundary with 12 Johnston Street created by correction of the cross fall on the site and the plan to create a level outdoor play area.
- Rear 'yard' areas are to be set out as dedicated children's activity / play spaces and the site frontage is proposed to include new landscaping either side of the vehicle access ramp to the undercroft parking area, with the northwest corner of the frontage accommodating the necessary firefighting booster box infrastructure.
- The proposed building incorporates a composite of materials including natural limestone face masonry (rough finish in natural material / and render finishes), ADBRI 'oatmeal' retaining block walling, vertically expressed profile (Lysaght longline or similar) metal and fibre cement wall cladding in Colorbond 'windspray' (light grey), with roofing material for the first and second storey roof and lift-plant housing being Lysaght longline or similar in Colorbond 'windspray'. First storey roofing is predominantly formed as green roof areas for use as children's activity / play spaces.

## BACKGROUND:

The proposal was lodged in October 2021 with the application proceeding to public notification phase in early November 2021, receiving considerable representation as detailed below. The applicant sought to place the application on-hold in December 2021 whilst considering and responding to the public representations. The response was received in February 2022.

The land has been formerly developed with a single storey, brick dwelling, established circa 1960's-70's which has been previously approved for demolition in 2018 (473/760/18) as part of a previous redevelopment proposal.

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF THE PROPSAL
12/04/2021	21/365/473	Demolition of existing dwelling & construction of two storey childcare centre, including undercroft car parking, deck, retaining walls, fencing & associated earthworks (non-complying) WITHDRAWN

10/04/2019 (Planning Consent only)	18/760/473	Two storey mixed use development incorporating shop, office, residential flat building (8 dwellings), undercroft car parking, retaining walls (maximum height 1.2m), fence (maximum height 3.4m), associated landscaping & earthworks, & demolition of existing dwelling & outbuildings LAPSED 10 April 2021
8/02/2011	11/62/473	Carport
3/01/2003	02/1283/473	Addition to detached dwelling - verandah
31/07/2002	02/571/473	Domestic Outbuilding - garage

## SUBJECT LAND & LOCALITY:

### Site Description:

**Location reference:** 14 JOHNSTON ST STIRLING SA 5152

**Title ref.:** CT 5350/901 **Plan Parcel:** F158259 AL13 **Council:** ADELAIDE HILLS COUNCIL

The site is a relatively rectangular shaped allotment of approximately 1054m<sup>2</sup> with frontage of 19.6 metres and depth of 60.1 metres on the low side of Johnston Street. The site has moderate slope away from Johnston Street with a variation of approximately 4.0 to 4.5 metres maximum fall diagonally across the site from front (south-west) to rear (north-east) of the site or a grade of approximately 1:10.

The land contains the previously mentioned dwelling and two domestic outbuildings, all of which are to be demolished to make way for the proposed development.

### Locality

The locality exhibits a similarly sloping landscape, and typically large (600 to 1000m<sup>2</sup>) allotments. The streetscape and locality exhibits a high degree of existing vegetation and landscaping amongst residential and commercial land uses (including retail, service and office land uses) within the subject Suburban Main Street Zone and the adjacent Suburban Neighbourhood Zone.

The locality is serviced with reticulated mains water and sewer services and well-established roads, footpaths and stormwater drainage infrastructure. Johnston Street is a minor scale local road which connects to the State maintained, Mount Barker Road which is the main thoroughfare through Stirling.

The locality is considered to have a strong mixed-use / urban character, influenced by the diversity of land uses such as small-scale retail shops, supermarket and service / office orientated businesses amongst residential land uses.

## CONSENT TYPE REQUIRED:

Planning Consent sought with subsequent Building Rules Consent required.

## CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

Pre-school: Code Assessed - Performance Assessed – All Other Code Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed – All Other Code Assessed

- **REASON**

P&D Code does not define any prescribed assessment pathway for the proposed form of development.

## **PUBLIC NOTIFICATION**

- **REASON**

Exemption from notification is available in Township Main Street Zone Table 5, (refer Item 3 (m) in Column A). However the proposal is not considered a minor variance to DPF 3.1 with regards to height and building levels (*2 levels and 10 metres prescribed*) referenced in the corresponding exceptions in Column B, and accordingly is determined to require Public Notification.

References in Table 5 Item 3, in Column B to DPF 3.2 and 3.3 are not relevant to the assessment of the proposal.

Public Notification period: 15 November 2021 - 3 December 2021

- **LIST OF REPRESENTATIONS**

During the prescribed public notification period, a total of thirteen (13) representations were received.

Of the thirteen representations, three (3) represented support (with some concerns raised) for the proposed development and ten (10) representations were made in opposition to the proposal.

<b>Rep. No.</b>	<b>Name / Address</b>	<b>Property Address</b>	<b>Opposes / Supports</b>	<b>Desires to be heard?</b>
1	R. Meyers	8 Cunningham Street Reid 5118	Opposes	No
2	P. Varga	12 Oakbank Street Stirling 5152	Opposes	No
3	S. Dwyer	12 Oakbank Street Stirling 5152	Opposes	Yes
4	N. Kassebaum	4 Oakbank Street Stirling 5152	Opposes	Yes
5	E. Boland	10 Oakbank Street Stirling 5152	Supports – With some concerns	Yes
6	B. Baldwin	2 Oakbank Street Stirling 5152	Opposes	Yes
7	G. Baldwin	2 Oakbank Street Stirling 5152	Opposes	Yes
8	M. French	PO Box 291 Crafers 5152	Opposes	Yes
9	V. Sands Kwong	12 Paratoo Road Aldgate 5154	Opposes	Yes
10	R & J Sands	16 Johnston Street & 31 Milan Tce Stirling 5152	Supports – With some concerns	Yes
11	E. Ansell	12 Johnston Street & 28 Mount Barker Road Stirling 5152	Supports – With some concerns	Yes
12	D. Wallis	PO Box 95 Stirling 5152	Opposes	Yes
13	B. French	PO Box 16 Aldgate 5154	Opposes	No

● **SUMMARY**

The matters raised in the representations reflects the matters summarised in the following table. Where shown in italics the response is a direct quote from the response to representations prepared by the applicant.

Summary of Representations	
Representation Issue	Applicant's Response
<i>Traffic Congestion on Johnston Street:</i>	
<p>Multiple representations contend that the existing traffic arrangements on Johnston Street create unreasonable congestion, safety and generally undesirable traffic impacts.</p>	<p><i>Traffic Assessment by Phil Weaver &amp; Associates – provided as <b>Attachment B</b>. - In summary, the advice finds that the amended design:</i></p> <p><i>Provides an appropriate quantity of on-site car parking spaces, which would address the anticipated peak parking demands associated with the subject development based upon application of car parking rates typically applied for developments operated by the applicant.</i></p> <p><i>Addresses the design concerns raised by the representors,</i></p> <p><i>Will not result in adverse traffic impacts on the adjacent road network, and</i></p> <p><i>Provides a design standard which is appropriate and meets the requirements of the relevant Australian / New Zealand Standards for off-street car parking areas inclusive of appropriately designed accessible (disability) car parking for use by clients and staff. The design of the on-site car parking area will provide appropriate car parking for use by parents / carers conforming to the requirements for a User Class 3a development.</i></p> <p>The applicant response also provides clarification that:</p> <ul style="list-style-type: none"> <li>• <i>the proposal has no reliance on on-street car parking and therefore should not contribute to street congestion.</i></li> <li>• <i>the proposal has no reliance on the open lot car park at 12 Johnston Street, and</i></li> <li>• <i>The proposed car stackers are not “pit-style” (reference also to impacts to ‘Tree 5).</i></li> </ul>

<b>Existing Businesses in Locality (proliferation / demand):</b>	
<p><i>Representations suggest that there are enough businesses in Johnston Street already and another cites that there are already 3 existing childcare services in and proximate to Stirling.</i></p>	<p><i>Responded to directly by the childcare operator in <b>Attachment A</b> - identifies that there is demand for childcare in Stirling and that a shortage presently exists.</i></p> <p>The statement regarding there being <i>enough existing businesses in Johnston Street</i> is not directly addressed. The relationship to other existing development in the area, is limited to character and consistency with the planning policies, and is not considered to be relevant in the assessment of the proposal against the performance values of the Code.</p>
<b>Operational Noise / Plant Noise:</b>	
<p>Representations identify potential for noise impacts both from operation of the pre-school / children’s services development and from the operation of plant.</p>	<p>The Applicant response provides that:</p> <p><i>Desired Outcome 1 of the General Policies for Interface between land uses and PO 1.2 provides guidance on the acoustic interface between non-residential and residential uses:</i></p> <p><i>DO 1: Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.</i></p> <p><i>PO 1.2: Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.</i></p> <p><i>The Zone envisages the coexistence of residential and non-residential land uses. These include preschools, consulting rooms, places of worship, tourist accommodation, indoor recreation facility (gyms) and hotels – all of which have the ability to create potential impact if not designed and managed correctly at the residential interface.</i></p> <p><i>In response to the items raised regarding noise from the facility, the following is noted:</i></p> <ul style="list-style-type: none"> <li><i>• The proposed development has been designed to direct the childcare centre outdoor play areas away from the residential interface. This reduces potential for noise.</i></li> <li><i>• The operating hours of the childcare are Monday to Friday (6:30am to 6:30pm). After hours and weekends noise will not occur at this site given its hours of operation.</i></li> </ul>

	<ul style="list-style-type: none"> <li>• <i>A 1.8m high solid boundary fence at the residential interface, providing noise attenuation will be erected at the boundary in locations where solid boundary wall is not proposed – refer drawing TP.08. This is common practice in childcare facilities adjacent to residential properties.</i></li> <li>• <i>Plant equipment - Service equipment is currently being sized by Meinhardt Group based on the final proposal. An acoustic engineer will confirm acceptable noise levels of plant and provide recommendations for any shrouding or noise mitigation where required.</i></li> <li>• <i>The location of services is proposed to be on the green roof near the Staff Room area away from the residential interface.</i></li> <li>• <i>DPF 4.1 of the Code, Interface between land uses General Development Policies seeks that Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria. The Applicant will accept a condition of consent which includes reference to this policy in its operation.</i></li> </ul>
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**Overshadowing / Overlooking:**

<p>Neighbouring land at 16 Johnston Street &amp; 31 Milan Terrace is considered to be subject to overshadowing with overlooking potential to its private open space</p>	<p>Shadow diagrams for winter solistice arc conditions and detail of neighbouring land are provided in the Applicant response in respect of the overshadowing concerns.</p> <p><i>The Code’s Interface between Land Use provisions provide some quantitative criteria to mitigate overshadowing of residential land uses in a neighbourhood type zone. In this case, the adjacent properties to the west/south-west are not located in a neighbourhood zone and are within the same Suburban Main Street Zone. Where adjacent land uses are not in a neighbourhood zone, development need only to be designed to enable access to direct winter sunlight to north facing windows.</i></p> <p><i>The proposed development will provide for almost 3 hours of direct sunlight to north-facing windows of adjacent properties (the requirement if they were in a neighbourhood zone) and therefore the proposed development clearly satisfies the Interface between Land Uses Principle 3.1. Similarly, the proposed development will provide for more than 2 hours of direct sunlight to adjacent properties’ private open</i></p>
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	<p><i>space and therefore will satisfy Interface between Land Uses Principle 3.2.</i></p> <p>In respect of Overlooking:  <i>The extent of overlooking is considered minimal given that:</i></p> <ul style="list-style-type: none"> <li>• <i>the rear yards of adjacent properties at 16 Johnston Street and 29 Milan Terrace are heavily vegetated by tall trees (refer Image 3 and Image 4); and</i></li> <li>• <i>the design incorporates a 1.8m high Aluminium fencing with perforated metal with maximum 25% open area to the outdoor play area which restricts overlooking from the site into the private open space of adjacent properties. The Code seeks screening of balconies to a maximum of 1.7m above ground level (and allows for a 25% openings/transparency).</i></li> </ul> <p><i>For these reasons, the proposed development satisfies Design in Urban Areas Performance Outcome 10.2.</i></p>
<p><b>Light spill:</b></p>	
<p>Neighbouring land at 16 Johnston Street &amp; 31 Milan Terrace is considered to be subject to impacts from light spill</p>	<p><i>The following response is provided to address the concerns raised about potential for light spill by adjacent owners:</i></p> <ul style="list-style-type: none"> <li>• <i>The proposed lighting will be consistent with AS4289: Obtrusive Effects of Outdoor Lighting - and the Applicant will accept a condition of consent which requires this compliance.</i></li> <li>• <i>All lighting will be connected to a timer and will be switched off in the evening.</i></li> <li>• <i>The lighting layout will be designed to ensure that no external light fittings impact neighbouring properties through use of honeycomb diffusers to direct light and reduce glare while retaining adequate lighting levels.</i></li> </ul>
<p><b>Stormwater:</b></p>	
<p>Neighbouring land at 16 Johnston Street &amp; 31 Milan Terrace raised concern regarding management of stormwater from the building and its surfaced areas.</p>	<p>Stormwater management is not discussed in the Applicant response, however it is noted that the prospect of any stormwater run-off entering the adjoining land is unlikely, given the contour of the land, with the representors' allotments being elevated above the level of the site of the proposed development.</p>



	Stormwater is addressed within the assessment relevant to the performance provisions.
<b>Security (of accessible car park area) after operating hours:</b>	
One representation has raised concern regarding the security of the un-secured car parking area attracting loitering and anti-social behaviour outside the hour of operation of facilities and especially during night-time periods	<p><i>Amendments to the design have arisen following feedback from the community -</i></p> <p><i>The car park will incorporate a gate which will be closed outside of the opening hours of the proposed childcare centre. This gateway will be set back approximately 6.5 m from the property boundary and would provide for sufficient distance between the gate and the property boundary to &lt;contain&gt; a vehicle entering the car park in after-hours periods without this vehicle encroaching onto the Council Road verge or footpath area.</i></p>
<b>Amenity (appearance) of south-west wall on boundary &amp; impact to tree 5:</b>	
<p>Neighbouring land at 16 Johnston Street &amp; 31 Milan Terrace raised concern regarding the proposed building's boundary wall along the entire length of the adjoining allotment boundary and its open space area.</p> <p>And</p> <p>Tree Number 5, identified as a regulated tree. Within the arborist reports, it is noted that to reduce possible damage to this tree the proposed footings are being designed to avoid the Structural Root Zone. However, it is also noted that there will be a pit/s associated with the car stackers.</p>	<p>A 1.8 metre high solid timber paling acoustic fence has been nominated for the rear 'yard space' and along the access ramp to the proposed building where it adjoins 16 Johnston Street and 31 Milan Terrace. Other portions of the boundary are addressed by a by an oatmeal smith block work wall. 1.8 metre high aluminium post &amp; perforated metal balustrading has been applied to the first storey balcony to the rear of the centre adjacent the level 1 outdoor play area to mitigate overlooking.</p> <p>The Applicant response has indicated that: <i>The proposed car stackers are not "pit-style", and accordingly is not considered to be of any greater significance to the retention and health of 'Tree 5', beyond the concerns addressed in respect of footing design. Council has had an independent arborist review the design, provided arborist report and proposed construction method and is satisfied 'Tree 5' is reasonably protected.</i></p>
<b>Does Not Accord Dept. Edu. Design Standards:</b>	
One representation identifies that the operation of the facility will present a significant and foreseeable risk of contravention of the Department of Education mandated design standards and guidelines for early childhood facilities.	<p><i>Compliance with childcare operational standards has been responded to directly by the childcare operator in <b>Attachment A</b>. Its response identifies that:</i></p> <ul style="list-style-type: none"> <li><i>The proposed childcare centre will comply with the all relevant standards for the design and operation of childcare centres as required by legislation and Department of Education mandated design</i></li> </ul>

