

SPECIAL CAP MEETING – 26 JULY 2023

ITEM 8.1

DEVELOPMENT NO.:	21031284
APPLICANT:	PC Infrastructure Pty Ltd
ADDRESS:	160 LONGWOOD RD HEATHFIELD SA 5153 CT 6003/528
NATURE OF DEVELOPMENT:	24 hour retail fuel outlet with associated canopy, car cleaning & dog wash facilities, 70,000L underground fuel storage tank, pylon advertising sign (maximum height 7m), combined fence & retaining wall (maximum height 6m), internal acoustic fencing (maximum height 3m), retaining walls (maximum height 3.25m), car parking & landscaping
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Rural Neighbourhood <p>Subzones:</p> <ul style="list-style-type: none"> • Adelaide Hills <p>Overlays:</p> <ul style="list-style-type: none"> • Hazards (Bushfire - High Risk) • Hazards (Flooding - Evidence Required) • Mount Lofty Ranges Water Supply Catchment (Area 2) • Native Vegetation • Prescribed Wells Area • Regulated and Significant Tree
LODGEMENT DATE:	1 February 2022
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	2022.1
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes 11 February 2022 – 3 March 2022
RECOMMENDING OFFICER:	Marie Molinaro Statutory Planner
REFERRALS STATUTORY:	- Environment Protection Authority
REFERRALS NON-STATUTORY:	- Council Engineering - Council Open Space - Council Environmental Health - Resonate Acoustic Engineers - MFY Traffic Engineers

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DETAILED DESCRIPTION OF PROPOSAL:

The proposal is for demolition of existing buildings and construction of a retail fuel outlet. A retail fuel outlet is defined in the Planning & Design Code as:

Land used for:

- a) the fuelling of motor vehicles involving the sale by retail of petrol, oil, liquid petroleum gas, automotive distillate and any other fuels; and*
- b) the sale by retail of food, drinks and other convenience goods for consumption on or off the land; and both are operated as and constitute one integrated facility where on-site facilities, systems and processes, car parking and access and egress are all shared.*

The use may also include one or more of the following secondary activities:

- 1. the washing and cleaning of motor vehicles*
- 2. the washing of other equipment or things including dogs and other pets*
- 3. the provision (on a paid or free basis) of facilities for charging electric vehicles*
- 4. the hiring of trailers*
- 5. selling of motor vehicle accessories and/or parts*
- 6. the installation of motor vehicle accessories and/or parts.*

The retail fuel outlet will comprise the following:

- Construction of one (1), 5.2m-6.3m high flat roof rectangular shaped shop building, described in the application documents as the 'control building'.
- The shop building has a height of 5.2m-6.3m and floor area of 250 square metres comprising retail display area, sales counter, food preparation area, fridges, toilet and storage areas.
- The shop building is setback:
 - 34m from the Longwood Road boundary
 - 750mm to 1.049m from the western side boundary and;
 - 3.4m to 4.1m to the Scott Creek Road boundary.
- The shop building external materials and finishes will be black brickwork, black weatherboard cladding and black fibre cement sheeting with attached 'OTR' and 'C Coffee' advertising on the front façade facing Longwood Road.
- Construction of one (1) 7.2m high square shaped canopy with a butterfly pitched roof over four (4) fuel bowsers between the shop building and the Longwood Road boundary.
- The four (4) fuel bowsers will provide eight (8) fuel filling positions.
- The canopy has a floor area of 122 square metres.
- The canopy is setback:
 - 9.6m from the Longwood Road boundary and;
 - 7.3m from the western side boundary
- Canopy materials and finishes will be timber-look central support pillars and black fascia cladding with 'OTR' advertising on the ends of the canopy.

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- Installation of one (1) 70,000L underground fuel storage tank below the fuel bowser canopy. The filling location for the fuel tank is between the canopy and the western side boundary. The tank is to be fitted with a vapour recovery system.
- Construction of one (1) 5.9m high flat roof automatic carwash with attached dog wash facility, at the rear of the shop building.
- The automatic carwash has a floor area of 66 square metres.
- The automatic carwash facility materials and finishes will be white rendered walls and glass panels.
- Construction of one (1) 4.9m high flat roof enclosed manual vehicle wash area comprising three (3) car bays with associated plant storage area behind the shop building.
- The manual vehicle wash facility has an area of 170 square metres.
- The manual vehicle wash facility is setback 880mm from the Scott Creek Road boundary.
- Manual vehicle wash facility materials and finishes will be white rendered walls with feature yellow-coloured facias.
- Construction of one (1) 4m high open shade sail cover with an area of 23 square metres over the car vacuuming bay.
- The car vacuuming bay is setback:
 - 4.5m from the Scott Creek Road boundary and;
 - 1.6m from the rear boundary.
- The shade sail will be white in colour.
- The site will be illuminated by 31 lights underneath the fuel bowser canopy, five (5) floodlights and seven (7) lights mounted to fencing around the site.

Associated with the construction of the retail fuel outlet are the following:

- One (1) 7m high illuminated pylon advertising sign with OTR branding and fuel price information.
- Earthworks comprising mainly fill to a height of 3.25m, including filling on the Council road verge.
- Retaining walls along part of the side and rear boundaries as follows:
 - Western side boundary, maximum height 3.05m
 - Rear boundary, maximum height 3.25m
 - Scott Creek Road boundary, maximum height 3.25m
- 3m high Colorbond 'Surfmist' (white) acoustic fencing along the western side boundary atop the retaining wall, and internal to the site behind the manual vehicle wash, parallel to the rear boundary. The maximum combined overall height of retaining and fencing is 6m.
- The internal acoustic fence is 1.6m from the rear boundary at the closest point.
- Provision of one (1) cross-over to Longwood Road and three (3) cross-overs to Scott Creek Road. Two (2) of the cross-overs to Scott Creek Road are one way entry and one way exit only.
- Removal or pruning of trees and shrubs on the Council road verge along Scott Creek Road for a length of 75m.

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- Sealed manoeuvring and parking areas between the shop building and the Longwood Road boundary, with the provision of eight (8) parking spaces, including one (1) universal access parking space. The parking spaces are perpendicular to the shop building with access in & out from both Longwood Road and Scott Creek Road.
- Construction of 1.8m wide screened waste storage between the shop/control building and the western side boundary.
- Planting of landscaping along a portion of the two street boundaries, between the 3m high internal fence and the rear boundary and on the Scott Creek Road verge.
- Landscaping along the street boundaries generally comprises shrubs up to 2m high, with deciduous trees (growing to a mature height of 6m) to be planted between the internal acoustic fence and the rear boundary.
- Landscaping on the road verge consists of irrigated turf on the fill batters.
- Stormwater will be disposed of via a 22,730L underground detention tank with overflow directed to Scott Creek Road.
- Wastewater from the car and dog wash facilities will be directed to the sewer.

Operational matters of the retail fuel outlet are as follows:

- 24 hour offering of retail and fuel sales, seven (7) days a week.
- Use of the vehicle cleaning and dog wash facilities limited to 7:00am-10:00pm seven (7) days per week.
- Fuel tank filling activities restricted to the hours of 7:00am - 10:00pm any day.
- General deliveries restricted to the hours of 7:00am - 10:00pm any day.
- Waste pick-up by private contract restricted to the hours of 9:00am-7:00pm on a Sunday or public holiday and 7:00am - 7:00pm on any other day.
- Employment of 10-12 staff on a combined full and part-time basis.

The application documents are included as **Attachment 1 – Application Documents**.

