

COUNCIL ASSESSMENT PANEL MEETING

11 August 2021

AGENDA – 8.1

Applicant: Cartwheel Resources Pty Ltd	Landowner: Cartwheel Resources Pty Ltd
Agent: N/A	Originating Officer: Sarah Davenport
Development Application:	20/366/473
Application Description: Change of use of detached dwelling to tourist accommodation facility with associated functions (maximum 12 per year for a maximum of 40 persons) together with alterations & additions to the building, construction of a new detached dwelling, in-ground swimming pool, jetty, demolition of ground mounted solar array, alterations and additions to Local Heritage Place (re-vegetating Silver Lake), demolition of farm building and construction of 2 outbuildings, associated car parking, landscaping & earthworks (non-complying)	
Subject Land: Lot:10 Sec: P386 FP:101385 CT:5107/485	General Location: 118 Silver Lake Road Mylor Attachment – Locality Plan
Development Plan Consolidated : 8 August 2019 Map AdHi/3	Zone/Policy Area: Watershed (Primary Production) Zone - Watershed Protection Policy Area
Form of Development: Non-complying	Site Area: 6.6ha
Public Notice Category: Category 3 Notice published in The Advertiser on 18 September 2020	Representations Received: 21 Representations to be Heard: 6

1. EXECUTIVE SUMMARY

The purpose of this application is to change the use of the existing dwelling to tourist accommodation including the undertaking of 12 annual functions. The tourist accommodation will accommodate a maximum of 14 guests at a time with functions carrying a maximum capacity of 40 people. The proposal includes the construction of a new detached dwelling, swimming pool and jetty, demolition of farm building and construction of two outbuildings. The proposal has incorporated extensive landscaping and rejuvenation of Silver Lake – a local heritage item and the establishment of very low scale “hobby” aquaculture. The proposed landscaping including a wetland, has been designed in conjunction with a bushfire management plan and comprehensive stormwater management plan. On site car parking has been provided using permeable compacted gravel to reduce pollutant runoff.

The subject land is located within the Watershed (Primary Production) Zone - Watershed Protection Policy Area Zone and the proposal is a non-complying form of development. Twenty one (21) representations were received in response to the Category 3 public notification period, 18 in opposition and three representations in support of the proposal.

As per the CAP delegations, the CAP is the relevant authority for determining Category 3 forms of development where representations wish to be heard.

The main issues relating to the proposal are intensity of the development, environmental impacts, bushfire risk and flood risk.

Following an assessment against the relevant zone and Council Wide provisions within the Development Plan, staff are recommending that the Council Assessment Panel **seeks the CONCURRENCE of the State Commission Assessment Panel to GRANT** Development Plan Consent.

2. DESCRIPTION OF THE PROPOSAL

The proposal is for the following:

- Change of use of detached dwelling to tourist accommodation for 14 guests –and alterations and additions
- The undertaking of 12 annual functions with maximum capacity of 40 persons within the tourist accommodation building
- Construction of new detached dwelling
- Construction of in- ground swimming pool
- Construction of Jetty
- Alterations and additions to local heritage place (revegetation of Silver Lake)
- Demolition of farm building and solar array
- Construction of 2 outbuildings
- Establishment of low scale aquaculture
- New Water Storage Tank- 60,000 litres

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

3. BACKGROUND AND HISTORY

The subject land has an extensive history with the lake being used both privately and for public enjoyment at different stages over time. The land currently is being used for private purposes and there is no public access.

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
6 September 2019	17/1030/473	Construction of second dwelling (dependent accommodation)- Non-Complying
27 April 1995	95/15/330	Demolition of detached and construction of detached dwelling including double carport and addition to shed
24 February 1994	94/22/330	Concrete water storage tank
23 September 1993	93/498/330	Shed
24 February 1976	10282	Brick Veneer dwelling & alterations to existing building (previously kiosk) into painting studio

The initial application submission included dredging of the lake, which constituted a Schedule 22 referral to the EPA and separate application. Following conversations with the EPA the dredging of the lake has been removed from the proposal but may be pursued at a later date.