	<p><i>standards and guidelines for early childhood facilities.</i></p> <ul style="list-style-type: none"> <li>• <i>The Building Code will deal with fire risk and evacuation procedures/requirements. State fire authorities will have involvement in the outcome of fire and evacuation design requirements. A fire consultant which has been engaged by the operator has already been engaged and has provided advice on the preliminary design and will continue to provide advice through the detailed design phase.</i></li> </ul>
<p><b>Emergency Evacuation &amp; Staffing Ratio – Reference to Education and Care Services National Regulations (2011):</b></p>	
<p>One representation identifies that the operation of the facility will fail to accord staffing and emergency requirements for children’s services facilities and presents <i>very real high risk of accident and incident involving the young children.</i></p>	<p>As above.</p> <p>Additional ‘industry standards’ outside of the operation of the Planning and Design Code and the Building Rules &amp; National Construction Code are not applicable to the assessment of this proposal against the Code Performance values.</p> <p>Staffing Ratio:  <i>With regard to confirmation of overall children and staff numbers, a typical daily capacity of children would rarely ever reach 100%. Most childcare centres operate with the a “steady state’ rate of 85-90% capacity. For this facility, the number is around 86 of the 95 children. Staff numbers would be up to 17 staff for the care of children and 2 further staff (centre director and chef). Staff numbers are directly linked to the age of children i.e. babies require a greater number of staff than the pre-school age children.</i></p>
<p><b>Car Parking Ratio:</b></p>	
<p>Representations contend that the car parking ratio is inadequate for the anticipated intensity of use, staffing level and demand for car parking, including failing to accord the prescribed parking ratio requirements.</p>	<p><i>An increase in off-street car parking from 21 car parks to 23 car parks (equivalent to 1 parking space per 4.13 children).</i></p>
<p><b>Does not accord Building Height:</b></p>	
<p>One representation presents objection on the basis that the proposed building exceeds the prescribed maximum height limit of the Zone.</p>	<p>The Applicant response provides that:</p> <p><i>The Architects have confirmed that the building height above the finished car park level to the top of the roof is 10.3 metres (basement level 506.28, roof level 516.58). The lift overrun is 800mm above this level.</i></p>

	The prescribed Building Heights of 2 Levels and 10 metres for the site / Zone are assessed further within the Assessment section of this report in respect of the height departure.
<b><i>Does not accord Setbacks:</i></b>	
One representation presents objection on the basis that with no building exists on one side of the proposed building and the proposal does not meet minimum 10m Primary Street setback requirement.	The representation made in respect of the building's setback to Johnston Street has not been responded within the response document, however is assessed further in the Assessment section of this report.
<b><i>Interface with adjacent land uses:</i></b>	
One representation contends that the proposal does not adequately consider the interface with 12 Johnston Street, which is currently 'undeveloped' car parking land, and that the proposal neglects to consider that at any point in the future may be developed into a suitable use in the zone (and be impacted by overlooking or overshadowing implied).	<p>Interface with 12 Johnston Street:</p> <p><i>A representative of the owner of 12 Johnston Street, the open lot car park to the east of the land provided a representation which supports "the principle of the proposed use and redevelopment of the land". They did however query:</i></p> <ul style="list-style-type: none"> <li><i>• interface conditions with their site; and</i></li> <li><i>• how this proposal may impact the future development potential of their land.</i></li> </ul> <p><i>Proposed Interface</i>  <i>The proposed development builds to the eastern boundary (the western boundary of 12 Johnston Street) and has taken into account the considerable level change between the land and its neighbour through the use of boundary retaining walls. The proposed material at this interface is "Adbri masonry versation or similar blockwork wall" in oatmeal with a smooth finish – refer Image 5.</i></p> <p><i>The applicant would consider altering the material should the adjacent landowner seek its amendment.</i></p> <p><i>Future development potential</i>  <i>Any future development of 12 Johnston Street would form the subject of a Development Application to Council for assessment, consideration of the proposed built form would need to have regard to site context and impact on its neighbours regardless of what is being proposed on the land.</i></p>

The Applicant's response recognises most issues raised by the representations providing further information and responses to clarify the matters raised and for the purposes of the assessment. The response also proposed design amendments, most notably the creation of 2 additional carparks, a decrease in the gradient into the carpark, gates to lock the carpark after-hours and 1.8m high perforated metal screening to prevent

overlooking to the west. With regards to the impact on future development on 12 Johnston Street the zone supports a range of non- sensitive uses and should a sensitive use be proposed there are design tools to mitigate adverse impacts.

It is considered that the many and various matters have been responded to adequately and with relevant legislative references to the extent that the elements such as 'industry standards' which lie beyond the scope of the South Australian Planning System and the National Construction Code are clearly excluded from consideration in this assessment.

The visual impacts of retaining walls have been addressed to a degree that technical compliance with the Planning and Design Code provisions can be suitably demonstrated, noting there is currently a 2metre cut on the boundary with 12 Johnston Street. Arguably the proposed retaining may create a better outcome, noting the proposed retaining is 3.1m above natural ground level at its most extreme with regards to 12 Johnston Street. The natural form of the land in this area has resulted in both substantial and informal level differences. Overlooking can be mitigated and the applicant has offered to alter materials should this be desirable.

It is also acknowledged that the proposed development fundamentally accords with the intent of the zone in terms of the form of development and its context to the Suburban Main Street Zone. Whilst the Zone has substantial existing residential forms of development it has been zoned to accommodate a degree of commercial activity. In this respect, the 'future development' of 12 Johnston Street, may or may not encounter interface or sensitive receptor type issues if, and when it is developed in the future.

A copy of the representations are included as **Attachment 4 – Representations** and the applicant's full response (*including the additional Applicant statements and Traffic Assessment*) as **Attachment 5 – Response to Representations**.

## **AGENCY REFERRALS**

No referrals to external agencies were required.

## **INTERNAL REFERRALS**

### **COUNCIL ARBORICULTURE**

Report from Gary Moran of Adelaide ARB Consultants which covers Council trees impacted by the proposal and commentary on trees 5 and 2 which are on neighbouring land.

*...There were deliberations surrounding the legislative control status of Tree 5. I looked at the layers of relevant tree legislation and I have spoken with other industry professionals to determine Tree 5 is a Regulated Tree and tree-damaging activity cannot be undertaken despite the fact it is located within 20m of an existing dwelling in a bushfire risk area.*

*To be clear, trees in these circumstances are only exempt from removal, not from tree-damaging activity.*

*...conforms with Australian Standard AS 4970-2009 Protection of trees on development sites. Further advice from review of the development :*

- The development consists of the demolition of the existing dwelling and infrastructure and the construction of a three storey child care centre and associated infrastructure.*

- *Tree 2 is identified as Eucalyptus viminalis - Manna Gum. Aerial imagery indicates it is located more than 20m from existing dwellings and therefore it is protected under the Native Vegetation Act 1991.*
- *Tree 5 is a Regulated Tree and it is not exempt from tree-damaging activity (as discussed above).*
- *The two (2) arboricultural reports provided by the applicant's arborist conform with Australian Standard AS 4970-2009 Protection of trees on development sites.*
- *The root investigation conducted by the applicant's arborist conforms with AS 4970-2009. This has identified root sizes and locations. This information has been used to assist in a design aimed at avoiding/reducing impacts to the trees.*
- *The tree-sensitive design solutions (pier and beam footings) are expected to minimise impacts to the trees.*
- *The tree protection plan provided by the applicant's arborist effectively demonstrates inadvertent impacts to the trees will be avoided/minimised during development activities...[and]*

The proposed works are considered to be consistent with the principles of preserving the Regulated and protected trees, which contribute to the landscape and natural aesthetics of the streetscape and locality.

Conditions should be applied for the protection of the trees and the RPZ during construction (refer recommended condition 9).

## **COUNCIL ENGINEERING**

Reviewed the documentation provided for this development specifically considering the following:

- 1) Proposed access to the property.
- 2) Stormwater requirements with no objection to the proposed development with the following conditions:
  1. Access is acceptable. Existing crossover is to be decommissioned. New crossover and kerbing to be installed for the width of the property to Council Standards SD13, kerbing to marry into the existing.
  2. Stormwater discharge to the street to Council Standard SD25 a. Stormwater discharge to the street at 10L/s is acceptable b. Please demonstrate pump chamber capacity and that pump chamber won't over flow.
  3. Please note there is an existing stormwater 150mm pipe that crosses the front of the property, no alterations are to be made to this. If damaged please report to the Council immediately.

The proposed development provides technical detail as to the requirements of an underground detention and pumping system to the required maximum discharge specifications to match Council's stormwater infrastructure capacity, which will cater for surface stormwater run-off (and any other captured stormwater which cannot be discharged directly to the street water table from the building / roofline areas).

The engineering solutions for this system are contained in the Drew Rudd Engineers' Stormwater Management Plan Report dated 3 March 2021. A reserved matter is proposed to address the final design of both the cross over and the stormwater sump.

## PLANNING ASSESSMENT

### Desired outcomes

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

### Performance outcomes

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

### Designated performance features

In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a *designated performance feature* or DPF).

A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.

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

### Zone & Sub Zone:

#### Suburban Main Street Zone

Desired Outcomes	
DO1	A mix of land uses including retail, office, commercial, community, civic and medium density residential development that supports the local area.
DO2	A high degree of pedestrian activity and main street activity with well-lit and visually engaging shop fronts and business displays including alfresco seating and dining facilities
DO3	An intimate public realm with active streets created by integrated mixed use buildings.
Performance Outcomes/Designated Performance Feature (DPF) criteria	
PO/DPF 1.1 (l), 1.2, 1.3, 2.1, 2.4, 2.5, 2.7, 3.1, 3.4, 3.5, 3.7, 3.8, 4.1, 4.2, 5.1,	

The proposal is for a form of development which falls within the ambit of DO 1, as a commercial/community development envisaged in PO/DPF 1.1, supporting the local area's children's services needs of the community.

The proposal pursues a higher degree of pedestrian activity within Johnston Street in respect of DO 2, DO 3 and PO/DPF 1.2 with respect to the foreseeable outcome that people using the services of the proposed development also conveniently utilise other services or conveniences within the suburban main street area (including the various retail, food and beverage, grocery shopping and nearby library, or professional & commercial services) all of which are in close walkable distance of the proposed development and resultantly increase active pedestrian interaction within the zone, also according with Zone PO 2.7.

In respect of the above, the proposal may also reflect in a degree of distributed parking in the locality (which is reflected more so later in the *General Provisions – Transport, Access and Parking* section of this report) - not in the context of street parking in Johnston Street, but appurtenant to other services in the main street locality, such as at the Council offices & library, at the supermarkets or at the local shopping complex.

In respect of PO 1.3, the frontage of the site and the building is engaging, with a small area for outside recreation and landscaped access to the building, however could arguably be improved with a greater degree of activity at the front of the building's first or second storey, notwithstanding the 'green roof' feature occupying this area adds to a pleasant street appeal.

In terms of Built Form and Character PO/DPF 2.1, the building design responds well to challenging topography of the site. It utilises the undercroft area for requisite parking and ease of service such as laundry as well as lift access, whilst producing a built form with substance at the first storey level, reminiscent of a low-podium design and exhibits 'lighter weight' reduced built form and bulk at the second storey. The building has an interesting form, which whilst not consistent with the majority of the surrounding residential development, is not at odds with the intention of the Zone to develop as a vital and *visually engaging* environment.

PO 2.4 is accorded well given the broadly open plan layout of the building and its open balcony / deck areas and is considered to be a design which would readily adapt in the future to many of the other envisaged forms of development identified in PO/DPF 1.1.

In respect of PO/DPF 2.5 less than half of the area of the front projection of the first storey is permeable / open and glazed, however the building is set back from the street frontage and the street presentation is augmented with landscaping at the site frontage which further 'softens' the building appearance from the street.

#### **Building Height and Setbacks:**

The building height and setbacks have been raised within the representations received through the Public Notification process and it is acknowledged that the building height departs from the maximum prescribed both in terms of rise in storeys and maximum building height.

The departure in terms of storeys is not insubstantial given the proposed building is three levels. However it is considered the lower ground level with undercroft carpark as mentioned above in respect of *design*, responds well to challenging topography. Much of the lower carparking level is concealed from view by the topography of the site and contributes little to the building's height and bulk when observed from the front of the site. However when compared to the height of the first storey floor level at the north-eastern side boundary to 12 Johnston Street (the car parking land) it presents as three storeys. As already mentioned the topography of the area is challenging and there are significant level differences in this location already existing. This is a side property boundary and it is contemplated that the adjacent land may at some future time, itself support substantial built form including high-walls of two-storey development to 10 metres height as envisaged.

The departure in terms of overall height, being only 300mm over the prescribed height (at the top of the second storey roofline), with the lift-override housing and solar panels within a further 800mm over the roofline, is considered to closely accord with the height provisions and be reasonably acceptable. The lift override and solar panels in their own right are small elements in the scheme of the building and realistically will contribute little to the buildings overall form or perceptible height, when viewed from the street.

The building is not inconsistent in height and visual bulk with the building at the intersection of Johnston Street and Milan Terrace, which has a lesser setback to Johnston Street at approximately 6.0 metres.

The proposed building's setback was also contended within the representations received, citing that in the absence of a building on 12 Johnston St, the proposed development did not comply with the setback provisions. PO/DPF's 3.4 and 3.5 provide that *Buildings with no setbacks from road boundaries achieve a continuity of street façade to the main street (PO 3.4 & 3.5)*. DTS 3.5 specifically provides the acceptable performance feature is *Except where contrary to DTS/DPF 3.2 or 3.3 (which do not apply/have no effect as the subject land is not adjoining land used for residential purposes in a neighbourhood type zone), building walls located on the site's side boundaries, with the front wall set back in line with neighbouring buildings.*

In this respect the neighbouring buildings to the west of the proposed development on Johnston Street, these have minimum setbacks from building to site frontage of between 6 and 7 metres (16 and 18 Johnston Street) and 6 metres (31 Milan Terrace) and therefore an average of approximately 6.6 metres. Considering the setbacks of those buildings' opposite within the Suburban Neighbourhood Zone (zero setback, 7 metres setback and 3 metres setback respectively) there is an average of 5.0 metres in the locality. The proposed building setback of 8 metres is therefore considered to satisfy PO/DPF's 3.4 & 3.5 in respect of continuity of streetscape and consistency of streetscape and is not considered prejudicial to the Suburban Neighbourhood Zone opposite, as described in PO/DPF 3.8.

The composition of car parking is considered to accord with PO/DPF's 4.1 and 4.2 in respect of the access point not being at interface with the 'main street' areas. The inclusion of gating for the undercroft car park and its positioning to permit the length of a vehicle within the site without interfering with the operation of the footpath is considered satisfactory. The proposal, having no reliance on street car parking should minimise traffic impact to a degree (permitting turn-in and turn-out traffic interactions) which remain consistent with the envisaged forms of development to be established in the zone. Car parking ratios are discussed in the *General section*.