BACKGROUND:

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
7 September 1995	330/201/94	Addition to motor vehicle workshop
27 June 1996	330:191:96	Canopy additions to existing workshop
	473/430/2005	WITHDRAWN – Change of use to include second hand dealer’s licence
2 March 2006	473/672/2005	Advertisement (non-illuminated sign measuring 2.9m x 1.29m in association with an existing motor repair station)
23 August 2006	473/D41/2006	Land division – boundary re-alignment
	13/90	REFUSED – Change of use to include store and green waste depot and placement of two store buildings (non-complying)
	16/926	LAPSED – Demolition of outbuildings, two storey detached dwelling with attached deck, retaining walls (maximum height 2.3m) & associated earthworks

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	20/563	WITHDRAWN - Two storey dwelling, retaining walls (maximum height 1.2m), demolition of outbuilding & associated earthworks
17 February 2023	22042931	Internal alterations to existing service station building

Anecdotal evidence summarised in a site contamination report on Council records is that:

Heathfield Motors began operation in 1949. The original workshop was located within the southern portion of the site. This workshop [current building] was constructed in 1954. The [previous] workshop was removed in the early 1990s when the site was sold.

There was a fuel bowser and small underground storage tank (less than 2000 litres) located near the south-eastern corner of the property.

The pump was shifted up to the Longwood Road frontage in 1959. It is believed that the historic tank has likely remained on site.

Based on the above, the accepted existing use of the land is motor repair station with associated fuel sales. This is a separate and distinct land use from a retail fuel outlet.

The existing motor repair station use pre-dates legislated planning controls, so there are no development consents regulating matters such as hours of operation, noise, light spill and odour management. The use is not currently operating.

The last business name of the motor repair station was Heathfield Motors. Information available on the Heathfield Motors website is that operating hours were as follows:

Monday – Thursday 8:00am - 5:00pm

Friday – 8:00am - 4:30pm

A recent development application 22042931 was determined as an Accepted form of development by a private certifier. Accepted forms of development do not require a Planning Consent. The certifier described the development as internal alterations to existing service station building. The approval is for alterations to an office space and a 2 square metre expansion to a nominated 'sales' area. The nominated 'sales' area was previously shown as a reception and waiting area.

It is not known if this Development Approval has been enacted yet by the landowner.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 160 LONGWOOD RD HEATHFIELD SA 5153

Title ref.: CT 6003/528 **Plan Parcel:** D73422 AL41 **Council:** ADELAIDE HILLS COUNCIL

The subject land is an irregular shaped allotment, with an area of 2160 square metres. The primary street frontage is Longwood Road and there is a secondary street frontage to Scott Creek Road. The land is on the southern side of Longwood Road and western side of Scott Creek Road. The land is located at a four-way intersection. There are multiple access points to the subject land – one (1) on Longwood Road, one at the intersection of Longwood Road & Scott Creek Road and three (3) on Scott Creek Road.

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The land contains the motor repair station building with attached canopy which is located near the front of the land. There is an outbuilding behind the motor repair station building. There were two side-by-side fuel bowsers located underneath the canopy but they have been removed. There was also a 4m high freestanding non-illuminated sign located in front of the motor repair station building, near the western side boundary which has also been removed.

The motor repair station building has an approximate floor area of 219 square metres with an attached front canopy of 28 square metres. The motor repair station building is setback approximately 10m from the Longwood Road boundary. It is built side boundary to side boundary.

The land is on the low side of Longwood Road. The area for the motor repair station building is benched at one level, and land behind the motor repair station building is terraced following the downward slope of the land. The area behind the motor repair station building contains grass and shrubs.

The land is connected to mains SA Water sewer and water supply. There are no easements or other restrictions listed on the Certificate of Title.

The land is on the fringe of the Rural Neighbourhood Zone, with the Recreation Zone to the north, the Communities Facilities Zone to the north-west, Open Space Zone to the north-east and the Productive Rural Landscape Zone and Infrastructure Zone to the south and east.

Locality:

The locality contains a mix of residential, community and infrastructure uses. The two adjoining properties which share common boundaries are residential containing single detached dwellings.

The Council owned Heathfield Oval and a wooded reserve are on the opposite side of Longwood Road, and an SA Water infrastructure plant (large water storage tank) is on the opposite side of Scott Creek Road. Heathfield High School is approximately 400m west of the subject land on Longwood Road and the Council Waste Recovery Centre & Works Depot is approximately 175m south of the subject land on Scott Creek Road.

There is an SA Water sewer treatment plant to the south-west of the subject land on Brick Kiln Road. Brick Kiln Road runs off of Scott Creek Road.

Longwood Road and Scott Creek Road are sealed Council roads. Longwood Road is a major collector road. There are informal footpaths along both road frontages, however there is no kerb & guttering. There is one street light at the intersection and overhead powerlines.

An Adelaide Metro bus stop in front of the subject land on Longwood Road.

The subject land is a similar size and dimension to both the adjoining residential allotments, and other residential allotments along the southern side of Longwood Road.

The subject land is identified on **Attachment 2 – Subject Land**.

The zoning is shown on the map in **Attachment 3 – Zoning Map**.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT**

Retail fuel outlet: Code Assessed - Performance Assessed

Advertisement: Code Assessed - Performance Assessed

Underground fuel tank: Code Assessed - Performance Assessed

Fence and walls – fence plus retaining wall: Code Assessed - Performance Assessed

Shade Sail: Code Assessed – Performance Assessed

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- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

The proposal is not listed as Accepted, Deemed to Satisfy or Restricted in the Planning & Design Code, so it defaults to being a Performance Assessed type of development.

PUBLIC NOTIFICATION

- **REASON**

A retail fuel outlet is not listed as being exempt from public notification per Table 5 procedural matters of the Rural Neighbourhood Zone. The proposal is not considered to be minor, and therefore public notification was required.

Public notification occurred between 11 February and 3 March 2022.

- **LIST OF REPRESENTATIONS**

190 representations were received during the public notification period.

12 of the representations were supportive of the proposal, and the remainder were opposed to the proposal.

37 of the representors have nominated to be heard in support of their representation.

The representors, listed in alphabetical order are detailed below:

Representor Name	Representor's Address	Wishes to be heard (Y/N)	Nominated Speaker (if relevant)
Adelaide Hills Council	Mount Barker Road, Stirling	Y	Victoria Shute – Kelledy Jones
Yazan Akeel	5 Scott Creek Road, Heathfield	Y	Personally
Peter & Elaine Anderson	41 Sheoak Road, Crafers West	Y	Peter Anderson
Catherine Baylis	169 Longwood Road, Heathfield	Y	Personally
Jamie Booth	32 Heather Road, Stirling	Y	Personally
Kevin Brogan	PO Box 677, Mylor	Y	Personally
Gerard Faber	16 Kiaka Lane, Scott Creek	Y	TBA
Phillipa Fox	17 Walker Avenue, Heathfield	Y	Personally
Glenice & Don Gare	15 Victoria Street, Hahndorf	Y	Personally
Justin Gare	8 Brick Kiln Road, Heathfield	Y	TBA
Chris Grant	88 Mawson Road, Forest Range	Y	Personally
Mark Harrington	PO Box 63, Hahndorf	Y	Sallie Harrington Downie
Rhys Harrington Downie	35 Heathfield Road, Heathfield	Y	Personally
Sallie Harrington Downie	35 Heathfield Road, Heathfield	Y	Personally
Mark Hergott	164 Longwood Road, Heathfield	Y	Personally
John Hill	118 Piccadilly Road, Crafers	Y	Personally or TBA
Corin Kersten	PO Box 113, Upper Sturt	Y	Personally
Bill Kierns	3 Scott Creek Road, Heathfield	Y	Personally
Jordan Kierns	29 Leader Street, Rosewater	Y	TBA
Graeme Laheen	4 Scott Creek Road, Heathfield	Y	Personally
Sarah Matthews	43 Walker Avenue, Heathfield	Y	TBA
Graham Nathan	17 Learmonth Court, Ironbank	Y	Personally