4. REFERRAL RESPONSES

- **CFS**
 - The CFS has no objection to the proposal
 - BAL rating of 12.5
 - Standard access and water supply conditions imposed in alignment with Minister's Specification 78 (refer recommended conditions 14-18)
 - Current vegetation coverage within 20m of dwelling exceeds 30%, implementation of landscaping plan will remove the hazardous vegetation from dwelling
 - Prepare and display a Bushfire Survival Plan for fire danger season
- **EPA**
 - Removal of cattle and alpacas from the site will assist in improving water quality
 - Construction of the wetland will better deal with overland flows from neighbouring properties as well as run off from the development
 - The upgrade of the on-site waste control system will result in the waste system being in a more appropriate location
 - The EPA is satisfied that the proposal has demonstrated a neutral impact on water quality
 - Six conditions are recommended (refer recommended conditions 8-13)
- **DEW**
 - Excavation and removal of rock, sand or soil must not adversely impact on the ecology of any existing watercourse/s, lake or floodplain and must not adversely impact on migration of aquatic biota or alter the natural flow regime of a watercourse/s either on or, near to the subject site
 - The construction should be undertaken in a manner that prevents silt or sediment leaving the site including, but not being limited to, the use of erosion and sediment control measures, such as catchment/diversion drains, re-vegetation, straw bale barriers, filter fences, sediment traps and basins
 - It is recommended that there is a minimum distance of 20 metres between a watercourse or any well on the site and the fuelling location for machinery used to undertake construction
 - Proposed swale works are considered a good outcome
 - Sediment that is removed from Silver Lake will be done using a suction dredge, and the sediment will be de-watered and spread out over the site
 - The proposed wetland development has been considered not at variance with section 104 Water affecting activities, part 3(d) of the Landscape South Australia Act 2019, and the water management principles in the Western Mount Lofty Ranges Prescribed Water Resources Area and Water Allocation Plan
- **Local Heritage Advice – Grieve Gillet Anderson**
 - The proposed works will not affect the identified heritage values of Silver Lake
 - The assessment of heritage value for the place relates largely to its historical and associative values, which are not affected by the proposed works

- **AHC Engineering**
 - No concerns with the proposal
 - Stormwater discharge to be managed on site
 - Driveways to be constructed with permeable material to minimise run off (refer recommended condition)
- **AHC EHU**
 - Waste application 20/W154 approved 21 July 2021

The above responses are included as **Attachment – Referral Responses**.

5. CONSULTATION

The application was categorised as a Category 3 form of development in accordance with Section 38(2) (c) of the *Development Act 1993* requiring formal public notification and a public notice. Twenty One (21) representations were received. Of these eighteen (18) representations are opposing the proposal, and three (3) are in support of the proposal. Some were from adjacent and nearby properties.

The following representors wish to be heard:

Name of Representor	Representor's Property Address	Nominated Speaker
Phillip Allen	137 Silver Lake Road Mylor	Phillip Allen
Colleen Heppner	137 Silver Lake Road Mylor	Colleen Heppner
Ian Hobbs	6 Pillinda Lane Mylor	Ian Hobbs
Frauke Hobbs	6 Pillinda Lane Mylor	Frauke Hobbs
Poppy Kentish	99 Silver Lake Road Mylor	Poppy Kentish
Alexandra Kentish	99 Silver Lake Road Mylor	Alexandra Kentish

The applicant(s) and their representative, Ian Hannaford, may be in attendance.

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

- Scale of development
- Excess traffic
- Tree removal
- Environmental impact on water quality
- Flood concerns

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

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

6. PLANNING & TECHNICAL CONSIDERATIONS

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

i. The Site's Physical Characteristics

The subject land is 6.6 hectares in area with dual frontage to Silver Lake Road and Pillinda Lane. The land slopes steeply from Pillinda Lane on the southern boundary down to the northern boundary where it becomes flat. The land is currently being used for residential purposes with some low scale animal keeping. The land is mapped as being flood prone and within a high bushfire risk area. The lake on the land is a listed Local Heritage Place due to its association with the nearby gold mine dating back to the 1800's. Following the closure of the mine, the lake was used as a public swimming pool and dance venue.

ii. The Surrounding Area

Properties located on Silver Lake Road are being used for rural residential purposes, with allotments in a range of sizes and shapes. Land on Pillinda Lane is being used solely for residential use on smaller rural living sized allotments. The locality is characterised by very low- density residential development in association with low scale rural activity

iii. Development Plan Policy considerations

a) *Policy Area/Zone Provisions*

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

Policy Area

- *The preservation of natural resources and natural open space*
- *Limiting animal keeping and horticultural activities*
- *Maintenance of rural amenity and scenic attractiveness*
- *Development that does not warrant extensive clearance of native vegetation*