**Overlays:**

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

<b>Desired Outcomes</b>	
DO2	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.
<b>Performance Outcomes &amp; Designated Performance Feature (DPF) criteria</b>	
PO/DPF 1.1, 2.1, 5.3	

In respect of POs 1.1 and 2.1, the proposed development, being of a commercial nature, is likely to be subject to a high degree of maintenance and up-keep, including the management of any debris which could occasionally accumulate within the balcony deck area, plant and equipment enclosures or generally about the building's walls and roof. The design of the building is relatively simple in its form and open with much of the roof-deck spaces being highly accessible.

The paradox is the green roof area, which is highly desirable from aesthetic and energy efficiency viewpoints, but is without substantial direction from a bushfire risk perspective. It is considered appropriate in this regard that the green roof component of the development be conditioned to incorporate suitably fire-resistant species (such as succulents or other species which do not develop dry, spent foliage as a fuel load) and that the rooftop garden areas are to be irrigated and therefore wet-down to minimise potential of ember attack initiating a fire in this area of the building.

The building does not rely upon fire tracks for access of fire appliances or evacuation, with the site having appropriate direct frontage to the formed local road network, which is considered satisfactory in respect of PO 5.3.



**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 &amp; Designated Performance Feature (DPF) criteria</b>	
PO/DPF 1.1, 2.1, 3.1, 3.2,	

Wastewater management is via existing sewer scheme and will not impact upon the health of the Mount Lofty Ranges Catchments, according PO/DPF 2.1.

Stormwater is to be discharged to the local street water table. The proposal utilises an underground capture and detention system with pumping apparatus to deliver detained water back to the street water table at the appropriate rate determined by Council Engineering, and resultantly will detain pollutants and sediment captured or mobilised in the stormwater, so reducing the potential for pollutants to enter the municipal stormwater system according DO 1 and PO 1.1, 3.1 & 3.2. The proposed development also has a moderate composition of permeable surfaces which will assist in stormwater drainage.

The proposed development has reasonable prospect of re use of captured / detained stormwater for landscape irrigation.

**Native Vegetation Overlay**

<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, ecosystems services, carbon storage and amenity values.
<b>Performance Outcomes &amp; Designated Performance Feature (DPF) criteria</b>	
PO/DPF 1.1	

The proposal is considered to observe appropriate requirements for the preservation of the adjacent *Eucalyptus viminalis* (*Manna Gum*), which is identified within the arboriculture report as being unlikely to be subjected to any adverse impact from the proposed development, notwithstanding, the tree should be appropriately protected during the construction phase. Refer recommended condition 9.

The other substantive trees on the site are *Cupressus macrocarpa* (Monterey Cypress) which are non-native species and a species that are expressly excluded from being regulated trees.

The tree of concern is a *Liquidambar styraciflua* (Liquidambar), which is non-native, but is a Regulated tree (discussed in the appropriate overlay section below) on 16 Johnston Street.

**Prescribed Water Resources Area Overlay**

<b>Desired Outcomes</b>	
DO1	Sustainable water use in prescribed surface water resources areas maintains the health and natural flow paths of watercourses.

This overlay is not considered to be directly relevant to the proposal as the PO/DPF criteria relate to activities that require water allocation licences from Landscape South Australia such as horticulture, forestry and new dams or alterations to existing dams.

**Regulated and Significant Trees Overlay**

<b>Desired Outcomes</b>	
DO1	Conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss.
<b>Performance Outcomes &amp; Designated Performance Feature (DPF) criteria</b>	
PO/DPF 1.1	

The proposal is considered to observe appropriate requirements for the preservation of the adjacent *Eucalyptus viminalis* (*Manna Gum*), identified as a protected species under the Native Vegetation Act 1997 and addressed above, and *Liquidambar styraciflua* (Liquidambar), which is non-native, but is Regulated. Considerable redesign and arboricultural consultation was undertaken prior to lodgement of this application to ensure minimal impacts on the Liquidambar on the neighbouring allotment. Proposed Condition 9 is proposed to preserve tree 5, the adjacent Liquidambar.

The remaining *Cupressus macrocarpa* (Monterey Cypress) are specifically excluded from the definition of a 'Regulated Tree'.

The intent of the Regulated and Significant Tree Overlay is considered to be satisfied by the proposed development and a reasonably high degree of landscape amenity is to be preserved and augmented with additional landscaping.

**Traffic Generating Development Overlay**

<b>Desired Outcomes</b>	
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.
<b>Performance Outcomes &amp; Designated Performance Feature (DPF) criteria</b>	
PO/DPF 1.1, 1.2	

This overlay is not considered to be substantively relevant to the proposal as the PO/DPF criteria as they are generally relative to the interface with the State Maintained road network, notwithstanding that, the following points have been considered:

Access will be via a new access point from Johnston Street. The access point and crossover are designed for simultaneous two-way vehicle movements and allows entry to, and exit from the site in a forward direction. Noting the inclusion of gating for the undercroft car park, the positioning of the gates which would permit a vehicle to pull-up to the gates (if not opened i.e. staff arriving at the beginning of the day) within the site and without interfering with the operation of the footpath. This is considered satisfactory.

The proposal, having no reliance on street car parking should relieve parking pressure and traffic impact to a degree (permitting turn-in and turn-out traffic interactions) and therefore is considered to satisfactorily accord with DO1,

and DO 2 and PO/DPF 1.1 & 1.2, being well beneath the thresholds in the DPF. Some representors raised concerns regarding the capacity of the local street network. The applicant addressed the capacity in both the original application (SIDRA intersection software analysis) and in their traffic engineer’s response to the representation. The traffic engineer’s response has also made some suggestions regarding the potential for the proposal to ease some perceived congestion on Johnston Street.

**General Development Policies:**

The following are considered to be the most relevant of the Assessment Provisions (AP) from the General Development Policies of the Code

**Advertisements**

<b>Desired Outcomes</b>	
DO1	Advertisements and advertising hoardings are appropriate to context, efficient and effective in communicating with the public, limited in number to avoid clutter, and do not create hazard.
<b>Performance Outcomes &amp; Designated Performance Feature (DPF) criteria</b>	
PO/DPF1.1, 1.2	

The proposed development incorporates subtle signage exhibiting ‘Paisley Park Early Learning Centre’, in the corporate style of the business, for the reasonable identification of the building on the façade of the building. The signage is considered to reasonably accord with DO 1 and PO/DPF values, in particular:

**DPF 1.1**

- (a) is not within a neighbourhood type zone,
- (b) is flush with the wall and is not above canopy level,
- (h) (where attached to a two-storey building) - has no part located above the finished floor level of the second storey of the building, and
- (l) do not, in combination with any other existing sign, cover more than 15% of the building facade to which they are attached.

PO 1.2 - do not disfigure the appearance of the land upon which they are situated or the character of the locality.

PO 1.5 - are of a scale and size appropriate to the character of the locality.

PO/DPF 3.1 - are limited to information relating to the lawful use of land they are located on to assist in the ready identification of the activity or activities on the land and avoid unrelated content that contributes to visual clutter and untidiness.

The signage is considered to suitably avoid any risk of nuisance (non-illuminated) or distraction to road or hazard to footpath users, particularly due to being subtle in appearance and set-back on the building’s façade.

**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 &amp; Designated Performance Feature (DPF) criteria</b>
PO/DPF1.1

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

Overhead powerlines exist on the opposite side of Johnston Street with no direct interface with the proposed development.

**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 &amp; Designated Performance Feature (DPF) criteria</b>	
PO/DPF 1.3, 1.4, 1.5, 2.3, 2.4, 2.5, 3.1, 3.2, 4.1, 4.2, 5.1, 7.1, 7.2, 7.3, 7.6, 8.1, 8.2, 9.1, 10.1, 10.2, 31.1	

The proposed development presents a building design which is unlikely to be mistaken for residential development and in this respect is considered to purposefully present and distinguish itself as a commercial building. Its style and detailing is tasteful and does not (for instance) exhibit bold primary colours or geometric shapes which could be considered to be at odds with the pleasant mixed-use environment in which it will exist. Its appearance and finishes are considered to be non-prejudicial to the continuance of the residential land uses in the adjacent Suburban Neighbourhood Zone on the south side of Johnston Street satisfying PO 1.3.

Plant and equipment on the second storey roof are contained and concealed from view by physical screening and the green roof, which is considered to reasonably accord with PO/DPF 1.4. The incursion of the lift-overrun housing and solar panels are not considered to be of great substance in terms of the satisfaction of DPF 1.4, being only 800mm above the proposed upper roofline.

There is a screened and mechanically vented bin storage area at the southern front boundary in the lower ground floor of the proposal. The bin storage is under the pedestrian access ramp. A condition is proposed to ensure no amenity impacts (refer Recommended Condition 9).

In respect of PO/ DPF 3.1, 3.2, 4.2 and 4.3, the proposed development necessarily has parameters in which landscaping is designed and species selected, including those which are ‘friendly’ to children, including at the arrival and departure areas and in this respect need not necessarily incorporate native species (PO 3.2). As highlighted under the Hazards (*Bushfire – Medium Risk*) Overlay, the green roof will require conscientious selection of plants to minimise fire risks.

The proposed landscaping however is considered to appropriately satisfy PO 3.1, 4.2 and 4.3 in respect of appearance, shading and particularly the incorporation of the green roof for its aesthetic and energy efficiency properties. The open spaces, and linking of the various rooms directly to outdoor spaces enables the design to utilise large doorways and connect the inside areas to the outside play and recreation spaces and provide a high degree of ventilation and solar access whilst necessarily being able to be closed off in the event of inclement weather or in colder / wetter months.

PO/DPF 7.1, 7.2, 7.3, and 7.6 relative to car-parking appearance are considered reasonably well accorded, notwithstanding within the undercroft, there are few opportunities for permeable areas and other features. The proposed parking layout and building design affords a suitably configured and well concealed car parking area which has minimal impact upon sensitive receptors to the west and south. The building design, responding to the natural contours of the land also minimises the extent of landform modification which to a degree yields the car-parking design and produces driveway gradients at 1:8 (maximum) down to 1:20 (minimum) in accordance with PO/DPF 8.1 and 8.2.

PO/DPF 9.1, 10.1 and 10.2 are relevant to privacy, overlooking and screening, which were raised within the representations received in the Public Notification phase. The addition of 1.8 metre screen type balustrades to the second storey balcony deck areas which face west towards adjoining residences and private open spaces is considered to suitably accord PO 9.1 and PO/DPF 10.2, noting that the screening balustrades have been specified as meeting the minimum standards of DPF 10.2 (b).(*condition 10* requires installation prior to occupancy)

PO 31.1 is appropriately addressed in the *Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay* in respect of utilisation of the underground capture and detention system which will detain pollutants and sediment captured or mobilised in the stormwater, reducing the potential for pollutants to enter the municipal stormwater system.

The proposal is consistent with the Design policies.

### **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
<b>Performance Outcomes &amp; Designated Performance Feature (DPF) criteria</b>	
PO/DPF 1.1, 11.1, 12.1,	

The subject land is connected to reticulated mains water, and sewer services which is compliant with, and satisfies PO/DPF 11.1 and 12.2.

### **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 &amp; Designated Performance Feature (DPF) criteria</b>	
PO/DPF 1.2, 2.1, 3.1, 3.2, 3.3, 4.1, 4.2 (c) & (d), 4.6, 6.1, 6.2	

A number of the matters contained within the Interface Between Land Uses provisions were raised in representations received during the Public Notification process including overshadowing, operational and plant noise, light spill.

PO/DPF 2.1 seeks for non-residential development to not unreasonably impact the amenity of sensitive receivers through its hours of operation, and unlike the operation of a hotel bar, all hours gymnasium or the like, the likely effects of noise and vibration outfall from the proposed development are unlikely to be severe or sustained in duration.

There is a likelihood that the intended children's activities will involve music and energetic activity such as singing, dancing and active play at times, however it is unlikely to be at a level that would cause any severe or unreasonable noise nuisance however it is noted childcare services are specifically precluded in Schedule 1 of the Environmental Protection (Noise) Policy referred to in PO/DPF 4.1. In any event, hours of operation are not considered to be unreasonable or create impact on nearby residences beyond normal business hours. The proposed services are to operate for twelve hours per day from 6:30am to 6:30pm, Monday to Friday and will be closed weekends and public holidays.

In respect of plant noise, as provided in the Applicant's response to representations, plant requirements are currently being designed based on the final proposal and it is intended that an acoustic engineer will confirm acceptable noise levels of plant and provide recommendations for any shrouding or noise mitigation where required. This aspect of noise management is considered a building code matter and is governed by EPA controls.

It is noted that the location of services is proposed to be on the green roof near the Staff Room and is away from direct interface with the neighbouring dwellings and associated private open spaces, with only the electrical switchboard and hot water service located in the void on the south-western side boundary and themselves are unlikely to have any impact upon the adjoining residences.

The Applicant has indicated a willingness to accept a condition of consent regarding noise in PO/DPF 4.1 to assure appropriate levels are achieved, additionally and consistent with the confirmation on behalf of the applicant, it is considered acceptable to condition the containment of all plant and equipment to the rooftop plant enclosure to ensure that items such as air conditioner compressor units and the like are not added to the south-western or north-eastern side walls of the building.

Noise emission from the 'yard' areas at the rear, ground level portion of the property is enclosed with a 1.8 metre tall solid timber fence, which will have a degree of sound-dampening quality, however there is no acoustic assessment for the proposal or its impacts to validate the potential impacts or mitigation. The applicant has contended an acoustic report is not required because of the site's location in the Suburban Main Street Zone. The Zone is an active commercial type zone where a range of uses and operating hours are envisaged. It is not within a residential zone (or indeed residential locality) where the amenity of the locality may be quite different. It is considered the noise generating activity is focussed to the rear of the site and will not impact on the adjacent residential properties on the southern side of Johnston Street in the Suburban Neighbourhood zone. Additionally, the site can use administrative controls to ensure compliance with noise concerns such as not using outdoor areas prior to 7am. Refer recommended condition

PO 6.1 & 6.2 seeks to control external lighting to ensure it does not cause unreasonable light spill or interface issues including road user safety. The Applicant's response to representations indicated, supplementary to the application plans that:

- The proposed lighting will be consistent with AS4289: Obtrusive Effects of Outdoor Lighting and the Applicant will accept a condition of consent which requires this compliance.
- All lighting will be connected to a timer and will be switched off in the evening.

- The lighting layout will be designed to ensure that no external light fittings impact neighbouring properties through use of honeycomb diffusers to direct light and reduce glare while retaining adequate lighting levels.

And it is considered that conditions securing this level of light-spill and attenuation of nuisance resulting from external lighting can reasonably be applied (refer recommended condition 2).

The representations also raised concern regarding possible negative impacts of loitering or unlawful behaviours propagated by the open and accessible undercroft parking which has been addressed by addition of gates to secure the undercroft.

The proposal is considered carefully, with regard to the additional detail provided by the applicant following the public notification phase, to be reasonably consistent with the Interface Between Land Uses policies.

### **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 &amp; Designated Performance Feature (DPF) criteria</b>	
PO/DPF 1.1, 1.2, 2.1, 3.1, 3.2, 3.3, 4.1, 5.1, 6.1, 6.2, 6.3, 7.1, 9.1, Table 1	

In respect of PO1.1 and 1.2, the proposal reasonably caters for its intended nature and volume of traffic in accord with the Table 1 requirements. The proposal is accessible from the main thoroughfare of Mount Barker Road, such that it does not encourage a high volume of traffic movement through the residential streets, with the consequential potential exclusion of local traffic. Access and parking is set out in accordance with relevant transport and access standards as provided for in the Phil Weaver & Associates Traffic Consultants advice, which suitably satisfies PO/DPF 2.1, 3.1, 3.2 and 3.3, which are considered relevant.