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Sally Owen	11 Erica Road, Heathfield	Y	TBA
Jasmin Packer	17 Learmonth Court, Ironbank	Y	TBA
Roy Page	99 Longwood Road, Heathfield	Y	TBA
George Petrakis	158 Longwood Road, Heathfield	Y	Personally
Kristin Phillips	8 Brick Kiln Road, Heathfield	Y	Personally
Byron Riessen	91 Longwood Road, Heathfield	Y	Personally
Heathfield High School Governing Council	99 Longwood Road, Heathfield	Y	Byron Riessen
Allye Sinclair	PO Box 113, Upper Sturt	Y	TBA
Ruth Taylor-Hull	118A Longwood Road, Heathfield	Y	TBA
Daniel Trotta	156 Longwood Road, Heathfield	Y	Irena Trotta
Irena Trotta	156 Longwood Road, Heathfield	Y	Personally
Robert Tuddenham	2 Silverwood Drive, Heathfield	Y	Personally
Maya Ueda	Erica Road, Heathfield	Y	TBA
Cing Wardleworth	16 Walker Avenue, Heathfield	Y	TBA
Maxine Wilson	9 Keithley Road, Heathfield	Y	Personally
Darin Baldock	62 Cricklewood Road, Heathfield	N	
Travis Bartlett	Ironbank Road, Ironbank	N	
Matthew Barton	34 Beadnell Crescent, Bridgewater	N	
Clive Baylis	169 Longwood Road, Heathfield	N	
Keith Beaumont	1/13 Gilbert Road, Mount Barker	N	
Sarah Bennett	2 Lampert Road, Crafers	N	
Robyn Bishop	4 Osterley Avenue, Bridgewater	N	
Andrew Biven	PO Box 9, Mylor	N	
Tamara Bjordal	56 Cricklewood Road, Heathfield	N	
Gus Borowski	PO Box 1166, Nairne	N	
Alison Bow	5 Brooks Street, Meadows	N	
Deborah Bowes	8 Oakwood Court, Heathfield	N	
Jeremy Boyd	20 Arkaba Road, Aldgate	N	
Clare Bradley	PO Box 632, Mylor	N	
Lizzie Brennan	64 Longwood Road, Stirling	N	
Margaret Breyer	8 Walker Avenue, Heathfield	N	
Rolf Breyer	8 Walker Avenue, Heathfield	N	
Angela Briton	26 Cox Creek Road, Crafers	N	
Robert Brown	226 Longwood Road, Heathfield	N	
Andrew Cawthorne	57 Birch Road, Stirling	N	
Daniel Chin	Stirling	N	
Jean Clayton	813A Scott Creek Road, Scott Creek	N	
Melissa Cleggett	83 Old Mount Barker Road, Stirling	N	
Jennifer Collins	54 Nicholls Road, Scott Creek	N	
Ralph Coupland	PO Box 64, Balhannah	N	
Brooke Coventry	75a Cricklewood Road, Heathfield	N	
Naidine Cullen	11 Protea Crescent, Crafers	N	
Lara Damiani	14 Erica Road, Heathfield	N	
Simone Davey	320 Pole Road, Ironbank	N	
Will Davey	320 Pole Road, Ironbank	N	
Vicky Dennison	52 Heathfield Road, Heathfield	N	
Bill Dowling	1/14 Milford Avenue, Stirling	N	
Marius Drienik	52 Heathfield Road, Heathfield	N	

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Petra Dunaiski	3 Carroll Road, Heathfield	N	
Gillian Elleway	9 Corella Avenue, Glenalta	N	
Susanne Evans	U10 / 66 Mt Barker Road, Stirling	N	
Kate Exner	2 Stock Road, Heathfield	N	
Michale Fabbro	511 Longwood Road, Longwood	N	
Emma Fitzgerald	24 Bon Street, Lobethal	N	
Adrian & Johanna Flavell	PO Box 117, Stirling	N	
George Gardiner	1/29 Brunswick Avenue, Coffs Harbour NSW	N	
Caroline George	3 Heather Road, Heathfield	N	
Lynda Gibson	57 Cricklewood Road, Aldgate	N	
Jean Gingell	7 Keithley Road, Heathfield	N	
Jeremy Glaros	35 Alexandria Avenue, Rose Park	N	
Nicholas Glover	76 Mountford Avenue, Bridgewater	N	
Timothy Goh	10/169 Unley Road, Unley	N	
Ray Goulter	5 Penola Road, Aldgate	N	
Amanda Graham	PO Box 605, Mylor	N	
Oliver Graham	16 Wembley Avenue, Bridgewater	N	
Anthony Grant	88 James Street, Leichhardt NSW	N	
Jarvis Haines	26 Ophir Avenue, Bridgewater	N	
Jonah Haines	26 Ophir Avenue, Bridgewater	N	
Olivia Harman	23 Wright Way, Longwood	N	
Janet Harris	PO Box 86, Aldgate	N	
Deb Hartley	64 Longwood Road, Stirling	N	
Rebecca Hastings	49 Arkaba Road, Aldgate	N	
Krista Healey	PO Box 326, Stirling	N	
Rachel Hentschke	40 Golflinks Road, Stirling	N	
Penelope Hergott	164 Longwood Road, Heathfield	N	
Mark Higgins	16 Vogt Road, Mylor	N	
Alyssa Hill	19 Vantage Way, Crafers	N	
Annabel Hirst	11 Cambridge Road, Aldgate	N	
Pam Hompas	9 Heather Road, Heathfield	N	
Megan Hughes	32 Meadow Ave, Hawthorndene	N	
Julia Humphries	PO Box 432, Echunga	N	
Amelia Hurren	11 White Avenue, Crafers	N	
Lisa Ingersoll	PO Box 381, Mount Barker	N	
Jessemy James	3 Hill Street, Crafers West	N	
Hugh Justham	Scott Creek	N	
Glenn Kennett	PO Box 628, Stirling	N	
Ashleigh Kenny	PO Box 333, Echunga	N	
Lionel Kerr	PO Box 647, Mylor	N	
Greg Kessell	PO Box 193, Marden	N	
Geoffrey Keynes	38 Churinga Road, Aldgate	N	
Joo Kyung Kim	8 Bandicoot Lane, Mylor	N	
Laura Kyprianou	638 Cherry Gardens Road, Cherry Gardens	N	
Kim Lau	PO Box 542, Stirling	N	
Simone Laurie	13 Walker Avenue, Heathfield	N	
Jane Lawrence	9 Wilbala Road, Longwood	N	