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

Objectives: 1

PDCs: 3, 4 & 5

Zone

- Enhancement of natural resources and rural amenity
- Preservation and enhancement of water quality
- Protection of primary production land uses
- Development of sustainable tourism

The following are considered to be the relevant Zone provisions:

Objectives: 1, 2, 5 & 6

PDCs: 1, 2, 3, 6, 7, 10, 11, 14, 15, 24, 27, 28, 30, 35, 36, 37, 39, & 47

Accordance with Zone

The Zone Objectives specifically reference tourism development as one of the envisaged uses for the area, in conjunction with appropriate land management and water resource protection. The proposed development has incorporated a number of environmentally focused aspects with the tourist accommodation, including a revegetation plan and establishment of a wetland using water purifying plant species. The project will mean all stormwater and wastewater is filtered and managed on-site, including from the proposed car park.

In alignment with PDC 47, the development will result in the removal of existing stock from the land to improve the quality of the water runoff from the site and reduce risk of pollution in waterways.

Appropriateness of Proposal in Locality

The locality is characterised by very low-density residential development in association with low scale rural activity. There are no similar type developments within the locality, however the nearest dwelling is greater than 100m from where functions/tourist accommodation would be held. The number of functions within the tourist accommodation have been limited to 12 per year with capacity capped at 40 persons. For ancillary functions the capacity and frequency of events is considered small scale and acceptable. The tourist accommodation will house a maximum of 14 persons - this number is also considered acceptable based on the size of the land and size of the existing dwelling.

Residential Development

In alignment with PDCs 11, 14, 15 and 23 the proposed new dwelling will be located in an 'unobtrusive' location, at the lower area of the subject land. The design is modest in nature being single storey and located on a level portion of the lake's bank to minimise the extent of cut and fill. Extensive landscaping will be established around the dwelling. Pursuant to PDC 30 the landscaping plan will improve the appearance whilst reducing the existing vegetative fuel load. The CFS have viewed the landscaping plan and have no objections to the proposal.

Appearance of Land and Buildings

PDCs 1, 2 and 7 call for development which will not detrimentally affect the scenic attractiveness of the locality. The proposed change in use is to take place within an existing building which will be enhanced to facilitate its function as both tourist accommodation and a function centre on occasion. The proposed new dwelling will be sited adjacent Silver Lake, well set back from property boundaries and surrounded by new landscaping. The development has access to a bore on site and will include the establishment of a new waste control system, pursuant to PDC3.

In keeping with PDC 8 the proposal includes demolition of an existing farm building and construction of two (2) new outbuildings, ensuring the number of buildings on-site is limited. Each building measures no more than 72sqm and they are sited in close proximity to one another.

Conservation

PDCs 28, 30, 35, 36, 37 and 39 are primarily concerned with retaining natural resources and protecting native vegetation. The development has sufficiently addressed the above mentioned policies by incorporating a vegetation management plan and establishing a wetland with an inbuilt filtration system.

The revegetation of Silver Lake will involve removing “Typha” from the lake which is currently producing excess sediment. The improvement of the lake in conjunction with the wetland and installation of the new waste control system will ensure that both stormwater and waste water will be filtered and managed on site. The development has sufficiently addressed PDCs 35 and 36.

b) Council Wide provisions

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

- The extension of the economic base of the Mount Lofty Ranges Region in an environmentally sensitive and sustainable manner.
- The development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.
- To mitigate the risk to reasonable and anticipated development from natural hazards
- The overall enhancement of places of local heritage value.
- Retention, protection and restoration of the natural resources and environment.
- Environmentally sustainable and innovative tourism development.
- Development that includes the treatment and management of solid and liquid waste to prevent undesired impacts on the environment including, soil, plant and animal biodiversity, human health and the amenity of the locality.

Animal Keeping and Rural Development

Objectives: 1, 3 & 5

PDCs: 1, 4, 19, 20, 21 & 22

The proposed range of development activities including the establishment of a small scale orchard and aquaculture use are considered to cumulatively demonstrate a commitment to continuing the agricultural use of the land. Although these uses will not be of a commercial nature they will support the residential and tourism operations. In addition they are not being established at the detriment of any existing high value agricultural use of the land. This demonstrates consistency with PDC 1.

PDC 4 encourages that any rural development adequately considers stormwater management and disposal, waste management, fire management and vegetation management as key components of any design. In order to minimise impacts and ensure acceptable outcomes in this regard the applicant has engaged suitably qualified experts in each of these key areas. The details of each design response as they relate to the above, can be reviewed in the applicant’s professional reports and proposal plans attached to this report, it is noted that both the EPA and DEW in their capacity as statutory bodies have reviewed and provided conditional in principle support for the design concepts.