PO/DPF5.1 relates to the on-site vehicle parking rate requirements. Table 1 – General Off-Street Car Parking Requirements provides a parking ratio of 0.25 car parking spaces per child (1 car park per 4 children).

The proposed development provides for 23 car parks within the dedicated undercroft parking area including 5 car stackers (counted in the overall 23 parking spaces) and 6 bike parking spaces. There is no available on-street parking proposed by this development. The frontage area is utilised for turn-in and turn-out from the undercroft car park, with physical and visual clearances required it is considered necessary that *all* parking be provided on-site.

The proposed development is identified as being capable of a maximum capacity of 95 children (URPS Lodgement Statement dated 7 October 2021) at 100% occupancy, however the further information provided by the applicant in response to Public Notification representation further qualifies their reasonable expectation of the occupancy of the facility at approximately 85% to 90%, and supports the variable occupancy rates by way of the industry requirements for children-to-staff rates for given age categories.

In respect of the Table 1 parking ratio requirements:

- at 100% occupancy (95 children), the ratio will call for 23.75 car parking spaces, whereas, in comparison:
- At the applicants rationalised **lower** anticipated occupancy 85% (81 children), the ratio will call for 20.25 car parking spaces, or
- At the applicants rationalised **higher** anticipated occupancy 90% (86 children), the ratio will call for 21.5 car parking spaces.

From these figures the proposed 23 car parking spaces will largely satisfy the operation of the facility in accordance with the Planning and Design Code. Note to the degree that if the applicant expressed a maximum occupancy of 92 children, the car parking ration would be explicitly compliant. 92 children represents approximately 96% of the proposed maximum occupancy. The variance to full occupancy of 95 children and the .75 parking discrepancy that would facilitate is considered tolerable.

The applicant has also provided detail of the high-level management of children's arrival and pick-up times to assist with local traffic congestion. The applicant acknowledges there are exceptions to these arrangements regardless of how extensive the protocols are, and in some instances, parents will run early or late dependant on external factors.

Reflecting on the abovementioned factors, it is necessary to determine on the balance of fact and degree whether the car parking ratio is reasonably compliant or departs from the Code's expectations. In this respect at full 100% occupancy and the required ratio of 23.75 car parks (approaching 1 car park deficiency), is not considered a significant departure, particularly in light of the averages and percentile occupancy which would be satisfied by the 23 car parking spaces.

Also foreshadowed earlier within the Suburban Main Street Zone section assessment, the prospect of people using the services of the proposed development whilst conveniently utilising other services or conveniences within the suburban main street area (retail, food and beverage, grocery shopping community, professional & commercial services) and parking at any of those other locations within close proximity to enable waling to the proposed development, is a likely scenario. This synergy is envisaged by the Zone provisions and is recognised by Traffic Access and Parking PO 6.3, which states that *Vehicle parking areas are designed to provide opportunity for integration and shared-use of adjacent car parking areas to reduce the total extent of vehicle parking areas and access points.*

The applicant's traffic engineer conducted a survey at another of the proponents sites to peak parking demands for both staff and customers and used this information to form an opinion the proposal is sufficient with regards to parking. One representation sourced many alternate parking studies with regards to parking requirements for childcare settings. In response to the representations the applicant sourced additional traffic professional advice. Amongst the proposed changes to the proposal are two additional car spaces have been provided and there is a shortfall of .75 spaces identified. The shortfall is considered acceptable given the proposed centre drop off and pick up regime. The entry and exit point to the carpark has been redesigned to clearly delineated entry and exit lanes, a reduction in the gradient of entry to the car park and increased setback to the entry with gates for after hours' security.

In light of the above elements assessed in accord with the relevant provisions, whilst the proposed 23 space car-park does not absolutely accord the Table 1 guidelines (with a 0.75 car park departure) it is considered to be satisfactory and suitable for the operation of the facility.

A universal access parking space is provided with direct access to the lower-level foyer and lifts to the first and second floors, providing a high degree of accessibility which complies with PO 4.1. Should the car park be full, the design provides for a dedicated turn-around bay to enable vehicles to manoeuvre to exit the car park.

As discussed previously, the car park is considered to be satisfactorily concealed and contained to attenuate adverse impacts (of a visual and operational nature) from sensitive receivers nearby and adjacent to the site and has been designed according to the appropriate Australian Standards for safe operation and connectivity to the local road network (PO 6.2 & 7.1).

The proposal is considered to be consistent with the Transport, Access and Parking principles.



## **CONCLUSION**

The proposal to demolish an existing dwelling and outbuildings and to re-develop the subject land within the Suburban Main Street Zone for a new preschool and children's services facility, comprising a three-storey building and undercroft car parking and associated landscaping is a form of commercial development which is encouraged in the Zone.

The proposal exhibits some small departures from the Code provisions in terms of height, which are not considered to be excessive or fatal to the assessment of the application. Contextual matters raised in the public notification representations such as setback consistency from the site frontage have been considered closely against the relevant Code Performance Outcome (PO) values and amenity impacts have been considered closely in respect of their potential for impact to the sensitive receivers which share the locality and are considered to be addressed and managed to acceptable levels.

On-site car-parking very closely accords the Code provisions at maximum occupancy and is considered to reasonably satisfy the actual operational requirements of the facility. When considered in concert with the applicant's detail of the operational protocols of the facility there is an added dimension to the assessment of parking requirements. The operational considerations do not in their own right overrule the parking provisions, which are considered to be satisfactory on its own merits, that is to say the departure of 0.75 car parks at maximum capacity does not compromise the proposal.

Stormwater and wastewater management arrangements are all considered to be adequate and appropriately attenuate any realistic prospect of environmental or water resource impacts within the Mount Lofty Ranges catchment areas.

Representors concerns have been given considerable regard in this assessment and are considered to be appropriately addressed by the proposal including where additional information has been provided or amendment to the plans has resulted.

Accordingly the proposal is considered to be appropriately in accord with the Planning and Design Code to warrant Planning Consent being granted by the Panel.

## **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) The Council Assessment Panel authorises the Assessment Manager to GRANT Planning Consent to Development Application Number 21031474, by 14 JOHNSTON PTY LTD for construction of a three-level childcare centre (pre-school) with ancillary car parking, outdoor play areas and landscaping at 14 Johnston Street Stirling subject to the following conditions and reserved matters:**

## RESERVED MATTERS

- 1) The Council requires the following matters which are reserved pursuant to Section 102(3) of the Planning, Development and Infrastructure Act 2016 to be addressed prior to Development Approval being granted to the reasonable satisfaction of the Assessment Manager:
  - a) A detailed Landscaping plan shall be prepared and submitted for the site addressing plant species, number of plants and in relation to the green roof, also addressing potential bushfire risk. The Landscape Plan shall be prepared by a suitably qualified professional.
  - b) A detailed fence design for the lower ground level paling fence in consultation with an acoustic engineer.

NOTE: Council reserves the right to attach further conditions to this reserved matter.

## CONDITIONS

### Planning Consent

#### 1) Development In Accordance with Approved Plans

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

#### 2) External Lighting

- a) External lighting shall be designed to conform with *AS4289: - Obtrusive Effects of Outdoor Lighting* and be restricted to that necessary for safe access & egress and security purposes only and shall be directed and shielded and fitted with honeycomb diffusers in such a manner to reduce glare and direct light so as to not cause nuisance to adjacent properties.
- b) All lighting shall be connected to a timer and be switched on no earlier than 06:00 hours and off by no later than 19:00hrs.

The lighting layout will be designed to ensure that no external light fittings impact neighbouring properties through use of honeycomb diffusers to direct light and reduce glare while retaining adequate lighting levels.

#### 3) Construction & Maintenance of Car-Parking

All car parking spaces, driveways and manoeuvring areas shall be constructed and line-marked in accordance with AS 2890.1:2004. Line marking and directional arrows shall be clearly visible and maintained in good condition at all times. Excluded parking areas such as the disabled access car parking and turn around bay shall be marked with diagonal yellow bars in accordance with Part 11 of *AS 1742 Manual of uniform traffic control devices*.

#### 4) Access

The existing crossover shall be decommissioned and a new crossover and kerbing shall be installed for the width of the property to Council Standards SD13, with kerbing to match existing kerbing.

#### 5) Unloading and Storage of Materials and Goods

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

#### 6) Opening Hours

The opening hours of the facility shall be 6:30am to 6:30pm Monday to Friday, and the premises shall remain closed on Saturdays, Sundays and Public Holidays.

**7) Noise & Amplified Music**

Noise and amplified music shall not exceed 8dB(A) above ambient noise levels during operating hours of the facility.

**8) Stormwater Roof Runoff & Car-Park Runoff to be Dealt with On-Site**

- a) All roof runoff and runoff from the car-park shall be managed on-site in accordance with the approved Stormwater Management Plan Report prepared by Drew Rudd Engineers' dated 3 March 2021. to the satisfaction of Council.
- b) Stormwater discharge to the street to Council Standard SD25 a. Stormwater discharge to the street at 10L/s is acceptable b. Please demonstrate pump chamber capacity and that pump chamber won't over flow.
- c) Note: There is an existing stormwater 150mm pipe that crosses the front of the property, no alterations are to be made to this. If damaged report to the Council immediately.

**9) Removal & Storage of Solid Waste**

All solid waste of any kind shall be stored in closed containers having a close-fitting lid with containers stored in a concealed location and in a manner which mitigates the occurrence of offensive odours emanating from the site or attraction of animals or insects to the stored waste. Waste shall not be stored on the land in areas delineated for use as car parking.

**10) Protection of Regulated Trees**

The development herein approved shall be carried out in accordance with the detail contained in the Tertiary Tree Consulting Pty Ltd Addendum Report dated 26 August 2021 (the report) for the purposes of protection of the regulated trees, for and during the construction phase. Note the tree is on neighbouring land, the following applies to those parts of the TPZ on the subject land. In particular:

1. **Site Meeting:** A site meeting must occur between the minimum AQF level 5 Project Arborist and the builder addressing the tree protection plan before site works commence inclusive of demolition works (AS4970-2009).
2. **Tree Watering:** The TPZ is to be irrigated and kept moist for 4 weeks before site works commence and is to continue throughout the length of the project (AS4970-2009).
3. **Tree Nutrition:** Before site works commence and to enhance and facilitate new tree root growth, the TPZ is to be inoculated with QuadShot organic biological stimulant and Trichoderma harzianum. These measures will increase tree health and new fine feeder root growth. This must be undertaken by the minimum AQF level 5 Project Arborist. This must be certified by the Project Arborist with the certification submitted to the local council (Handreck and Black 2010).
4. **Mulching The TPZ:** Before site works commence and to enhance and facilitate tree health through nutrient cycling, within the TPZ area, the TPZ must have a layer of properly composted mulch complying with AS4454 covering it to a depth of between 50-100 mm only. Mulch choices include but are not limited to Jeffreys Biomatt and Jeffreys Recover. No machinery is permitted within the TPZ to complete this task. The minimum AQF level 5 Project Arborist must certify the choice of mulch. The minimum AQF level 5 Project Arborist must certify the mulch is correctly installed with the certification submitted to the local council (AS4970-2009).
5. **TPZ Fencing:** A two-metre-tall temporary chain mesh tree protection fence must be installed in the location as drawn in appendix 5 complying with AS4687 and AS4970-2009. This will protect the TPZ/SRZ and vascular tissue while allowing the works to proceed. Signage identifying the TPZ must be attached to the TPZ fencing complying with AS4970-2009 and AS1319. The tree protection fencing must be installed prior to the commencement of any site works including demolition works. This fence must not be moved

without consulting the minimum AQF level 5 Project Arborist (Refer the Tree Protection Plan appendix 5 in this report for further information). The minimum AQF level 5 Project Arborist must certify in writing the tree protection measures are correctly installed with certification documents submitted to the local council. This fence can be moved in consultation with the minimum AQF level 5 Project Arborist at the point of footing construction. (AS4970-2009).

6. **Machinery Access:** Machinery access is only permitted within the tree protection zone including the building and carpark footing footprint area under the direct supervision of the minimum AQF level 5 Project Arborist. Suitable ground protection such as rumble boards must first be laid to spread the load and stop soil compaction. The rumble boards must be approved in writing by the Project Arborist. The works within the TPZ must be directly supervised by the Project Arborist with certification documentation submitted to the local council (AS4970-2009). This may be required for works such as digging the elevator shaft and the bored piers.
7. **Grade Changes (Footing):** Except for the pier and elevator shaft locations. Within the area for the building and carpark footing, the soil within the TPZ must remain undisturbed with no grade change.
8. **Elevator Shaft:** Refer the machinery access section 6 above for further instructions. These works must occur under the direct supervision of the minimum AQF level 5 Project Arborist with certification submitted to the local council.
9. **Bored Pier Footings:** Within the TPZ the footings must be pier and beam. The beam sections must be installed above the existing grade with an air gap. This means the only impact for the footing will be the footprint of each pier only keeping the impact low and acceptable. All pier trench works must be bored. Refer the machinery access section above for further instructions. This must occur under the direct supervision of the minimum AQF level 5 Project Arborist with certification submitted to the local council (AS4970-2009). Some fine feeder roots will be lost during these works. Trees replace fine feeder roots every week to six months depending on thickness (Hirons and Thomas 2018), therefore, will have no deleterious impact on the TPZ as the tree will quickly replace/regenerate these roots.
10. **Supplementary Irrigation:** A supplementary irrigation system must be installed under the proposed footing within the TPZ to ensure water continues to be delivered to the roots within this part of the TPZ. This must be a dripper system laid on the existing grade, so no excavation is required. (Roberts et al., 2018).
11. **Service Installation:** Services must either be hung/fixed to the underside of the beam sections of the footing, or service trenches must be excavated with a hydrovac to ensure tree roots >40mm diameter are not damaged. Exposed tree roots are to be kept moist and the trench must be backfilled in a timeframe specified by the minimum AQF level 5 Project Arborist which will be determined by the weather at the time of works and the roots found during this process. This must occur under the direct supervision of the minimum AQF level 5 Project Arborist with certification submitted to the local council (Roberts et al., 2018; AS4970-2009). Some fine feeder roots will be lost during hydrovac works. Trees replace fine feeder roots every week to six months depending on thickness (Hirons and Thomas 2018), therefore, will have no deleterious impact on the TPZ as the tree will quickly replace/regenerate these roots.
12. **Further Tree Protections:** Unless specifically specified within section 4 of the report, the following activities a-n inclusive are not permissible within any Tree Protection Zone and form part of the tree protection plan for the nominated trees to be retained.
  - a. Machine excavation including trenching.
  - b. Excavation for silt fencing
  - c. Cultivation
  - d. Storage of materials.
  - e. Preparation of chemicals including cement products.
  - f. Parking of vehicles or plant.
  - g. Refueling.

- h. Dumping of waste.
- i. Washing and cleaning of equipment.
- j. Placement/storage of fill.
- k. Lighting of fires.
- l. Soil level alterations
- m. Temporary or permanent installation of utilities and signs.
- n. Physical damage to the tree including attaching anything to the tree. (AS4970-2009)

**11) Fencing and Screening**

All fencing and proposed screening in the herein approved plans shall be installed prior to occupation of the building.

**ADVISORY NOTES**

**General Notes**

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
- 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) A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
  - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
  - b. if an appeal is commenced—
    - i. until the appeal is dismissed, struck out or withdrawn; or
    - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).
- 6) A separate development application is required for any additional signs or advertisements (including flags and bunting) associated with the development herein approved.
- 7) This approval does not in any way imply compliance with the Food Act SA 2001 and/or Food Safety Standards. It is the responsibility of the owner or other person operating the food business from the building to ensure compliance with the relevant legislation before opening the food business on the site.