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Jadine Mackenzie	471 Cherry Gardens Road, Cherry Gardens	N	
Jane Mant	PO Box 1510, Mylor	N	
Michael Marrone	150 Ilunga Drive, Scott Creek	N	
Scott Marshall	4 Walker Avenue, Heathfield	N	
Victoria Marshall	4 Walker Avenue, Heathfield	N	
Sally Martin	7 Ethel Street, Stirling	N	
Regina Martinelli	12 Woorabinda Drive, Stirling	N	
Megan McCormick	12 Kingsland Road, Aldgate	N	
Calista McCurdy	25 Nation Ridge Road, Aldgate	N	
Phil McDonald	39 Walker Avenue, Heathfield	N	
Haylie Mckay	7 Albert Avenue, Crafers West	N	
Nicole McKenna	13 Hillside Road, Aldgate	N	
David Morris	9 Wilbala Road, Heathfield	N	
Jim Mosley	717 Scott Creek Road, Scott Creek	N	
David Mott	PO Box 225, Aldgate	N	
Sarah Moyle	18 Walker Avenue, Heathfield	N	
Marcia Mudge	6 Male Crescent, Hahndorf	N	
Craig Mulqueen	10 Ridge Road, Woodside	N	
Angelica Murn	8 Fern Road, Crafers West	N	
David Murphy	170 Longwood Road, Heathfield	N	
Elizabeth Murphy	170 Longwood Road, Heathfield	N	
Lisa Nairn	Gould Road, Stirling	N	
Caitlin Nicholas	60 Birch Road, Stirling	N	
Ben Noble	49 Churinga Road, Aldgate	N	
Brittany Norris	88 Mawson Road, Forest Range	N	
Nicole Oliver	130 Longwood Road, Heathfield	N	
John Parker	3 Railway Avenue, Bridgewater	N	
Margaret Parker	36 Wattle Tree Road, Bridgewater	N	
Sophie Parker	715 Scott Creek Road, Scott Creek	N	
Joanne Peak	PO Box 189, Mylor	N	
Fiona Phelan	28 Leamington Road, Aldgate	N	
Jen Pitman	18 Woolcock Road, Longwood	N	
Nathan Porter	PO Box 151, Stirling	N	
Emily Power	7 Spring Gully Road, Piccadilly	N	
Liz Prowse	49 Coat Road, Ironbank	N	
Paula Raymond	PO Box 3, Aldgate	N	
Anthony Risson	58 Strathalbyn Road, Adelaide	N	
Christine Roberts	8 Bogaduck Road, Aldgate	N	
Jane Roeszler	15 Branch Road, Aldgate	N	
Stephen Salvi	13-15 Edward Ave, Crafers West	N	
Inta Sellick	184 Mount Bold Road, Bradbury	N	
Madeline Shearer	52 Heather Road, Stirling	N	
Brendan Shegog	7 Heather Road, Heathfield	N	
Julie Shegog	7 Heather Road, Heathfield	N	
Kathy Smith	7 Jerilderie Drive, Happy Valley	N	
Cathy Smythe	171 Ironbank Road, Ironbank	N	
Abbie Southam	26 Sprigg Road, Piccadilly	N	
Kathryn Sparks	2 Chilton Place, Upper Sturt	N	
Dean Spasic	15 Oratava Avenue, Bridgewater	N	

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Priya Spencer	2 Leicester Street, Parkside	N	
Pia Spreen	46 Alexandrina Road, Mount Martha VIC	N	
Georgina Stoll	136 Longwood Road, Heathfield	N	
Linda Strevens	PO Box 719, Stirling	N	
James Strong	85 Aldgate Valley Road, Aldgate	N	
Jan Sutton	6 Cup Gum Grove, Heathfield	N	
Karl Sutton	28 Alberg Avenue, Mount Barker	N	
Clifton Sykes	2 Erica Road, Heathfield	N	
Josh Teague MP	Unit 9-10 14 Druid Avenue, Stirling	N	
William Teale	18 Woolcock Road, Longwood	N	
Christelle Thomas	25 Heather Road, Heathfield	N	
Shan Thomas	14 Radbone Road, Mount George	N	
Andrea Tschoner	31 Ethel Street, Stirling	N	
Angela Tsimiklis	27 Kidman Street, Yaraville VIC	N	
Jane Upton	9 Erica Road, Heathfield	N	
Tim Verryt	22 Walker Avenue, Heathfield	N	
Natalie Vinczer	62 Cricklewood Road, Heathfield	N	
Rowan Voogt	PO Box 74, Macclesfield	N	
David Wait	32 Wilson Road, Mylor	N	
Helena Wait	PO Box 646, Mylor	N	
Kate Wall	174 Longwood Road, Heathfield	N	
John Wardleworth	16 Walker Avenue, Heathfield	N	
Simone Wirkus	Residential address not supplied	N	
Naomi Wright	16 Erica Road, Heathfield	N	

● SUMMARY

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

Supporting representations

- The proposal will provide a valuable 24 hour offering of fuel and other retail items, not currently available in the area.
- The proposal will provide a manual carwash which is not currently available in the area.
- The proposal will result in improved visual amenity – replacing the currently ‘rundown’ motor repair station with new buildings and landscaping.
- The proposal will provide employment opportunities, in particular for youth of the area.

Opposing representations

- The proposal is at variance with the Planning & Design Code.
- Concern regarding the impact on amenity in relation to noise, air quality, light spill impacts and increased traffic movements.
- Concern in relation to the built form appearance in particular the height of the pylon advertisement.
- Concern that the proposal is not required as the area is already well serviced by existing retail fuel outlets and other smaller general retail businesses.
- Concern in relation to fire risk resulting from fuel storage.
- Concern in relation to water quality impacts resulting from stormwater run-off and storage of fuel.
- Concern in relation to traffic and pedestrian safety as a result of increased traffic movements.
- Concern in relation to retail sales of ‘junk food’ to Heathfield High School students and users of the Heathfield Oval.

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- Concern in relation to possible increase in anti-social behaviour in the area such as littering nuisance, ‘hoon’ driving and vandalism.
- Concern regarding potential negative impact on native wildlife through potential increased traffic movements.
- Concern in relation to the loss of the motor repair station use.

In addition to the representations a petition in opposition to the proposal was presented to Council at the 22 March 2022 meeting. A petition is not a valid representation, so it has not been included in this report.

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

AGENCY REFERRALS

- Environment Protection Authority (EPA)

Part 9.1 of the Planning & Design Code requires all petrol station developments to be referred to the EPA.

The EPA reviewed the proposal for air, water quality and site contamination impacts. Following the provision of additional information, the EPA were satisfied with the proposal and have directed that six (6) conditions and six (6) advisory notes be applied to any Planning Consent.

INTERNAL REFERRALS

- Council Engineering

Reviewed the proposal for access/traffic and stormwater management arrangements. Upon their advice access/traffic matters were reviewed by MFY Traffic Engineers.

Stormwater management arrangements are discussed later in the report.

- Council Open Space

Consented to the proposed road verge vegetation removal and pruning, subject to conditions.

- Council Environmental Health

Advised that the applicant will need to submit a food business notification for and confirm that a hand wash station is available for the food business component.

- Resonate Acoustic Engineers

Council engaged Resonate Acoustic Engineers to review the applicant’s noise impact assessment report which was prepared by Sonus. Resonate is of the opinion that the Sonus report was incorrect in its assumption of defining the locality as residential for the purposes of carrying out a noise impact assessment. Resonate believe the locality is rural living which has a lower noise level threshold per the Environment Protection (Noise) Policy 2007 than a residential locality.

Noise impact matters are discussed later in the report.

- MFY Traffic Engineers

Council engaged MFY Traffic Engineers to review the applicant’s traffic impact statements which were prepared by Stantec. MFY are of the opinion that there are traffic safety matters associated with the proposal.

Access/traffic matters are discussed later in the report.

The referral responses are included as **Attachment 7 – Referral Responses**.

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PLANNING ASSESSMENT

Desired outcomes

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

Performance outcomes

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

Designated performance features

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

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

Rural Neighbourhood Zone

Desired Outcome	
DO1	Housing on large allotments in a spacious rural setting, often together with large outbuildings. Easy access and parking for cars. Considerable space for trees and other vegetation around buildings, as well as on-site wastewater treatment where necessary. Limited goods, services and facilities that enhance rather than compromise rural residential amenity.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Land Use & Intensity PO1.1 & DTS/DPF1.1, PO1.2 & DTS/DPF1.2, PO1.3, PO1.4	
Building Height PO2.1	
Primary Street Setback PO3.1 & DTS/DPF3.1	
Secondary Street Setback PO4.1 & DTS/DPF4.1	
Side Boundary Setback PO5.1 & DTS/DPF5.1	
Rear Boundary Setback PO6.1 & DTS/DPF6.1	
Advertisements PO10.1 & DTS/DPF10.1	

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The Land Use and Intensity Performance Outcomes of the Rural Neighbourhood Zone are discussed in full as they relate directly to the proposal.