With respect to the proposed aquaculture use, it is noted that the concept has been professionally designed and the engineering details have been reviewed by the EPA and DEW. The use is sited and designed to address the key outcomes sought by the relevant aquaculture PDCs 19, 20, 21 and 22. It is also noted that the system will be integrated holistically with the proposed water management plans for the site.

Based on the purpose of the application and level of detail provided addressing the key rural development considerations above and, the in-principle support from EPA and DEW, the proposal is considered to meet the relevant Objectives and demonstrate consistency with the PDCs of this Council Wide section.

Design and Appearance

Objectives: 1

PDCs: 1, 3 & 8

The built form components of the proposal have been considered in the context of this Council Wide section, in particular the new dwelling, two outbuildings and the small addition to the proposed tourist accommodation. In terms of siting, the new buildings will form a cluster across the lower third of the site.

The two outbuildings are likely to be the most visible aspect of the built form from Silver Lake Road, although they are set back more than 20 metres from this eastern boundary. The Proposed Site Section 1 (Draw. No: 12817) in *Attachment Proposed Plans* depicts the streetscape elevation and how the eastern façade of the outbuildings will present. It is noted that the proposed skillion roof form will minimise the bulk of this cluster of outbuildings and the retention and addition of landscaping will soften the overall mass of these two outbuildings. Based on the size of the allotment and siting of the proposed structures the size and scale of the outbuildings are considered reasonable and anticipated.

The new dwelling has a modest footprint, is single storey and has been designed to respond sensitively to its context in terms of massing, form and materials and capitalise on the natural features of the site. It is noted that the skillion roof form and non-reflective material selection of the dwelling creates a coherent architectural language between the outbuildings. The siting also provides a sense of integration that is a favourable outcome on larger rural allotments. Considering the mix of proposed land uses, this outcome appropriately articulates that the rural/residential components of the development have a level of primacy. This is consistent with the majority of development in the locality and the expectations of the Zone more broadly.

The existing dwelling will be subject to internal alterations that will enable its conversion to tourist accommodation. An addition will also see a conservatory added to the south eastern elevation. This addition is considered proportionally minor when compared to the overall footprint of the building. It will also improve the amenity of the building and will better visually connect the internal space to the heritage listed lake.

The relevant Council-wide Objectives and PDCs have been addressed and it is considered that the proposed built form demonstrates sufficient and appropriate design responses in the context of the site and locality.

Energy Efficiency

Objectives: 1 & 2

PDCs: 1, 2 & 3

The living areas of the proposed dwelling and tourist accommodation take advantage of the available solar access by orientating living areas to the north. The outbuildings have been designed to incorporate high level glazing to provide natural light, with a portion of the aquaponics shed component taking on a greenhouse form to assist and aid with the required processes.

Energy efficiency measures include double glazing to the new dwelling and a large solar system proposed on the roof of the outbuildings. The lake reticulation system will also be powered by a solar pump.

The design demonstrates a considered approach to passive design outcomes and energy efficiency performance including on site energy generation. This satisfies the relevant Council-wide Objectives and PDCs.

Hazards

Objectives: 1, 4, 5 & 6

PDCs: 1, 2, 3, 4, 7 & 10

The site is susceptible to flooding and is located in high a bushfire risk area. The impacts of these hazards have been extensively considered by the applicant and the design response aims to mitigate the identified risks.

With regard to flooding of the nearby Onkaparinga River, based on Council mapping the site is likely to be inundated during a 1 in 10 ARI year event particularly adjacent to the eastern boundary. The flood mapping shows areas impacted to contain open fencing and vegetation with no proposed buildings located within this flood plain.

The 1 in 100 ARI year event predicts a far larger portion of the low lying areas of the site to be subject to flooding. The risk from such an event is largely mitigated by the siting of the proposed buildings outside of the 1 in 100 year ARI flood zone. The proposed dwelling will have a floor level 300mm above the projected flood level for a 1 in 100 ARI flood event.

Groundworks within the flood zone seek to extend or modify existing levy banks and to direct overland flow into the proposed wetland located in the northern low lying portion of the site. In considering the impact of this groundwork on water quality a Report prepared by Water Technology (refer *Attachment Applicant's Professional Reports*) concludes that the water quality impact of the development is within acceptable limits or in some instances will be improved. The EPA and NRM have both noted within their referral responses, that the establishment of a wetland system will improve the management of existing overland flows from neighbouring properties as well as capturing any additional runoff the development will produce.