**OFFICER MAKING RECOMMENDATION**

**Name:** Aaron Wilksch (consultant Planner) for Melanie Scott  
**Title:** Statutory Planner

<b>DEVELOPMENT NO.:</b>	21030645
<b>APPLICANT:</b>	LINDA GUAN
<b>ADDRESS:</b>	6 COACH-HOUSE DR TERINGIE SA 5072
<b>NATURE OF DEVELOPMENT:</b>	Two storey detached dwelling, indoor swimming pool, retaining walls and fencing
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Hills Neighbourhood</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Affordable Housing</li> <li>• Hazards (Bushfire - Urban Interface)</li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• Native Vegetation</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Traffic Generating Development</li> <li>• Urban Tree Canopy</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Maximum Building Height (Metres)</li> <li>• Maximum Building Height (Levels)</li> <li>• Gradient Minimum Frontage (Detached)</li> <li>• Gradient Minimum Frontage (Semi-detached)</li> <li>• Gradient Minimum Site Area (Detached)</li> <li>• Gradient Minimum Site Area (Semi-detached)</li> </ul>
<b>LODGEMENT DATE:</b>	12 Oct 2021
<b>RELEVANT AUTHORITY:</b>	Assessment Panel at Adelaide Hills Council
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	Operative Version 2021.14 - (23 September to 13 October 2021)
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Ashleigh Gade
<b>REFERRALS STATUTORY:</b>	Nil
<b>REFERRALS NON-STATUTORY:</b>	Nil

## CONTENTS:

<b>ATTACHMENT 1:</b> Application Documents	<b>ATTACHMENT 4:</b> Representations
<b>ATTACHMENT 2:</b> Subject Land/Representation Map	<b>ATTACHMENT 5:</b> Response to Representations
<b>ATTACHMENT 3:</b> Zoning Map	<b>ATTACHMENT 6:</b> Relevant P&D Code Policies

## DETAILED DESCRIPTION OF PROPOSAL:

The proposal is for the construction of a new two storey detached dwelling with associated retaining walls, fencing and landscaping. The subject land previously contained a detached dwelling which was recently demolished in association with the completion of a tennis court and associated fencing, which formed part of previous development applications. The proposed dwelling comprises two storeys and has a substantial floor area across those levels which includes three bedrooms with ensuites, an indoor swimming pool, a gym, library, games room, home theatre and covered car parking in the double garage.

The proposed dwelling has a footprint of approximately 660 square metres which includes all outdoor terrace areas such as the rear terrace, front sundeck, all balconies and the outdoor storage area upon which parts of the tennis court terrace is sited. It has a maximum building height of 10 metres at the parapet on the western elevation which faces Coach-House Drive, though most of the tallest sections of the roof generally are a maximum of 9.1 metres. The proposal includes a Landscaping Plan which demonstrates that the area between the front boundary and the dwelling will be landscaped in retained terraces, with a maximum retaining wall height of 1.4 metres above natural ground level.

All windows and balconies facing south, toward the adjoining neighbour, incorporate sill heights above 2 metres or solid screening to a minimum height of 1.7m above floor level to mitigate overlooking of adjoining land. The northern elevation of the dwelling does not incorporate the same treatments given that the upper level sits at the existing fence-line on this side of the property where there are windows. All balconies on this elevation are forward of the building line of the adjacent dwelling.

The proposed dwelling has a setback of 23.05 metres to Coach-House Drive measured from the site frontage to the dwelling wall, and a setback of 16.6 metres measured from the frontage to the nearest terrace (the sundeck terrace). It is setback 2 metres from the northern side boundary and a minimum of 1.4 metres from the southern side boundary. The rear setback reaches 13.8 metres and is largely comprised of the area containing the recently completed tennis court.

The proposed dwelling is to be finished in a composite of external materials and colour finishes, including a painted render finish for the main walls and parapets in white (or similar), feature Austral 'Mettalix' which has a dark silver appearance, linear brickwork to the front walls surrounding the garage entrance and north of the primary entrance steps, complemented by Colorbond 'Monument' garage door panels and glass balustrades on the balconies. The roof is to be finished in Colorbond 'Shale Grey' but due to the form of the building and the topography of the land it will be predominantly obscured from view when observed from the street.

The application documents are provided in **Attachment 1**.

## BACKGROUND:

The subject land has historically contained a single storey brick dwelling comprising three bedrooms and a garage under the main roof. More recently, pursuant to previously approved development applications, a tennis court has been installed with associated fencing and the former dwelling has been demolished.

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
19 August 2019 (Development Approval – Stage 1)	18/200/473	Demolition of existing dwelling, construction of two storey dwelling, tennis court and fencing, indoor swimming pool, retaining walls & associated earthworks and landscaping – Staged Development: Stage 1 – construction of tennis court on suspended

		floor slab, erect tennis court fencing and rear retaining walls and earthworks; and Stage 2 – demolition of existing dwelling and construction of two storey dwelling and indoor swimming pool, front retaining walls and earthworks
22 October 2021 (Planning Consent)	21022419	Tennis Court Lighting (4 x 6m high poles and lights) associated with existing tennis court

Development Application 18/200/473 for the demolition of the existing dwelling and construction of a two storey dwelling, tennis court and fencing, indoor swimming pool, retaining walls and associated earthworks and landscaping was granted Development Plan Consent from Council in July 2018. The approval was for a staged development with the construction of the tennis court to form part of stage one and all other works to follow as stage two. It is noted that Development Approval was received for stage one in August 2019 and these works have been completed. The applicant subsequently sought a variation to the dwelling design prior to stage two approval, which Council determined comprised too many alterations to reasonably form a variation application. Instead, this application was lodged and has been assessed as a new and separate application and not as a variation to 18/200/473.

## **SUBJECT LAND & LOCALITY:**

### **Site Description:**

**Location reference:** 6 COACH-HOUSE DR TERINGIE SA 5072

**Title ref.:** CT 5440/5 **Plan Parcel:** D22445 AL8 **Council:** ADELAIDE HILLS COUNCIL

The subject land is an irregular trapezoidal shaped allotment located in Teringie near the base of the Hills Face Zone. The allotment has historically contained a single storey detached dwelling, which has recently been demolished in preparation for the proposed dwelling. The subject land represents a large residential allotment, generally consistent with those in the locality, and has a total site area of 1900 square metres and a frontage width of 20 metres. The allotment broadens toward the rear with a depth in excess of 60 metres and a rear boundary width of approximately 40 metres.

The land has a steep natural slope, as do most allotments in the wider locality. The gradients on the site range from approximately 1:2.5 to 1:3. There is a variation in level from the front of the site to the rear boundary of approximately 17 metres, and both the former and proposed dwellings will be sited at least 6 metres above the street level.

### **Locality**

The locality can be characterised as an established residential neighbourhood area with well-established streets and typically larger allotments, necessitated by the steep slope of the land. The locality is sited near the base of the Hills Face Zone and is well elevated above the Adelaide Plains.

The land to the west of the subject land within the wider locality forms part of the Established Neighbourhood Zone and tends to reflect a higher density of development due to smaller allotment sizes. The subject land itself is within the Hills Neighbourhood Zone where allotments are typically larger and development generally of a lower density. The presence of larger buildings is commonplace with most built over multiple levels with a focus on capturing views toward Adelaide. Both of these Zones have access to SA Water mains sewer and water infrastructure.



The land to the north and north-east is part of the Hills Face Zone and contains significantly larger allotments generally comprising one dwelling in association with low-intensity rural activity or remnant bushland. The subject land is on the interface of the Hills Face Zone, with the rear boundary of the site also forming the western boundary of the Hills Face Zone. It is noted that the southern side boundary of the subject land adjoins an access handle for 27 Woodland Way which has the balance of its land to the east and is part of the Hills Face Zone. The access handle is approximately 5 metres in width and not actively utilised and as such, in current conditions, it simply provides additional buffer between the subject land and the nearest southern neighbour at 4 Coach-House Drive.

The subject land is identified on the map in **Attachment 2**. The zoning is shown on the map in **Attachment 3**.

## **CONSENT TYPE REQUIRED:**

Planning Consent

## **CATEGORY OF DEVELOPMENT:**

- **PER ELEMENT:**
  - Detached Dwelling: Code Assessed – Performance Assessed
  - Retaining Walls: Code Assessed – Performance Assessed
  - Fence: Code Assessed – Performance Assessed
  - Swimming Pool: Accepted Development
- **OVERALL APPLICATION CATEGORY:**
  - Code Assessed - Performance Assessed

- **REASON**

The Planning & Design Code contains no Accepted or Deemed to Satisfy Pathway for dwellings, retaining walls or fencing within the Zone, nor are dwellings, fences or retaining walls listed as Restricted development. The dwelling, fencing and retaining walls and therefore categorised as Code Assessed – Performance Assessed pursuant to Sections 105 and 107 of The Act.

The swimming pool meets the requirements within the Planning & Design Code for Accepted development within the Zone. It therefore does not require assessment for Planning Consent.

## **PUBLIC NOTIFICATION**

- **REASON**

The Hills Neighbourhood Zone, Table 5 states that all dwellings exceeding the maximum overall height identified in Zone DPF 4.1 are not exempt from requiring public notification. Zone DPF 4.1 specifies a maximum overall height of 8 metres, which the proposed dwelling exceeds by typically reaching heights of 9.1 metres and at its maximum reaching a height of 10 metres. The application was therefore determined to require public notification.

Public Notification period 25 November 2021 to 15 December 2021.

- **LIST OF REPRESENTATION**

During the prescribed public notification period, Council received one (1) representation. The representation was submitted as supportive with some concerns, and is detailed below:

Representor Name	Representor's Property Address	Wishes to be heard (Y/N)	Nominated Speaker (if relevant)
R. Tham	4 Coach-House Drive, Teringie	Yes	TBA

The applicant or applicant's representative may be in attendance.

- **SUMMARY**

The matters raised as concerns in the representor's submission and the response to those concerns from the applicant are detailed in the table below. A copy of the representation is provided in **Attachment 4** and the applicant's response is provided in **Attachment 5** respectively annexed to this report.

<b>Summary of Representations</b>	
<b>Representation Issue</b>	<b>Applicant's Response</b>
<b>Dust, noise and asbestos dust risk during demolition:</b>	
The representor raises concern generally regarding the interface between the subject site of the development at 6 Coach House Drive and their property to the south at 4 Coach House Drive, including dust and noise impacts from the demolition of the existing dwelling	<i>The applicant's response advises that the demolition of the existing dwelling has already been fully completed by the owner, and did not generate any complaint from neighbours.</i>
<b>2 storey southern aspect – overlooking, privacy &amp; light-spill:</b>	
The representor raises concern regarding the two-storey component of the dwelling facing their land to the south, in particular overlooking and light-spill from upper storey rooms and balcony areas.	<i>The applicant's response highlights that the southern-facing balcony has a solid wall (balustrade) to a height of 1700mm above finished floor level on its southern elevation. The balustrade prevents direct views toward the neighbouring dwelling and would only allow views toward the front yard and driveway of the land at 4 Coach-House Drive.</i>
<b>Technical Concerns – retaining wall, terracing and drainage, accuracy of boundaries:</b>	
The applicant raises concerns and makes statements in respect of the construction of retaining walls, bearing capability and design elements as well as drainage from the retained transition between land levels and the proposed terracing, with concern that these will impact upon the representor's land.	<i>The applicant's response notes that the subject land does not directly adjoin the land of 4 Coach-House Drive and that the allotments are separated by the driveway handle owned by their shared rear neighbour. It is not perceived by the applicant that a retaining wall on the subject land could therefore interfere with the land at 4 Coach-House Drive.</i>

It is noted that technical elements pertaining to retaining wall construction are beyond the scope of planning assessment and, the onus is on the applicant/owner to ensure they build within their property. Similarly, that comments regarding property values are not ones which a planning assessment may consider.

## **AGENCY REFERRALS**

No referrals to external agencies were required.

## **INTERNAL REFERRALS**

No internal referrals were undertaken.

It is noted that the previous application 18/200 was reviewed with regard to stormwater management and that this revised proposal does not preclude the use of that design. The area is well-serviced with stormwater infrastructure and the provision of a final stormwater plan has been included as a condition of consent, to be reviewed by Council Engineering prior to the issuing of full Development Approval (refer recommended condition 2).

## **PLANNING ASSESSMENT**

### **Desired outcomes**

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

### **Performance outcomes**

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

### **Designated performance features**

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

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

### **Code Assessment:**

The following are considered to be the most pertinent provisions of the Planning and Design Code to be considered in assessment.

**Zones and Sub Zones:**

**Hills Neighbourhood Zone**

<b>Desired Outcomes</b>	
DO 1	Development provides a complementary transition to adjacent natural and rural landscapes. Low density housing minimises disturbance to natural landforms and existing vegetation to mitigate the visible extent of buildings, earthworks and retaining walls.
<b>Performance Outcomes (PO) and Designated Performance Feature (DPF) criteria</b>	
PO 1.1, DTS/DPF 1.1, PO 3.1, DTS/DPF 3.1, PO 4.1, DTS/DPF 4.1, PO 5.1, DTS/DPF 5.1, PO 8.1, DTS/DPF 8.1, PO 10.1, PO 10.2, PO 11.1, PO 11.2, PO 11.3, DTS/DPF 11.1	

The proposed development is considered to accord with the Desired Outcome for the Hills Neighbourhood Zone, DO 1 and Performance Outcome PO/DPF 1.1, by establishing a single detached dwelling upon a large neighbourhood allotment at a lower density than the adjoining Suburban Neighbourhood Zone and creating a graded transition to the Hills Face Zone to the east of the subject land.

The proposed development occupies a site exhibiting a grade of greater than 1:8 (the average grade is between 1:2.5 and 1:3) and accords with the site coverage provisions in PO/DPF 3.1(a) considering the footprint of the proposed dwelling is approximately 660m<sup>2</sup>, representing 35% of the 1900m<sup>2</sup> allotment.

The proposed building has an overall height which exceeds that specified in DPF 4.1, with the dwelling's western facing parapet reaching a maximum overall height of 10 metres, 2 metres in excess of the prescribed maximum. The dwelling height is consistent with the maximum number of building levels sought in DPF 4.1, which is two levels.

Notwithstanding the dwelling's departure from the metrics of DPF 4.1, the proposal in terms of built form and height is considered to adequately address elements sought in PO 4.1. It is considered to generally amalgamate with the built form and height of existing dwellings in the locality, which are a notable mixture of single and two storey dwellings and typically of substantial size. The proposed dwelling will not skyline in this locality given the significantly higher dwellings sited to the north.

The proposed setbacks to side and rear boundaries are consistent with PO 8.1 and DPF 8.1 with the exception of the setback to the southern boundary. The proposal is not consistent with DPF 8.1 which would seek a setback to the southern side boundary of 3.6 metres where the proposal has a setback of only 2.2 metres to the nearest wall or 1.35 metres to the southern upper level balcony. Notwithstanding this, it is considered that the unique configuration of the immediate locality is a mitigating factor in the potential impact upon this boundary. The adjoining access handle belonging to 36 Woodland Way increases separation between the subject land and the dwelling immediately to the south by 5 metres. This means that the proposed dwelling walls are sited 6.9 metres and the upper level balcony 6.35 metres from the northern boundary of 4 Coach-House Drive, with a setback of around 15 metres between the respective dwelling walls. The proposal is therefore considered to address the intent of PO 8.1.