PO 1.1

Predominantly residential development with complementary ancillary non-residential uses compatible with a spacious and peaceful lifestyle for individual households.

DTS/DPF1.1 gives an indication of the anticipated complementary non-residential uses in the Zone which are consulting rooms, offices, pre-schools, recreation areas and shops.

The Zone is silent on retail fuel outlets, albeit the control building when considered in isolation is a shop. The existing motor repair station use is also not one of the anticipated non-residential uses in the Zone, however it has been in operation for over 60 years and pre-dates planning controls.

The proposed retail fuel outlet is to operate 24 hours of the day, seven (7) days a week. Typically, the desired non-residential uses in the Zone would have restricted trading hours. Whilst the motor repair station is not restricted in its operating hours by any development controls, it would be unusual for such a use to never stop operating.

The operation of an unanticipated non-residential use that never closes is considered to be incompatible with supporting a peaceful lifestyle for individual households.

It is acknowledged, however, that the residents in the locality may enjoy a somewhat less peaceful lifestyle than residents in other parts of the Zone due to the major collector road status of Longwood Road and the intrusion of nearby non-residential uses on this road being Heathfield Oval and Heathfield High School. However, these intruding non-residential uses are anticipated in the Rural Neighbourhood Zone (recognising however that these sites are respectively in the Recreation Zone and Community Facilities Zone). The Council Waste Recovery Centre & Works Depot is on Scott Creek Road and in the Infrastructure Zone. The Waste Recovery Centre has restricted operating hours and is sited on a large parcel of land, with activity areas generally sited away from nearby residential land uses. The SA Water infrastructure plant on the opposite side of Scott Creek is a passive use being in the form of a large water storage tank.

In regard to providing spacious surroundings the proposal in part fails to meet DTS/DPF4.1 with regard to the setback of the manual vehicle wash from the Scott Creek Road boundary. DTS/DPF4.1 seeks for buildings to be setback 2m from the secondary road frontage and the manual vehicle wash building is only 880mm from the Scott Creek Road boundary. Potential visual impact from the reduced setback is considered to be exacerbated by the 4m height of this building and the associated filling of land in this section of the site. A 880mm setback is considered to be a significant departure with the DTS/DPF criteria.

The existing motor repair station building is located on the Scott Creek Road boundary, but it is considered to be similar in appearance to a large outbuilding, which is anticipated in DO1 of the Zone. It is a decades old building, which has blended into the natural surrounds with its light grey rendered and sheet metal finish on this side. The filling of land associated with the reduced setback of the manual vehicle wash facility requires an urban look concrete sleeper retaining wall on the street boundary, which is out of character in the locality. The proposal is therefore considered to be at variance with PO4.1 which seeks in part for buildings to be setback from secondary street boundaries to reinforce a streetscape character.

The proposal in part also fails to meet DTS/DPF5.1 with regard to the setback of the shop/control building to the shared boundary with 158 Longwood Road. DTS/DPF5.1 seeks for buildings to be setback 2m from side boundaries and the shop/control building is only 750mm-1.049m from the boundary. This reduced setback is considered to be a significant departure with from the DTS/DPF criteria and is exacerbated by the 6m height of the shop/control building. At the rear corner, the shop/control building is also supported by close to 3m of fill.

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The existing motor repair station building is located on the shared boundary with 158 Longwood Road, however this building aligns with the dwelling on the adjoining site. A site inspection showed that this dwelling has limited openings which face towards the shared boundary. The proposed shop/control building is setback further into the land and will align with the rear yard private open space area of 158 Longwood Road, which is considered likely to be more visually obtrusive to this residential property. The proposal is therefore considered to be at variance with PO5.1, which seeks in part for buildings to be setback from side boundaries to minimise impacts on adjoining properties.

PO1.2

Commercial activities improve community access to services, are of a scale and type to maintain residential amenity.

The applicant has provided a needs assessment report by Ethos Urban. The report defines a catchment area for fuel sales and concludes that within the defined catchment area there is a need for at least two (2) retail fuel outlets. The proposed retail fuel outlet is the only such facility south of Mount Barker Road. It is proposed to be located on the intersection of a collector road and in close proximity to a high school and community facilities to attract passing motorists. Six (6) retail fuel outlets were identified within 6km of the subject site, but only one (1) of these facilities is located within the catchment area defined by Ethos Urban.

The anticipated commercial facilities in the Zone are consulting rooms, offices, pre-schools, and shops. As a guide, DTS/DPF 1.2 seeks for the desired commercial uses in the Zone to be associated with a dwelling and not exceed 50 square metre gross leasable floor area.

The subject land already contains a non-desired commercial use with a similar floor area to the proposed shop/control building. However, the combined floor area of the buildings forming part of the overall retail fuel outlet use is 621 square metres.

Based on the Ethos Urban report there is a need for a fuel sale facility in the locality, however the scale of the proposed retail fuel outlet relative to the combined floor area of all the elements, reduced building setbacks and its hours of operation mean that it is not considered to be a type of development that will maintain residential amenity.

The scale of fuel for sale in association with the motor repair station use was less than what is proposed, as the retail fuel outlet includes more fuel bowsers and fuelling positions.

PO1.3

Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.

The existing motor repair building is a single building with attached canopy. It has a pitched roof and partly corrugated steel construction so it appears similar in design to a large outbuilding anticipated in DO1 of the Zone.

The proposed retail fuel outlet design includes the single shop/control building, but with multiple freestanding supporting structures. DTS/DPF2.1 seeks a 7m wall height for building work, which the shop/control building does not exceed. However, within this locality or neighbourhood residential development is typically single storey with a much lower wall height. As mentioned above the control/shop building does not meet the minimum 2m side boundary setback of DTS/DPF5.1, this the departure is considered to be significant.

In addition, the flat roof design of the shop/control building is not considered to complement the generally pitched roof design of residential development in this locality or neighbourhood. The building colour scheme of white, black and yellow is not considered to blend in with the rural setting and the proposal includes urban concrete sleeper retaining walls on a street boundary.

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Residential development on the densely divided southern side of Longwood Road is generally setback 8m from the front boundary with the inclusion of landscaping.

The proposed shop/control building is setback approximately 20m further from the Longwood Road boundary than the existing motor repair station building. However, this is to include a large separate canopy, more fuel bowsers, off-street parking and manoeuvring area for delivery vehicles. The result is more hardstand area forward of the building and what is considered to be no substantial increase in landscaping.

The increased setback is inconsistent with residential built form in the densely divided section of Longwood Road where a generally compact setback of single buildings is provided.

PO1.4

Non-residential development located and designed to improve community accessibility to services, primarily in the form of:

- a) small-scale commercial uses such as offices, shops and consulting rooms*
- b) community services such as educational establishments, community centres, places of worship, pre-schools and other health and welfare services*
- c) services and facilities ancillary to the function or operation of support accommodation or retirement facilities*
- d) open space and recreation facilities*

A retail fuel outlet is not one of the desired commercial uses, and it is not considered to be small-scale in terms of the hours of operation, combined floor area of the buildings forming the overall retail fuel outlet use and reduced building setbacks.

The existing intrusion of nearby non-residential uses on Longwood Road are generally expected in the Rural Neighbourhood Zone being in the form a community service facility (high school) or open space and recreation facility (Heathfield Oval and wooded reserve), albeit these uses are located in different zones.

In light of all of the above, the proposal is not considered to achieve DO1 of the Zone, which seeks for non-residential development to be in the form of limited facilities that enhance, rather than compromise rural residential amenity.

Adelaide Hills Subzone

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

The Subzone is clear in its intent in considering tourist accommodation as an additional desired commercial use in this part of the Rural Neighbourhood Zone, as expressed in both PO1.1 and DO1.

The proposed retail fuel use is not a form of tourist accommodation, and as discussed above is not considered to be a small-scale non-commercial use as desired in the Zone. Tourist accommodation is considered to be akin to residential use in terms of its amenity impacts.

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Regarding DO1 the proposal is not considered to embrace the values of retaining established mature vegetation. The proposal will require the removal or pruning of street trees and shrubs for an approximate length of 75m along Scott Creek Road for driver sightline distances. The proposed road verge street tree removal is off-set somewhat by the proposed landscaping on the subject land, but the proposed landscaping mostly consists of low-level shrubs and ground covers. Proposed tree plantings are limited to the outer edge of the site mostly away from the street frontages.

Overlays

Hazards (Bushfire – High Risk) Overlay

Desired Outcome	
DO1	Development, including land division is sited and designed to minimise the threat and impact of bushfires on life and property with regard to the following risks: <ul style="list-style-type: none">- Potential for uncontrolled bushfire events taking into account the increased frequency and intensity of bushfires as a result of climate change- High levels and exposure to ember attack- Impact from burning debris- Radiant heat likelihood and direct exposure to flames from a fire front.
DO2	Activities that increase the number of people living and working in the area or where evacuation would be difficult is sited away from areas of unacceptable bushfire risk.
DO3	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Land Use PO1.1	
Siting PO2.1	
Built Form PO3.1	
Vehicle Access – Road, Driveways and Fire Tracks PO6.3	

The applicant has provided a Bushfire Services Report by TMK Engineers, which includes advice from the CFS that they are satisfied with building access and water supply for servicing the site. However, the following recommendations were suggested:

- A fire hose reel be provided, as an initial point of attack (above BCA criteria); located externally to the structures and between the control building and fuel canopy.
- Any above ground LPG storage is compliant with respect to clearance from the building.
- A manifest box be located on the site which entails services stop valve locations and electrical mainboard etc.
- A 'Bushfire Plan' is development and documented for the site.

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The applicant advises that the underground fuel tank will be isolated from above-ground infrastructure in the event of a fire on the land.

Mainly habitable building use/types and educational facilities in the Hazards (Bushfire – High Risk) Overlay trigger a referral to the SA Country Fire Service. No statutory formal referral was necessary for this proposal.

Hazards (Flooding – Evidence Required) Overlay

Desired Outcome	
DO1	Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Flood Resilience PO1.1 & DTS/DPF1.1	
Environmental Protection PO2.1 & DTS/DPF2.1	

The proposed shop/control building is set down approximately 1m lower than top of kerb at the intersection of Longwood Road and Heathfield Road. However, the proposal includes a grated sump underneath the fuel bowser canopy to collect stormwater and divert it around the control/shop building.

The proposal is considered to be consistent with the Hazards (Flooding – Evidence Required) Overlay.

Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay

Desired Outcome	
DO1	Safeguard Greater Adelaide's public water supply by ensuring development has a neutral or beneficial effect on the quality of water harvested from secondary reservoirs or diversion weir catchments from the Mount Lofty Ranges.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Water Quality PO1.1 & PO1.2 & DTS/DPF1.2	
Wastewater PO2.1, DTS/DPF2.1 & PO2.3 & DTS/DPF2.3	
Stormwater PO3.1, PO3.2, PO3.3, PO3.6 & DTS/DPF3.6, PO3.9 & DTS/DPF3.9	
Landscapes and Natural Features PO4.1	

With regard to water quality impacts, the EPA were satisfied that the proposal will have a neutral impact on the quality of water draining from the site. The proposal is consistent with DTS/DPF1.2 as it is not for a landfill or special industry specifically listed as undesirable uses in the Overlay.

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With regard to stormwater management, Council Engineering were satisfied with the revised stormwater management detail provided by the applicant's Engineer, subject to the applicant agreeing to undertake off-site works for stormwater infrastructure upgrades on the surrounding road network. The applicant has given in-principle agreement to enter into an off-site works agreement if a Planning Consent is issued.

PO4.1 seeks that development minimises the need to modify landscapes and natural features. The proposal is not considered to minimise land modification as it requires extensive filling of land and road verge vegetation removal.

The proposal is only partly consistent with the Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay.

Native Vegetation Overlay

Desired Outcome	
DO1	Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Environmental Protection PO1.1 & DTS/DPF1.1, PO1.2, PO1.4	

The applicant has provided a Native Vegetation Assessment by an Environmental Management Consultant. The assessment was of vegetation on both the subject land and the Scott Creek Road verge area. The report concludes that there is no native vegetation on the subject land, and that of the vegetation along the Scott Creek Road verge, only two (2) trees are protected under the Native Vegetation Act.

Separate approval from the Native Vegetation Council would be required to remove the two (2) trees protected under the Native Vegetation Act

Per Overlay procedural matters a referral to the Native Vegetation Council was not required as the level of clearance was not categorised at Level 3 or Level 4.

Prescribed Wells Area Overlay

Desired Outcome	
DO1	Sustainable water use in prescribed wells areas.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & DTS/DPF1.1	

This Overlay is not relevant to the proposal as it relates to water taking activities such as horticulture and intensive animal husbandry.

Regulated and Significant Tree Overlay

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

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Tree Retention and Health PO1.1, PO1.2, PO1.3, PO1.4

None of the vegetation on the subject land or Council road verge is regulated or significant, so this Overlay is not relevant to the proposal.

General Development Policies

Advertisements

Desired Outcome	
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.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Appearance PO1.1 & DTS/DPF1.1, PO1.2 & DTS/DPF1.2, PO1.3 & DTS/DPF1.3, PO1.5	
Proliferation of Advertisements PO2.1 & DTS/DPF2.1, PO2.3 & DTS/DPF2.3	
Advertising Content PO3.1 & DTS/DPF3.1	
Amenity Impacts PO4.1 & DTS/DPF4.1	
Safety PO5.2 & DTS/DPF5.2, PO5.3 & DTS/DPF5.3, PO5.4 & DTS/DPF5.4, PO5.5 & DTS/DPF5.5	

The proposal includes one (1) freestanding internally illuminated pylon sign that is 7m tall and OTR branding on the control building and fuel canopy cover. The freestanding sign is located on the land near the Longwood Road and Scott Creek Road intersections.

The proposed advertising will relate to the intended use of the land and is contained wholly within the site boundaries as desired by the relevant performance outcomes. However, the scale of the freestanding pylon sign is not considered to be appropriate to the predominantly single storey residential character of the area. The proposed pylon is significantly higher than the former 4m high freestanding sign on the land. The previous sign was not illuminated.

The proposal is only partly consistent with the Advertisements module.

Clearance from Overhead Powerlines

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

As part of their submission the applicant has declared that the development will not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996. This is consistent with DTS/DPF1.1.

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Design

Desired Outcome	
DO1	<p>Development is:</p> <ul style="list-style-type: none"> a) contextual – by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate areas b) dural – fit for purpose, adaptable and long lasting. 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. 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.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
All Development PO1.4 & DTS/DPF1.4, PO1.5	
Safety PO2.1, PO2.3	
Landscaping PO3.1, PO3.2	
Carparking Appearance PO7.2, PO7.3, PO7.4, PO.7.5, PO7.6, PO7.7	
Earthworks & Sloping Land PO8.1 & DTS/DPF8.1	
Fences and Walls PO9.1 & PO9.2 & DTS/DPF9.2	
All non-residential Development – Water Sensitive Design PO31.1, PO31.2	

The proposal is considered to be at variance with part a) of DO1. The proposal is not considered to carefully respond to its natural surroundings or built environment or positively contribute to the character of the immediate area.