The proposed retaining walls do not all accord with the values of DPF 11.3 with respect to the total height of land to be retained, which exceeds 1.5 metres in overall height. It is noted that the largest retaining wall on the site is existing and constructed in association with the tennis court, reaching a height of 3.5 metres. This section of retaining continues adjacent the site's southern boundary in a stepped manner and the largest of the remaining sections to be completed has a height of 2 metres, then the next section is at 1.2 metres. The proposed fencing that forms part of this application is 1.8 metres in height and to be sited on top of these walls, reaching a maximum combined height of 5.3 metres where the dwelling meets the tennis court. The combined fence and wall and reduces to 3.8 metres combined height parallel with the southern balcony and to 3 metres combined height toward

the front of the dwelling. It is noted that these fences will appear at or near ground level when viewed from the south as the associated walls retain excavated land.

Forward of the dwelling the retaining walls to be constructed in association with the front landscaping range from between 900mm and 1.4 metres in height across a rise of approximately 17 metres. It is considered that the spread of the retaining walls as well as the stepping of retaining elements reduce the potential visual impact of the walls. The retaining walls along the southern boundary retain excavation and will have limited visibility beyond the subject land, and the retaining walls forward of the dwelling will be obscured by the associated landscaping. The proposal is therefore considered consistent with PO 11.3.

The built form as proposed, including the notable maximum height, is not considered likely to become visually imposing on the landscape nor would it be prominently visible from the Adelaide plains, as per PO 10.1. The design of the dwelling is considered generally consistent with PO 10.2 as the design responds to a steeply sloping site and includes sections of terracing and front landscaping to maximise land use and minimise visual impacts.

The proposed landscaping treatments include vertical screening through the planting of Ornamental Pear trees and softening of interface areas through other planting of viburnum shrubs along the northern side of the driveway. The lawned terraces provide for additional soft landscaped areas and will break up the terraced sections of the front garden. A feature Japanese Maple tree is proposed in the front garden area adjacent the southern section of the driveway and the main entrance at the front of the dwelling. The proposed landscaping adds visual merit to the proposal and softens the scale of the development as a whole, in accordance with PO 11.2.

**Overlay Planning Policies:**

The proposal is not considered to have any impacts in respect of the *Native Vegetation Overlay* as the site has been long cleared of native vegetation and formerly developed for residential use with maintained exotic gardens. The proposed development therefore does not impact on any existing native vegetation.

The proposal is also considered at no risk of flooding as per the Hazards (Flooding – Evidence Required) Overlay noting that the development is on an elevated site, with access to stormwater infrastructure, and has a stormwater management plan which is discussed further in the *Stormwater Management Overlay* section.

The proposal is not relevant to the *Affordable Housing Overlay* provisions on the basis that it re-develops a single dwelling upon an existing residential allotment and is not considered relevant to the *Traffic Generating Development Overlay* for the same reasons.

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

**Stormwater Management Overlay**

Desired Outcomes	
DO 1	Development incorporates water sensitive urban design techniques to capture and re-use stormwater.
<b>Performance Outcomes (PO) and Designated Performance Feature (DPF) criteria</b>	
PO 1.1, DTS/DPF 1.1	

The proposed development is required by National Building Code performance requirements to collect and re-use stormwater within dwellings, supplementary to utilisation of mains water use, in accordance with PO/DTS 1.1 (a).

The subject site is a large allotment with a relatively low ratio of development to pervious land, despite this having been reduced recently by the installation of the tennis court. The balance of the land and the proposed front landscaping means that water-run off from the site as it flows downhill generally encounters pervious surfaces. Approximately 35% of the site is permeable, in accordance with DPF 1.1.

The proposal incorporates two water tanks, one as a header tank situated in the rear corner of the allotment at its highest elevation, and one which is concealed beneath the tennis court within the large storage area. Together the tanks have a capacity of approximately 30,000 litres. The stormwater capture, detention and use of infrastructure in the locality easily meets the requirements of PO & DPF 1.1 and Table 1 for the Overlay.

**Urban Tree Canopy Overlay**

Desired Outcomes	
DO 1	Residential development preserves and enhances urban tree canopy through the planting of new trees and retention of existing mature trees where practicable.
<b>Performance Outcomes (PO) and Designated Performance Feature (DPF) criteria</b>	
PO 1.1, DTS/DPF 1.1,	

The proposed Landscaping Plan involves the planting of eighteen (18) Ornamental Pears along the northern side boundary between the front boundary and the dwelling. These trees meet the definition of ‘small tree’ in accordance with Table 1 of the Overlay, with the proposal well exceeding the four small trees required by DPF 1.1.

The single Japanese Maple tree proposed as a feature tree forward of the main access to the dwelling meets the definition of a ‘medium tree’ within Table 1 of the Overlay. The additional plantings of shrubs along the driveway and along the terraced walls adds to the landscaping value, overall well exceeding the minimum tree planting sought by the Overlay.

A condition requiring the planting of the landscaping is recommended in Condition 9.

**General Planning Provisions:**

There are no powerlines affecting the subject land and the applicant has signed the associated declaration, as such the *Clearance from Overhead Powerlines* policy provisions are not considered of any further relevance to this assessment.

The locality is serviced by SA Water Corporation water supply and SA Water Corporation Sewer services installed in the Coach House Drive road reserve and accordingly *Infrastructure and Renewable Energy Facilities* PO & DPF 11.1 and PO & DPF 12.1 are considered to be satisfied.

The *Site Contamination* provisions are not expanded on below as the site already has a residential use.

The following are considered to be the relevant general assessment provisions for the proposed development:

**Design In Urban Areas**

Desired Outcomes	
DO 1	Development is: (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

	<p>(b) durable - fit for purpose, adaptable and long lasting</p> <p>(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</p> <p>(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.</p>
<p><b>Performance Outcomes (PO) and Designated Performance Feature (DPF) criteria</b></p>	
<p>PO 8.1, DTS/DPF 8.1, PO 8.2, DTS/DPF 8.2, PO 8.3, PO 9.1, PO 9.2, DTS/DPF 9.2, PO 10.1, DTS/DPF 10.1, PO 10.2, DTS/DPF 10.2</p>	

The proposal is considered to accord with Design in Urban Areas DO 1, insofar that it is contextually appropriate, is an anticipated form of development, and has a built form and scale that is consistent with the existing locality. The proposed materials and finishes are considered to be appropriate for the locality. The landscaping proposed forward of the dwelling contributes to both permeable surfaces on the land and to local visual amenity. The landscaping also contributes to sustainable urban design, as does the proposed re-use of water on the site.

The proposal is inconsistent with the maximum extent of earthworks prescribed by DPF 8.2 and DPF 8.3. However, it is noted that having regard to DPF 8.1 (a) and (c) would not allow for the construction of a reasonable building on this land unless a raised dwelling was constructed, which would be at serious variance with the intent of the Zone. As discussed in consideration of Zone DPF 11.3, the extent of earthworks on the site is considered reasonable in context given the topography of the land and the visual impacts are mitigated by factors such as the associated landscaping. The proposal is therefore considered to address the intent of PO 8.2 and PO 8.3.

DPF 8.3 seeks that new driveways on sloping sites (exceeding 1:8) would achieve driveway gradients not exceeding 25% or 1:4. It is noted that the subject land has an existing driveway and the proposal utilises this existing siting to achieve a gradient of 1:3.6 with a rise of 6 metres from the street to the garage. This represents substantially consistent access gradients with the previous dwelling, which is considered reasonable in this locality.

The proposed retaining walls are to form part of the site’s landscaping and will be softened in appearance by the plantings of shrubs and lawn. It is considered that the proposed retaining is consistent with PO 9.1 and PO 9.2.

It is considered that the proposal has the most potential to overlook along the southern elevation, though the separation granted by the adjacent 5 metre wide access handle provides some mitigation. As discussed earlier in the report, the proposal includes solid screening of the southern side balcony and its associated windows and doors to a minimum height of 1.7 metres above finished floor level. All windows along the southern elevations that are not behind the balcony screening have a sill height not less than 2 metres above finished floor level. The front balcony, which has a southern element, does not have to be screened as per the requirements of DPF 10.2 but the applicant has included a solid wing-wall at the deepest point along the southern boundary to provide additional screening of views in this direction. The proposal is therefore considered consistent with DPF 10.1 and DPF 10.2.

The proposal is furthermore considered to provide adequate private open space, car parking spaces, and ample room for waste storage in accordance with the remainder of assessment criteria in the *Design in Urban Areas* section.

### **Interface between Land Uses**

<b>Desired Outcomes</b>	
DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.
<b>Performance Outcomes (PO) and Designated Performance Feature (DPF) criteria</b>	
PO 3.1, DTS/DPF 3.1, PO 3.2, DTS/DPF 3.2, PO 3.3	

The arrangement of allotments along this section of Coach-House Drive typically allows for good solar access given the east-west orientation of dwellings. During the mornings and evenings shadows are typically cast over the front and rear yards of the respective allotments. It is considered that during winter the greatest likelihood of overshadowing impact from the proposed dwelling will be midday sun on the allotment to the south.

It is noted again that the access handle adjacent the southern boundary provides additional setback between the proposed dwelling and the southern neighbour. Furthermore, neither the subject dwelling nor the existing dwelling to the south are situated directly on their allotment boundary and the neighbouring dwelling to the south has their driveway between their dwelling and their northern boundary. There is approximately 15 metres separating the proposed dwelling's southern wall from the northern wall of the neighbouring dwelling at 4 Coach-House Drive, significantly reducing the overshadowing potential.

The applicant has provided shadow diagrams demonstrating the extent of shadowing between 9:00am and 4:00pm in hourly increments on 21 June. The shadow diagrams show that the proposed dwelling would cast a shadow over the neighbouring dwelling to the south between the hours of 9:00am and 10:00am on this day but would have receded to only shadow the neighbour's driveway by 11:00am. From generally around 12:00pm and onward the proposed dwelling would only cast a shadow over the intervening access handle, which as discussed in this report above does not form part of the subject land nor the southern neighbours land. The proposal is therefore considered to allow adequate access to sunlight to neighbouring windows and private open space, consistent with DPF 3.1 and DPF 3.2.

### **Transport, Access and Parking**

<b>Desired Outcomes</b>	
DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
<b>Performance Outcomes (PO) and Designated Performance Feature (DPF) criteria</b>	
PO 5.1, DTS/DPF 5.1	

The provision of vehicle parking, inclusive of the reconstruction of the access driveway in substantially the same location as the existing driveway, is considered to reasonably accord with Transport Access and Parking Desired Outcome DO 1.

The provision of car parking is consistent with DPF 5.1 and Table 1 and provides two (2) covered parking spaces with a further one (1) visitor park provided south of the driveway and forward of the dwelling.

### **CONCLUSION**

This report has provided a detailed assessment of the application against the most relevant provisions of the Planning and Design Code, consistent with the relevant legislation including the *Planning, Infrastructure and Development Act 2016*, and with consideration to the representations received and the documentation provided by the applicant.



It is considered that the development achieves the following:

- It is consistent in nature, form and scale with appropriate development within its locality and within the Hills Neighbourhood Zone.
- It responds appropriately to the challenging topography of the site and presents a reasonable outcome that will contribute positively to the locality.
- It appropriately balances likely visual impacts, particularly with regard to height, with elements that will increase visual amenity, including proposed landscaping treatments. The tallest parts of the proposed structure are limited in bulk and the overall vertical scale has been minimized where possible through obscuring the roofline.
- It responds to potential overlooking conflicts with conservative screening treatments that will minimize visual disturbance to adjacent dwellings that are sited at lower elevations than that of the subject land.

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

## **RECOMMENDATION**

It is recommended that the Council Assessment Panel resolve that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- 2) Development Application Number 21030645 by LINDA GUAN for a two storey detached dwelling, indoor swimming pool, retaining walls and fencing at 6 Coach House Drive Teringie is granted Planning Consent subject to the following conditions:

## **CONDITIONS**

### **Planning Consent**

- 1) **Development In Accordance with Approved Plans**  
The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
- 2) **Prior to Building Rules Consent – Requirement for Stormwater Calculations**  
Prior to Building Consent being granted a final Stormwater Management Plan and all associated hydrological and hydraulic stormwater calculations shall be provided to the reasonable satisfaction of Council staff.
- 3) **External Finishes**  
The external finishes to the building herein approved shall be as follows:  
  
WALLS: Paint-Finish Render in 'White' and 'Dark Tonal', Austral Metallix Brick in 'Zinc', Stone, or similar  
ROOF: Colorbond 'Shale Grey' or similar
- 4) **Residential Lighting**  
All external lighting shall be directed away from residential development and, shielded if necessary to prevent light spill causing nuisance to the occupiers of those residential properties.

- 5) **Sill Heights for Windows**  
The upper level windows on the southern elevation of the dwelling shall have a minimum sill height of 2.0 metres above finished floor level as shown on Elevation (Drawing No. A A006) prepared by SOKO Design Studio Revision 2 dated 27 October 2021.
- 6) **Balcony Screening**  
The balcony on the southern elevation of the dwelling shall have fixed screening as shown on Elevation (Drawing No. A006) prepared by SOKO Design Studio Revision 2 dated 27 October 2021 to a minimum height of 1.7m above the balcony floor level. The screening shall be installed prior to occupation and maintained in good condition at all times.
- 7) **Erosion Control – Provision of Drainage Channels**  
Drainage channels are to be provided above and below the cut and fill area to minimise water entry.
- 8) **Erosion Control – Straw Bales**  
Prior to commencement of 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.
- 9) **Timeframe for Landscaping to be Planted**  
The landscaping detailed on the Landscaping Plan (Drawing No. A009) prepared by SOKO Design Studio Revision 2 dated 27 October 2021 shall be planted in the planting season following occupation of the dwelling 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.

## ADVISORY NOTES

### General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
- 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) A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
  - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
  - b. if an appeal is commenced—
    - i. until the appeal is dismissed, struck out or withdrawn; or
    - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).
- 6) Building Consent must be applied for and granted prior to the expiry of the Planning Consent.

**OFFICER MAKING RECOMMENDATION**

**Name:** Ashleigh Gade

**Title:** Statutory Planner

<b>DEVELOPMENT NO.:</b>	21021753
<b>APPLICANT:</b>	Lou Fantasia Planning Pty Ltd
<b>ADDRESS:</b>	FLAT 1-3/ 79 ONKAPARINGA VALLEY RD WOODSIDE SA 5244
<b>NATURE OF DEVELOPMENT:</b>	Residential flat building comprising 3 dwellings, commercial shop tenancy, associated car parking & associated landscaping
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Township Main Street</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Hazards (Bushfire - Medium Risk)</li> <li>• Hazards (Flooding - Evidence Required)</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>• Traffic Generating Development</li> <li>• Urban Transport Routes</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Maximum Building Height (Metres)</li> <li>• Maximum Building Height (Levels)</li> </ul>
<b>LODGEMENT DATE:</b>	4 Aug 2021
<b>RELEVANT AUTHORITY:</b>	Assessment Panel at Adelaide Hills Council
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	Operational Version 2021.10 - 29 July to 11 August 2021
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Doug Samardzija Statutory Planner and Aaron Wilksch Consultant Planner
<b>REFERRALS STATUTORY:</b>	Commissioner of Highways
<b>REFERRALS NON-STATUTORY:</b>	Engineering Department Property Department EHU Department

## CONTENTS:

ATTACHMENT 1: Application Documents

ATTACHMENT 5: Response to Representations

ATTACHMENT 2: Subject Land Map

ATTACHMENT 6: Prescribed Body Responses

ATTACHMENT 3: Zoning Map

ATTACHMENT 7: Relevant P&D Code Policies

ATTACHMENT 4: Representations

## **DETAILED DESCRIPTION OF PROPOSAL:**

The proposal purports re-development of the site at 79 Onkaparinga Valley Road, Woodside incorporating the demolition of the existing building, currently utilised as residential flats, to be re-developed with a new shop fronting Onkaparinga Valley Road with associated car parking and a two-storey residential flat building comprising three residences, each with under-main-roof garages fronting Station Road.