The character of the immediate area along the southern side of Longwood Road is predominantly single storey dwellings set close to the front boundary but with landscaped front yards. The setback of the shop/control building is behind the dwelling on the adjoining site at 158 Longwood Road to accommodate the fuel canopy and sealed parking and manoeuvring areas at the front of the site.

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The black, white and yellow colour scheme of the buildings and fencing is also considered to not respond well to the rural setting of the locality. As noted earlier in the report the flat roof design of the shop/control building does not complement existing built form in the locality.

In regards to landscaping, it is noted in the applicant's supporting planning report that it is generous and extensive however this opinion is not shared by planning staff.

Landscaping forward of the shop/control building is limited to a 650mm wide strip along a portion of the western side boundary and a maximum 2m wide wrap around garden bed at the north-eastern corner of the land. Landscaping in this portion of the site comprises low level evergreen shrubs to a maximum height of 2m.

Landscaping comprising tree planting is mainly limited to a portion of the southern side boundary between the internal acoustic fence and the boundary. It is not clear how this landscaping will be easily accessed for on-going maintenance given the narrow 1.6m width in one section and slope batter of the planter bed space. Further, this landscaping could possibly pose a nuisance to the adjoining property with regard to overhanging branches. The selected tree species in this location is deciduous so it will not provide year-round screening of the internal 3m high Colorbond 'Surfmist' (white) acoustic fence from the adjoining residential property to the south at 4 Scott Creek Road, Heathfield.

The proposal is considered to be at variance with landscaping module PO3.1 and PO3.2. PO3.1 seeks in part for landscaping to enhance the appearance of land and streetscapes and PO3.2 seeks for landscaping to maximise the use of locally indigenous plant species.

The proposal does not respond to the slope of the land, requiring substantive filling of land both on the subject land and Scott Creek Road verge to a height of 3m. This is at variance with PO8.1 and DTS/DPF8.1 which seeks for earthworks to limit disturbance to natural topography and to generally not exceed 1m in depth or height.

The fill is to be partly battered but also retained with concrete sleeper walls along part of both side boundaries and along most of the rear boundary to maximum height of 3.25m. The high concrete sleeper retaining walls facing adjoining residential land and the public realm are not considered to respond well to the natural surrounds, which is variance with PO9.1 which seeks for retaining walls to not unreasonably impact the amenity of adjoining land or public places. The street facing retaining walls are not landscaped which is at variance with PO9.2.

There is an inconsistency between the plans regarding the height of retaining walls along the western side boundary and rear boundary. There is an annotation on the site plan that retaining walls along these boundaries are a maximum of 1.6m in height. This is inconsistent with the civil plan, which depicts via bottom and retaining wall levels that walls are more than 1.6m in height. This also mean that the retaining and fencing elevations are inconsistent with the civil plan and do not reflect the full height of retaining wall and fence structures. The civil plan is considered to be the more accurate document.

Interface between Land Uses

Desired Outcome	
DO1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate uses
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
General Land Use Compatibility PO1.2	
Hours of Operation PO2.1 & DTS/DPF2.1	

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Overshadowing PO3.1 & DTS/DPF3.1, PO3.2 & DTS/DPF3.2, PO3.3
Activities Generating Noise or Vibration PO4.1 & DTS/DPF4.1, PO4.2
Air Quality PO5.1
Light Spill PO6.1, PO6.2

The proposal is considered to have the potential to unreasonably impact the amenity of existing residential uses with regard to the proposed hours of operation. The proposed use will never close, and it is a retail fuel outlet which is not a desired form of development in the Rural Neighbourhood Zone.

As a guide, DTS/DPF2.1 seeks that non-residential uses in the form of consulting room, offices and shops which are anticipated in the Rural Neighbourhood Zone to close by 9:00pm Monday – Friday and 5:00pm Saturday - Sunday. The proposal prevents a significant departure from DPF/DTS2.1.

Measures to mitigate off-site impacts include 3m high Colorbond white acoustic fencing which is considered to have a negative visual amenity impact on the adjoining residential properties and would require numerous Planning Consent conditions restricting some elements of the proposal.

Furthermore, waste storage is located adjoining the shared boundary with residential property 158 Longwood Road. Whilst a waste management plan has been provided, which includes measures to minimise noise and odour impacts the location of waste storage directly adjoining a residential property is not considered to be optimal.

In light of the above, the proposal is considered to be at variance with DO1, PO1.2 & PO2.1.

Further in regard to noise, it has not been demonstrated that the proposed noise control measures will meet the Environment Protection (Noise) Policy 2007 criteria as stated in DTS/DPF4.1. The applicant provided a noise impact assessment by Sonus Engineers which concluded that with restrictions on some parts of the proposed use and inclusion of building techniques, the maximum anticipated noise from the use will comply with the Noise Policy. However, this was disputed by Resonate Engineers and as confirmed by the EPA the incorrect noise threshold was applied. Rural living is the correct land use category for this location, which has a 5dB(A) lower day-time and night-time noise threshold than the residential land use category as applied by Sonus. Failure to meet the Environment Protection (Noise) Policy 2007 means that PO4.1 is not met.

The applicant was given an opportunity to review their noise impact assessment but maintain their original position.

Overshadowing diagrams provided by the applicant show compliance with the relevant overshadowing provisions. The EPA are satisfied with air quality impacts subject to the directed conditions being applied to any Planning Consent granted.

With regard to light spill the applicant has provided an obtrusive lighting assessment by TMK Engineers. The assessment concludes that external light spill outside of the site as predicted by their modelling will comply with Australian Standards AS4282:2019 Outdoor Lighting Obtrusive Effects and AS1158.3.1 Pedestrian Area Lighting Standard.

The proposal is only partly consistent with the Interface between Land Uses module.

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Site Contamination

Desired Outcome	
DO1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & DTS/DPF1.1	

Withdrawn development application 16/926 for a dwelling on the southern portion of the land triggered the need for a site contamination audit to be undertaken. The audit was completed in 2019 and concluded that following remediation the site is suitable for residential use and other less sensitive uses with conditions on land and groundwater. The condition on land is that any enclosed building on the land be completed with a passive vapour management system that is stand alone for each building. The condition on water is that there must be no abstraction of site groundwater for any beneficial uses unless the groundwater has been tested and shown to be safe for the proposed uses.

The applicant's response to representations states that the land is unsuitable for residential use. However, this is inconsistent with the 2019 audit of the land.

The proposed retail fuel outlet use is not more sensitive than motor repair station, so site contamination information was not re-requested. However, advice from the site auditor is that the conditions on land and ground water be applied to this proposal if Planning Consent is granted.

Transport, Access and Parking

Desired Outcome	
DO1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Movement Systems PO1.4	
Sightlines PO2.1	
Vehicle Access PO3.1 & DTS/DPF3.1, PO3.3, PO3.5 & DTS/DPF3.5, PO3.8, PO3.9	
Access for People with Disabilities PO4.1	
Vehicle Parking Rates PO5.1 & DTS/DPF5.1	
Vehicle Parking Areas PO6.2	
Light Spill PO6.1, PO6.2	

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The applicant has provided traffic impact assessment information from Stantec. The Stantec traffic information was reviewed by MFY Traffic Engineers. The MFY Traffic Engineers summary advice is that:

... there are a number of safety issues associated with the proposed development. Most significantly, the proposed access arrangements will not achieve compliance with relevant Australian Standards and will not provide for safe and convenient access for the site. Further, the requirement for drivers to use the public road to circulate between facilities on the site and the constraints on the site will compound this safety issue.

In light of the MFY Advice, fundamental traffic safety Desired Outcomes and Performance Outcomes are not demonstrated to be achieved. Specifically, the following:

- DO 1 the proposal does not contribute to a safe transport system. Minimum driver sightlines are not achievable at all access points, an access point to Longwood Road is within a prohibited access zone per AS/NZS2890.1:2004 and the design/location of the fuel pumps presents a potential crash risk.
- PO2.1 as the sightlines at all cross-overs cannot be maintained or enhanced to ensure safety for all road users.
- PO 3.1 as an access point to Longwood Road is not safe and convenient as it is within a prohibited access zone per AS/NZS2890.1:2004; and
- PO3.9 as the proposal is not designed to ensure vehicle circulation between the control/shop building and car wash and dog wash activity areas occurs within the site without the need to use public roads.

The applicant was provided with the MFY advice but did not provide a response to the identified traffic safety matters.

Table 1 – General Off-Street Car Parking Requirements seeks that a retail fuel outlet be provided with 3 on-site car-parking spaces per 100 square metres of floor area. The retail fuel outlet has a floor area of 250 square metres and eight (8) parking spaces, including one (1) universal access parking space are provided. The proposal complies with Table 1 as desired by PO5.1 & DTS/DPF5.1.

The proposal is only partly consistent with the Transport, Access and Parking module. It is at variance with the most fundamental traffic safety provisions.

CONCLUSION

The proposal is for the construction of a 24 hour retail fuel outlet in the Adelaide Hills Subzone of the Rural Neighbourhood Zone.

The Adelaide Hills Subzone and Rural Neighbourhood Zone are primarily intended for the development of residential uses, with some non-residential uses anticipated provided they are complementary to residential development and maintain or enhance residential amenity. In particular, commercial non-residential uses are encouraged to be small-scale and generally in the form of shops, consulting rooms, offices or tourist accommodation.

In the opinion of staff, the proposal is not complementary to residential uses, and has the potential to negatively impact residential amenity. This is in terms of the scale of the land use and its hours of operation, design and setbacks of the buildings, substantive land modification and associated retaining and fencing.

The existing use of the land is a motor repair station with associated fuel sales; however, this use is long-standing and pre-dates planning controls. A retail fuel outlet is a separate and distinct use from a motor repair station and the offering of fuel occurring in association with the motor repair station use was of a lesser scale than what is proposed. By definition a retail fuel outlet includes the sale of convenience goods not typically on offer from a motor repair station and the proposal includes additional elements in the form of vehicle and dog cleaning facilities not associated with a motor repair station.

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Traffic safety matters regarding safe and convenient access have not been appropriately addressed.

The proposal is considered to be at variance with the Planning & Design Code.

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 seriously at variance with the provisions of the Planning and Design Code; and
- 2) Development Application Number 21031284 by PC Infrastructure Pty Ltd for 24 hour retail fuel outlet with associated canopy, car cleaning & dog wash facilities, 70,000L underground fuel storage tank, pylon advertising sign (maximum height 7m), combined fence & retaining wall (maximum height 6m), internal acoustic fencing (maximum height 3m), retaining walls (maximum height 3.25m), car parking & landscaping at 160 Longwood Road, Heathfield is REFUSED Planning Consent for the following reasons:

Rural Neighbourhood Zone

Desired Outcome 1:

The proposal is for a commercial development that is not considered to enhance rural residential amenity.

Performance Outcome 1.1:

The proposal is not considered to be a complementary ancillary non-residential use and it is not compatible with a spacious and peaceful lifestyle.

Performance Outcome 1.2:

The proposal is not considered to be of a scale and type that maintains residential amenity.

Performance Outcome 1.3:

The proposal is not considered to be sited and designed to complement the residential character and amenity of the neighbourhood.

Performance Outcome 1.4:

The proposal is not for any of the listed anticipated non-residential development types in the Zone.

Performance Outcome 3.1:

The setback of the proposed control/shop building to Longwood Road is not consistent with the existing streetscape on the southern side of Longwood Road.

Performance Outcome 4.1:

The setback of the automatic car wash building to the Scott Creek Road boundary does not maintain a pattern of separation between building walls and public thoroughfares.

Performance Outcome 5.1:

The setback of the shop/control building to the western side boundary is not considered to minimise impacts on the adjoining residential property.

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Adelaide Hills Subzone

Desired Outcome 1 and Performance Outcome 1.1

The proposal is not for additional residential or tourist accommodation. It is not considered to embrace the values of retaining mature vegetation particularly as it relates to roadside vegetation. The proposal is not for an accommodation option, and it is not considered complement residential character.

Overlays

Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay

Performance Outcome 4.1:

The proposal is not considered to minimise the need to modify landscapes and natural features with regard to the filling of land and road verge vegetation modification.

General Development Policies

Advertisements

Desired Outcome 1:

The proposed freestanding pylon advertisement is not considered to be appropriate to the residential context of the locality and former freestanding sign on the land.

Design

Desired Outcome DO1:

The proposal is not considered to be contextual as the building design and siting does not respond well to the slope of the land or character of the immediate area.

Performance Outcome 3.1

The proposal does not incorporate soft landscaping and tree planting that enhances the appearance of land and streetscapes.

Performance Outcome 3.2

The proposal does not maximise the use of locally indigenous plant species in soft landscaping and tree planting.

Performance Outcome 8:1

The proposal does not minimise the need for filling of land so as to limit disturbance to natural topography.

Performance Outcome 9.1:

The fill concrete sleeper retaining walls on the Scott Creek Road boundary are considered to impact on visual amenity from the public realm. The fill concrete sleeper retaining walls on the western side and rear boundaries are considered to impact the amenity of the adjoining residential land.

Performance Outcome 9.2:

The fill retaining walls on the Scott Creek Road boundary are not landscaped on the low side.

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Interface Between Land Uses

Desired Outcome 1:

The proposal is not considered to be located and designed to mitigate adverse effects on neighbouring and proximate land uses. A retail fuel outlet is not a desired type of land use in the Rural Neighbourhood Zone.

Performance Outcome 1.2:

The proposal is not considered to be designed to minimise adverse impacts. Waste storage and the fuel re-filling location is proposed adjacent to an adjoining residential use. The proposal includes 3m high internal Colorbond fencing and a maximum 6m high combined fence & retaining wall structure along the shared boundaries with adjoining residential sites.

Performance Outcome 2.1:

The proposal is for a non-residential development type with unlimited hours of operation adjoining existing residential uses in a Zone that is primarily intended to be for residential development. Commercial non-residential development in the Zone is intended to be complementary uses such as tourist accommodation and small-scale shops, offices and consulting rooms.

Performance Outcome 4.1:

It has not been demonstrated that the development will not unreasonably impact the amenity of existing sensitive residential receivers with regard to the Environment Protection (Noise) Policy 2007.

Transport, Access and Parking

Desired Outcome 1:

The proposal does not contribute to a safe transport system. Minimum driver sightlines are not achievable at all access points, an access point to Longwood Road is within a prohibited access zone per AS/NZS2890.1:2004 and the design/location of the fuel pumps presents a potential crash risk.

Performance Outcome 2.1:

The sightlines at all crossovers cannot be maintained or enhanced to ensure safety for all road users.

Performance Outcome 3.1:

An access point to Longwood Road is not safe and convenient as it is within a prohibited access zone per AS/NZS2890.1:2004.

Performance Outcome 3.9:

The proposal is not designed to ensure vehicle circulation between the control/shop building and car wash and dog wash activity areas occurs within the site without the need to use public roads.

OFFICER MAKING RECOMMENDATION

Name: Marie Molinaro
Title: Statutory Planner