### **Shop Component:**

The proposed shop is to be dimensioned 20.11 metres in width, occupying the entire property frontage of 79 Onkaparinga Valley Road and 6.30 metres in depth and hipped roof profile, with a maximum height of 5.9 metres. Canopies of 0.9 metre are proposed to the Onkaparinga Valley Road and Station Road aspects of the shopfront at a height of 2.7 metres

Colours and finishes for the shop building will comprise a composite of PGH 'Aspen' stone veneer in natural slate colours, applied in random stone pattern feature panels to facades, horizontally expressed Scyon 'Linea' fibre cement plank cladding generally to external walls, with trims and joinery to be painted in Colorbond equivalent 'Monument' (charcoal) and Colorbond 'Shale Grey' roof sheeting.

Car parking is to be provided in the 12.0 metres rear area of the shop building site, providing 5 car parks and concealing a slimline water tank, rubbish receptacle enclosure with landscaping upon the western aspect and the Station Road frontage. The shop component of the development is also separated from the residential flat building component by a 1.8 metre high Colorbond 'Good Neighbour' fence.

### **Residential Flat Building Component:**

The residential flat component of the proposed development comprises three (3) two-storey dwellings, each of three-bedroom layout with two under-main-roof garage bays and on-site visitor parking. The overall dimensions of the residential flat complex is to be 29.7 metres in total width fronting Station Road and a depth of 17 metres (overall dimensions inclusive of front portico / porch and rear al-fresco / patio areas), with each dwelling exhibiting a compact and attractive 10.0 metre wide façade addressing Station Road. The proposed building will exhibit maximum roof ridge heights of between 8.1 and 8.3 metres above natural ground level.

The proposed building will establish a front building line setback of 2.6 metres from the Station Road frontage, with further incursion of portico / porch to within 1.6 metres of the front boundary, minimum of 2.0 metres setback from the north-western side property boundary and generally a rear building line setback of 3.5 metres to the north-eastern (rear) property boundary, with incursion of the open patio / al-fresco area to within 1.4 metres of the rear boundary.

The proposed residential flat building is to be finished with a range of materials and finishes including Austral bricks 'Chapel Red 230' to the lower storey wall finish with natural finish timberwork for the front portico / porch structure, feature natural finish timber 'barn doors' for the primary garage and Colorbond panel-lift door for the secondary garage. Upper-level wall claddings comprise horizontally expressed Hardies Scyon Linea fibre cement plank cladding in 'lexicon' (off white / grey) and roofing in Colorbond custom orb 'shale grey', with all trims and joinery in Colorbond equivalent 'monument' (charcoal) colour.

Plans exhibit landscaping within the front, side and rear setbacks of the residential flats including the area adjacent to and fronting the commercial shop car parking area. This collectively softens the appearance of the proposed buildings within the narrow, established side-street environment.

## **BACKGROUND:**

The site has historically been established with a commercial style building at the Onkaparinga Valley Road frontage, which has been utilised for residential flats, with the majority of the western side of the property being used for storage of vehicles.

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
28/07/86	563/4-131/86	Flat Class 11
24/02/86	563/4-038/86	Alterations to existing building. Partition walls to divide main hall

## SUBJECT LAND & LOCALITY:

### Site Description:

**Location reference:** FLAT 1-3/79 ONKAPARINGA VALLEY RD WOODSIDE SA 5244

**Title ref.:** CT 5574/960 **Plan Parcel:** F211650 AL864 **Council:** ADELAIDE HILLS COUNCIL

The subject land is situated adjacent to the main street frontage of Onkaparinga Valley Road, with a 'commercial style' building of appropriate dimensions of 20.3 metres width fronting Onkaparinga Valley Road and 49.7 metres width to the secondary frontage of Station Road. The existing building has an appropriate area of 1000m<sup>2</sup>. The land slopes downhill gently to the west, with a variation of approximately 2.5 metres across the property or a grade of approximately 1:15.

The land contains the aforementioned building at its Onkaparinga Valley Road frontage with the majority of the land to the west un-developed. There are no land management agreements or encumbrances upon the land.

The land is generally open and conducive to urban / township development, it exhibits ageing buildings and fences with some established screening vegetation on the Station Road frontage and other minor structures located near its northern side boundary. The land contains two large trees in the north-west corner of the site, which are not captured within the ambit of *Regulated* trees (due to proximity to the neighbouring dwelling). However the trees are intended to be retained as demonstrated on the plans.

### Locality

The locality is of mixed character, being at the interface of commercial activities and buildings fronting Onkaparinga Valley Road that generally extend to the west, exhibiting side and rear aspects of commercial buildings to view. The narrow side streets contain compact dwellings, and side yard aspects, driveway entrances, fences and garage / shed walls in close proximity to, or located upon the street boundaries.

The locality also has an interface to open space areas, including the Amy Gillett bikeway to the west (off Station Road) and the Woodside BMX bike circuit in an open woodland setting abutting the Onkaparinga River.

### CONSENT TYPE REQUIRED:

Planning Consent sought, with subsequent Building Rules Consent Required.

### CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:** Row dwelling: Code Assessed - Performance Assessed

Shop: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**  
Code Assessed - Performance Assessed
- **REASON**  
P&D Code prescribed planning assessment pathway

## PUBLIC NOTIFICATION

Yes

- **REASON**  
Residential flat buildings are not listed in Table 5 of the Zone as a form of development which are exempt from requiring notification. As such the relevant authority did have discretion to determine that the proposal is of minor nature as per Column A- Part 1 in Table 5. However due to the size of the proposed development the proposal was not considered minor and as such the application required public notification.

Public notification period - 2 December 2021 - 22 December 2021 with one representation being received, generally supporting the proposal with concerns of a commercial / competition nature.

- **LIST OF REPRESENTATIONS**

Rep. No.	Name / Address	Property Affected	Opposes / Supports	Desires to be heard?
1	R. Kloosterman		Supports with some concerns	No

- **SUMMARY**  
The representation received, generally supporting the proposal without any reference to the residential flat building component of the development or any other specific matter of the development, expressed only concerns of a commercial / competition nature, identifying that, another *shop of the size shown on the plan is not conducive to the Woodside environs. Small businesses SA wide are having difficulties due to the virus and border closures. Some empty businesses here have taken years to be filled...* A non-retail development would be, in their opinion, a preferable outcome.

The applicant has provided a response to the representation identifying that they share the representors concerns about the rate of take up of commercial premises in Woodside and has sought advice on likely tenants from local real estate agents. Whilst the current climate for commercial activity in many parts of the state and indeed across the country is suppressed, the State planning scheme simply does not respond to these kinds of social and economic variables, and in this respect the proposal's pursuit of the intention for development within this zone is intended to look beyond immediate conditions to provide enduring outcomes.

## AGENCY REFERRALS

### Commissioner of Highways

The application was referred to the Commissioner of Highways, due to the relationship of the development to the State Maintained Onkaparinga Valley Road. It is noted that the relationship of the proposed development to the State-maintained Road is not influenced by any vehicular access issues, with all traffic for the residential flat building and the commercial premises directed via the local Road network (Station Road) to the dedicated parking areas.

The response from the Commissioner of Highways reflects no impacts to Onkaparinga Valley Road and provides conditions which are representative of the vehicular access to the local road network and the direction of any stormwater run-off to the Council infrastructure, without impact to the State Road Network:

*Condition 1*

*Vehicular access location and configuration to serve the site shall be in accordance with the Site Plan by Nielsen Architects (Drawing No. DA101, dated 3 February 2021).*

*Condition 2*

*Stormwater run-off shall be collected on-site and discharged without impacting the integrity and safety of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's Cost.*

*Advisory Note 1*

*It is recommended that the proposed signage is consistent with DIT's publication 'Advertising Signs: Assessment Guidelines for Road Safety'.*

It is further noted that matters pertaining to stormwater, vehicular access and egress and the canopy encroachments into the footpath (road reserve) area have been addressed in the internal referrals.

## **INTERNAL REFERRALS**

### **Engineering Department:**

Internal Referrals have been undertaken in respect of stormwater, vehicle access & egress and has received no objection to the proposed development noting;

*(i) Access and Egress is acceptable – requiring the proposed crossover(s) to be in accordance with council specifications (i.e SD15).*

*(ii) Stormwater management plan and calculations to be provided for the site for*

*(a) Pre Development calculation 1:5 ARI @ 5 minutes*

*(b) Post Development calculations 1:100 ARI @ 5 minutes*

*(c) Post Development discharge kept to pre development rates (demonstrated through submission of stormwater management plan 27 October 2021)*

*(iii) Stormwater outlet to street to be in accordance with council specifications (i.e SD25)*

*and*

*(iv) Kerb and water table to match existing infrastructure*

### **Property Department:**

Section 221 application advice has also been provided in respect of the small canopies which will overhang the commercial building facade onto Onkaparinga Valley Road and Station Road. Concerns were raised with the original proposal and the wrap around verandah canopy facing Station Road, in particular the potential for it to be impacted by large turning vehicles. As a result, the plans were amended to remove the canopy facing Station Road which resulted in a Section 221 encroachment permitted being issued.

### **Council's EHU Department:**

AHC EHU have also engaged with the applicant for the provision of wastewater applications and detailed site and underfloor plumbing plans for approval of the wastewater systems and connections to CWMS. Wastewater application 21/W224/473 was lodged and approved by Council on 07 February 2022.



## PLANNING ASSESSMENT

### Desired outcomes

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

### Performance outcomes

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

### Designated performance features

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

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in **Attachment 7**.

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

Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, it is recommended the Panel determine that the proposed development is not seriously at variance with the State Planning and Design Code. The following is provided in support of this determination:

1. The nature and proposed scale and intensity of the proposed development presents an appropriate form of development within the *Woodside Township Main Street Zone*, and
2. Having regard to the existing land use and the improved built form, reconfiguration and distinct separation of the different land uses within the context of the zone and the locality, it is confirmed that the proposed development does not adversely impact the local amenity or character of the locality in which it sits.

### **Code Assessment:**

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

The subject land lies within an area of the *Township Main Street Zone*. A series of policy overlays are relevant to the land and are considered in the assessment of the proposed development.

The proposal is captured within the defined *performance assessment* pathways for each of the identified elements of the development and is assessed against all relevant planning policies applicable to the land.

The Assessment Provisions (AP) of the Planning and Design Code provides Performance Outcomes (PO) and Designated Performance Features (DPF) which are accommodating of the proposed development, as provided in the following assessment (*emphasis has been added by underlining*).

<b>Desired Outcomes</b>	
<b>Township Main Street Zone</b> <ul style="list-style-type: none"> <li>• DO 1</li> <li>• DO 2</li> </ul>	<ul style="list-style-type: none"> <li>• A cohesive, active, accessible and welcoming main street environment for residents and visitors to shop, work, meet, entertain and relax.</li> <li>• Development contributes to the vibrancy and activity of public spaces and reinforces the traditional main street character.</li> </ul>
<b>Traffic Generating Development Overlay</b> <ul style="list-style-type: none"> <li>• DO 1</li> <li>• DO 2</li> </ul>	<ul style="list-style-type: none"> <li>• Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users.</li> <li>• Provision of safe and efficient access to and from urban transport routes and major urban transport routes.</li> </ul>
<b>Urban Transport Routes Overlay</b> <ul style="list-style-type: none"> <li>• DO 1</li> <li>• DO 2</li> </ul>	<ul style="list-style-type: none"> <li>• Safe and efficient operation of Urban Transport Routes for all road users.</li> <li>• Provision of safe and efficient access to and from Urban Transport Routes.</li> </ul>
<b>General Planning Policies (Design)</b> <ul style="list-style-type: none"> <li>• DO 1</li> </ul>	<ul style="list-style-type: none"> <li>• 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</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> </li> </ul>

<b>Relevant Performance Outcomes/Designated Performance Features</b>	
<b>Township Main Street Zone</b>	Land Use and Intensity: PO and DPF 1.1, PO 1.2, PO 1.3, PO and DPF 1.4 Built Form and Character: PO 2.1, PO 2.3 Building height and setbacks: PO and DPF 3.1, PO and DPF 3.2 Traffic, parking and access: PO 4.1, PO and DPF 4.2
<b>Traffic Generating Development Overlay</b>	Traffic Generating Development: PO 1.1, PO 1.2, PO 1.3
<b>General Planning Provisions (Design)</b>	External Appearance: PO 1.1, PO 1.2, PO 1.3 Landscaping: PO 3.1 Earthworks and sloping land: PO and DPF 8.1 Overlooking/Visual Privacy (in building 3 storeys or less): PO and DPF 10.1 Front Elevation and passive surveillance: PO and DPF 11.1, PO and DPF 11.2 Private Open Space: PO and DPF 17.1 Car parking Appearance: PO 7.2 Car parking, access and manoeuvrability: PO and DPF 19.4
<b>General Planning Policies (Infrastructure and Renewable Energy Facilities)</b>	Wastewater Services: PO and DPF 12.1

<b>General Planning Policies (Transport, Access and Parking)</b>	Vehicle Access: PO and DPF 3.1 Vehicle Parking Rates: PO and DPF 5.1
<b>General Planning Policies (Interface between land uses)</b>	Hours of operation: PO and DPF 2.1

***Zones and Sub Zones:***

**Township Main Street Zone**

The proposed development contributes to the desired outcomes DO 1 & DO 2 and PO/DPF1.2 for the Township Main Street Zone by way of distinguishing and separating the proposed land uses into appropriate portions of the land, and corresponding locality. The new commercial component of the proposal compliments and assists in activation of the main street environment, with opportunity to support greater activity, vibrancy and economy, whilst the western portion of the land, developed with the residential flat dwellings, is consistent with the surrounding development. It provides new living opportunities for residents in very close proximity to the conveniences and services of the township, assisting with invigorating greater levels of activity within the Township and main street areas.

The range of uses identified in Zone PO /DPF 1.1 is consistent with the intended uses of the proposed development including shop, office, consulting rooms and residential uses.

The composition of commercial land use fronting the Onkaparinga Valley Road main street area and the ‘rear allotment’ residences within the quiet and tightly contained environment of Station Road is consistent with the performance outcomes sought in PO 1.3 and PO/DPF 1.4, importantly, not undermining the expressly intended commercial use of the land and amalgamating satisfactorily with both the commercial and residential characteristics of the locality.

**Built Form and Character & building height and setbacks**

The proposed form and character of the development is consistent with the form and scale of the existing development on both street frontages – citing the general composition and form of adjoining and nearby shop frontages and business premises on the Onkaparinga Valley Road frontage as well as the quiet residential character of the side streets and lanes.

The proposed commercial building exhibits more modern architectural style, but the proposed roof form and external material composition including natural-looking stone facing and horizontal weatherboard, emulating older ‘ship-lap’ board cladding ties in with the historic nature and appearance of many of the existing buildings. The proposed residential flat dwellings similarly incorporate modern two-storey designs with material compositions such as red-brick and feature timberwork, eaves raking and timber feature barn doors to the primary garage, all compliment the older adapted dwellings which function as commercial premises and the existing nearby residential dwellings that are characteristic of the locality.

The proposed uses present a high degree of conformity with the character of both Station Road and Onkaparinga Valley Road and are consistent with the character values sought by the Zone, particularly in PO 2.1 and PO 2.3.

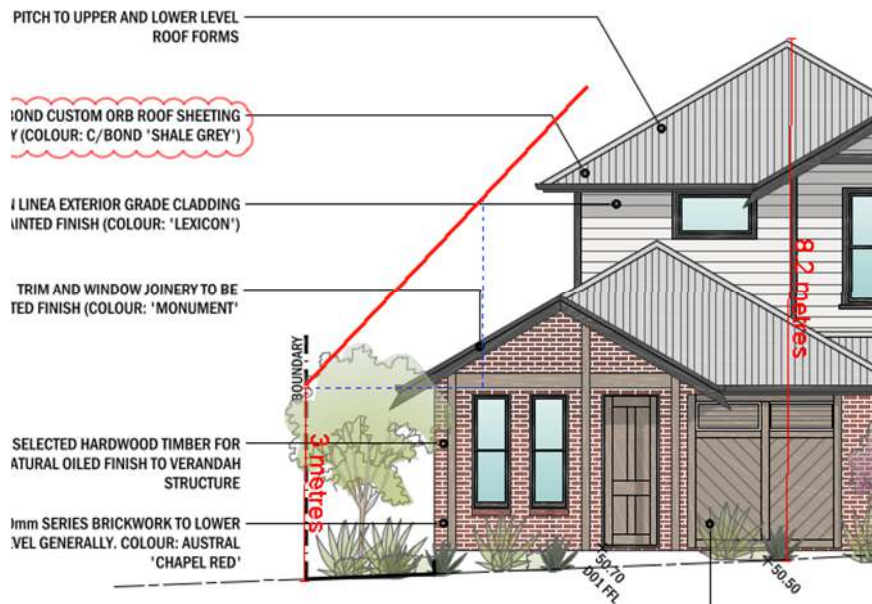
Most specific to the two-storey residential dwellings and their relationship to the surrounding residential land uses, the proposed development falls within the 2-levels maximum building height limitation in PO/DPF 3.1, and closely accords with the more specific 8 metres height threshold, only marginally exceeding the prescribed height by between 0.1 and 0.3 of a metre (10 to 30 centimetres). The building scale, height and position completely accords

with PO/DPF 3.2 relative to its northern and western boundaries achieving solar access in excess of the prescribed minimum values:

**Northern (rear) boundary relationship:**



**Western (side) boundary relationship:**



The overall composition of the proposed building designs and siting further accords with PO/DPFs 3.4, 3.5 and 3.6 in respect of their maximised usage of the site area, setbacks and consistency with the streetscapes.

**Traffic, parking and access**

Most specifically relevant to the commercial component of the proposed development, the car parking provisions are concealed behind the proposed building and accessed from Station Road, which minimises interruption of the streetscape’s built form, appearance and full utilisation of the frontage to the main street precinct and well as avoiding conflicts with pedestrian movements along the main street frontages.

The composition of car parking is unlikely to adversely influence the residential land use amenity on the opposite side of Station Road, which are largely concealed/fenced in or, comprised of garage/shed walls and adjacent to driveway areas.

**Overlay Planning Policies:**

The proposal is not considered to have any impact and avoids interface with the *Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay*, *Native Vegetation Overlay*, and does not purport any impacts or interface with the State Maintained road, identified in the *Urban Transport Routes Overlay*. In respect of these policies, the proposal is considered to be non-prejudicial to the Desired Outcomes (DO) of the Overlay policies.

With respect to the *Hazards (Bushfire - Medium Risk) Overlay* – generally the proposal maintains built form / design which is simple in form and does not present as being unusually susceptible to any greater bushfire risk through its design or siting. The subject land and surrounding allotments do not present any abnormal risk through excessive vegetation creating a fire hazard. Access for this development is provided by the close relationship to the urban street network and the carparking area provides capability for access for fire appliances.

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

**Traffic Generating Development Overlay and Urban Transport Routes Overlay**

The proposal provides satisfactory provision for vehicle movements, including resident and guest parking associated with the residential dwellings, provided by the two under-main-roof garages and the additional guest car parking space provided in the increased setback area in front of each of the secondary garages. In relation to the commercial component of the development, the proposed five-car parking area adjacent to the rear of the commercial building provides satisfactory provision for vehicle movements.

The access arrangement of the car parking solely from Station Road is considered unlikely to create any unreasonable impacts to the movement of vehicles to and from the sites or interfere with local traffic movement from Station Road onto Onkaparinga Valley Road, in accordance with Traffic Generating Development Overlay, Performance Objectives PO 1.1, 1.2 and 1.3. The arrangement of parking and intensity of land use is unlikely to produce such increase in traffic movements that would unreasonably impact on the safety or efficiency of the existing road networks.

**General Planning Provisions:**

The proposed new commercial building façade presents a more prominent corner address to both Station Road and Onkaparinga Valley Road. The design utilises an angled rebate in the Onkaparinga Valley Road aspect of the façade and a corner entrance point, opening up sightlines for vehicles and pedestrians at the corner of the property and generally provides an engaging corner treatment including glazing and, modest overhead, cantilevered canopies.

The new built form on this corner provides an easily interpretable point of access with well-defined pedestrian paths established from car parking areas to the entry point.

The overall development requires minimal earthworks for preparation of the building site, including car parking area at the rear of the commercial building, and the stepped building pad levels for each module of the residential flat building. Low retaining walls to a maximum of 0.65m are to be utilised along the northern and western boundaries to minimise landform modification across the site generally (for the residential flat building) and maintain a relatively consistent grade and even benching for a consistent built form.

Particularly in respect of the small set-backs between the proposed residential flat buildings and the Station Road boundary, the inclusion of landscaping as indicated in the proposed plans is considered imperative for the enhancement of the Station Road streetscape (refer to recommended condition 12).

Design of the dwellings has also taken into account the appearance of the street facing elevations ensuring that at least one window from a habitable room that has a minimum internal room dimension of 2.4m is facing the road and that the entry door is directly visible from the primary street boundary.

Design of the dwellings has also taken into consideration overlooking from upper-level windows, ensuring that all of the window sills are located at least 1.5m above the finished floor level with the exception of windows to bedroom 2 and 3 which do not have direct views into private open space area or habitable rooms.

Private open space provision for each of the residential flats is in the order of 30 m<sup>2</sup> incorporating soft landscaped garden areas and the rear patio / al-fresco living area which surpasses the general requirements for a 'dwelling' with a site area up to 300m<sup>2</sup> (minimum requirement is 24m<sup>2</sup> of Private Open Space). The proposed provision of Private Open Space is considered to be satisfactory in respect of the residential flats each having an effective site area in the order of 200m<sup>2</sup>.

#### **Carparking Appearance, access and manoeuvrability & Infrastructure and Renewable Energy Facilities**

The proposed development is to be connected to the Community Wastewater Management Scheme infrastructure (CWMS) and reticulated mains water supply and therefore presents no issues in respect of on-site wastewater management or impacts to the Mount lofty Watershed Catchment area and the Onkaparinga River itself.

The proposed development is considered to generally accord with the design and Infrastructure requirements of the Code, identifying a highly compatible built form for the interface of commercial and residential localities and their distinctly separate characteristics. The built form presents a suitably consistent appearance as foreshadowed previously in this report, by incorporating design features and materials which assist in connecting the buildings to their surrounding localities and existing built form.

Suitable physical separation between the building(s) and side & rear boundaries exceeds the minimum requirements for solar access for adjacent residences. The proposed development's utilisation of high-level windows in the upper storey, with sill levels of 1.5 metres above finished upper floor level (in conjunction with the upper storey setbacks) are considered to adequately mitigate the risk of direct overlooking into adjacent private open space areas.

#### **Transport, Access and Parking**

The proposed residential flat building affords two undercover car parks within the dual, under-main-roof garages in accordance with PO/DPF 5.1 and Table 1 – and provides a single visitor car parking space in front of each dwelling's secondary garage, exceeding the visitor car parking requirements in Table 1.

In respect of car parking for the shop, the requirements state that the shop should achieve a prescribed parking ratio of 5.5 car parking spaces per 100m<sup>2</sup> GLFA. Again, noting that the useable floor space is reduced to 90m<sup>2</sup> when the staff room, toilet and cleaning area is excluded from the calculation, the 5-car parking area is likely to be satisfactory and functional for a retail shop, notwithstanding it does not meet the minimum prescribed requirements.

It is noted that the car parking area could potentially accommodate a further car park, increasing to 6 spaces, by utilising the landscaped area at the front (Station Road) western aspect of the car park, but would compromise the effect of the landscape screening and generally the proposed softened' appearance of the car parking area and pleasant aesthetics of the development and its delineation between the commercial and residential uses.

Notwithstanding the marginal failure to meet the car parking requirements for the building's use as a shop, the proposed 5 car parks will be considered to be suitable enough especially when considering the available on street car parking spaces along Onkaparinga Valley Road.

Access to the commercial component's car parking is situated in excess of the prescribed 6.0 metres from the tangent point of the intersection of Onkaparinga Valley Road and Station Road. The proposed commercial-related parking does not interface with, or affect any street furniture, street trees or any other street infrastructure. All new vehicle crossover points are required to be formalised by Council pursuant to Section 221 of the Local Government Act 1999.

### **Interface between Land Uses**

Hours of operation proposed for the commercial premises is between 9am and 5:30 pm Monday to Sunday which is consistent with the trading hours of most businesses in the main street of Woodside and also within the scope of hours of operations as envisaged by DPF 2.2.

### **CONCLUSION**

This assessment report provides a detailed assessment of the proposal against the most pertinent provisions of the Planning and Design Code.

The assessment has contemplated the statutory requirements of the Code and the *Planning, Development and Infrastructure Act 2016* in processing the application including referral to prescribed authorities, and public notification undertaken and, has considered the concerns of the representor with appropriate regard.

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

- The scale and nature of the proposed development presents an appropriate form of development within the Township Main Street Zone, having had regard to the existing, surrounding land uses as well as the proposed development's aesthetic contribution to the locality and the distinct characteristics of the Onkaparinga Valley Road and Station Road aspects, and
- The proposal presents a compact, quality building design and layout, including resident, visitor and customer car parking which, notwithstanding a marginal shortfall in customer parking appurtenant to the use of the commercial building as a shop, the proposed development is considered to satisfactorily cater for the intended land use and intensity without any obtuse traffic impacts or influence upon the existing pleasant amenity of the locality.
- The intended commercial use is envisaged for the zone and the design of the building ensures that the commercial building retains direct frontage and ease of access from Onkaparinga Valley Road as is the case with the existing commercial properties.
- Residential use is not considered to be prejudicial to non-residential use, being development in conjunction with and to the rear of the proposed non-residential use ensuring that the property encourages and maintains an active and vibrant main street front.

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

## RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- 2) Development Application Number 21021753, by Lou Fantasia Planning Pty Ltd for Residential flat building comprising 3 dwellings, commercial shop tenancy, associated car parking & associated landscaping at Flats 1-3/79 Onkaparinga Valley Road Woodside is GRANTED Planning Consent subject to the following reasons/conditions/reserved matters:

## CONDITIONS

### Planning Consent

1) Development in Accordance With Approved Plans

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

2) Commercial Lighting

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

3) External Finishes

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

**Commercial Building:**

**WALLS:** Mixture of Scyon Linea Painted Lexicon and Sandstone Wall cladding or similar

**ROOF:** Colorbond Shale Grey or similar

**Residential Flat Building (comprising 3 dwellings):**

**WALLS:** Mixture of Brick in Austral Chapel Red and Scyon Linea Painted Lexicon or similar

**ROOF:** Colorbond Shale Grey or similar

4) Unloading And Storage Of Materials And Goods

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

5) Opening Hours

The opening hours of the shop shall be 9:00am to 5:30pm - Monday to Sunday.

6) Firefighting Water Supply- Mains Water Supply Available

A supply of water independent of reticulated mains supply shall be available for each of the dwelling at all times for fire-fighting purposes as follows:

- a minimum supply of 2,000 (two thousand) litres of water shall be available for fighting purposes at all times; and
- the water supply shall be located such that it provides the required water; and
- the water supply shall be fitted with domestic fittings (standard household taps that enable an occupier to access a supply of water with domestic hoses or buckets for extinguishing minor fires); and



- the water supply outlet shall be located at least 400mm above ground level for a distance of 200mm either side of the outlet; and
- a water storage facility connected to mains water shall have an automatic float switch to maintain full capacity; and
- where the water storage facility is an above-ground water tank, the tank (including any support structure) shall be constructed of non-combustible material.

7) **Stormwater Overflow Directed To Street**

Stormwater management shall be undertaken in accordance with the stormwater management plan and calculations prepared by Jack Adcock Consulting Pty Ltd, project number JAC200769-DRG-C002, issue D dated 27/10/2021 and stormwater calculation dated 27 October 2021.

All roof run-off generated by the development hereby approved shall be directed to a rainwater tank with overflow to the street to the satisfaction of Council within one month of the roof cladding being installed. All roof and hard paved water runoff shall be managed to prevent trespass onto adjoining properties and into the effluent disposal area where an on-site waste control system exists.

8) **Car Parking Designed In Accordance With Australian Standard AS 2890.1:2004**

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

One (1) car 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.

9) **Residential Access Points**

The residential vehicle access point(s) and cross over shall be constructed in accordance with Adelaide Hills Council standard engineering detail SD13 – residential vehicular crossing concrete for sealed road with kerb and SD16 – allowable crossover locations, within 3 months of occupation/use of the development.

10) **Commercial Access Points**

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

11) **Landscaping Protection In Car Parks**

All landscaped areas and structures adjacent to driveways and parking areas shall be separated by a wheel stop device prior to the occupation of the development. Such devices shall not impede the free movement of people with disabilities.

12) **Timeframe For Landscaping To Be Planted**

Landscaping, detailed on the site and floor plan prepared by Nielsen Architects drawing number PA101 revision C 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.

Conditions imposed by Commissioner of Highways under Section 122 of the Act

13) **Vehicle Access Points**

Vehicular access location and configuration to serve the site shall be in accordance with the Site Plan by Nielsen Architects (Drawing No. DA101, dated 3 February 2021).

**14) Stormwater Run-off**

Stormwater run-off shall be collected on-site and discharged without impacting the integrity and safety of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

**ADVISORY NOTES**

**1) Planning Consent Expiry**

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

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

**2) Erosion Control - During Construction**

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

**3) Surveyed Boundaries**

The onus of ensuring that any wall or fence is located in the approved position on the correct allotment is the responsibility of the land owner/applicant. This may necessitate a boundary survey being undertaken by a licensed land surveyor prior to the work commencing and when the wall is complete.

**Advisory Notes imposed by Commissioner of Highways under Section 122 of the Act**

**4) Signage**

It is recommended that the proposed signage is consistent with DIT's publication '*Advertising Signs: Assessment Guidelines for Road Safety*'.

**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) This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
- 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) 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.
- 5) A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
  - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
  - b. if an appeal is commenced—
    - i. until the appeal is dismissed, struck out or withdrawn; or

- ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

**OFFICER MAKING RECOMMENDATION**

**Name:** Aaron Wilksch (Consultant Planner) and Doug Samardzija

**Title:** Statutory Planner