The proposal demonstrates that the risk of flooding can be reasonably mitigated and this can be achieved without increasing the risk of flooding on adjoining land. As such the development is considered to sufficiently address PDCs 3 and 4 of this Council-wide section.

The site of the development is located within a High Bushfire Risk Area and the Minister's Code: Undertaking development in Bushfire Prone Areas must be complied with. A referral response from the CFS confirms that with respect to access to building assets, water supply access, water tank storage capacity and vegetation management, that the proposal can comply with the Minister's Code. In its response the CFS recommended a number of conditions that will be attached to any subsequent approval (refer recommended conditions 14-18). On this basis the proposal demonstrates compliance with PDC 7 of this Council-wide section.

In summary the proposal demonstrates how it can reasonably mitigate hazard risk to accepted levels – whether from flooding or bushfire – and how this can be achieved without significant interference with natural processes. This is consistent with the outcomes sought by the relevant Objectives and PDCs 1 and 2 of this Council-wide section.

Heritage Places

Objectives: 1, 2, 3 & 4

PDCs: 1, 2, 3, 4 & 11

Silver Lake is identified as a Local Heritage Place (Heritage NR 17640). It has an extensive history as a mineral extraction site and later as a culturally important place. The lake will retain its existing extent, however a revegetation scheme will be implemented to remove the dominant rush species which have propagated around the dam perimeter, to the detriment of a more diverse ecosystem. Council have undertaken a referral to Council's heritage advisor who has concurred the works will not impact on the heritage value of the lake.

It is considered that the works to the lake will ensure its long term functionality whilst the revegetation works over the long term will enhance the setting of the lake. The applicant is also seeking to improve water quality in the lake, in particular filtering out tannin stain caused by the bark and leaf litter of nearby eucalyptus trees, via a sophisticated wetland and reticulation system.

The above demonstrates consistency with the Objectives and relevant PDCs of this Council-wide section.

Interface between Land Uses

Objectives: 1

PDCs: 1, 4, 7, 10, 15 & 16

The Zone generally envisages the proposed land use components subject of this application and therefore any associated impacts from these uses, within reason, are considered to be anticipated in the locality. Notwithstanding, the function centre use poses potential to cause nuisance to nearby sensitive receivers on account of noise, hours of operation, and traffic. In this regard the applicant has given careful

consideration to the number of events and total capacities and is only proposing 12 functions be held per calendar year with a total capacity of 40 people at each event. The limited frequency and capacity of these events, in addition to limited operating hours and noise attenuation measures relating to music (in accordance with PDC 10) will mitigate the impact of this land use within anticipated levels so as to not detrimentally effect the amenity of the locality in accordance with PDC 1.

The proposed land use components are not considered to jeopardise the operation of adjacent land used for primary production. This is largely on account of the existing dwelling being converted to tourism accommodation, a use similar in sensitivity to residential use. The new dwelling is being proposed centrally in the allotment with good separation and buffer distances from adjoining allotments. This adequately addresses PDCs 15 and 16 of this Council-wide section.

Natural Resources

Objectives: 1, 2, 3, 5, 6, 13 & 14

PDCs: 1, 2, 8, 10, 12, 13, 14, 20, 22, 23, 24, 35, 37 & 47

The sensitive management and integration of water underpins the proposed development. This includes onsite water retention for domestic reuse, fire-fighting purposes and use in the aquaponics, as well as the construction of a new wetland and reticulation system to filtrate and improve water quality of surface water and Silver Lake.

Detailed analysis has informed the hydrological design approach (refer to *Attachment Applicant's Professional Reports*). This report concludes that water quality impact and wastewater generation impact are within "acceptable" limits or improved, and both the EPA and DEW have endorsed this finding and have subsequently provided in principle support through the statutory referral process. The proposal is therefore considered to address PDCs 8, 10, 12, 13, 14, 20, 22, 24 and 35 of this Council-wide section.

With regard to vegetation it is noted some trees will be removed to allow for the construction of the dwelling. However, significant additional plantings are proposed across the site as detailed in the proposed plans. The implementation of these plans will result in an overall increase in the number of trees that provide appropriate landscaping for screening purposes and environmental services, whilst limiting the impact of bushfire. This is considered to address PDC 37 of the Council-wide section.

With regard to soil health the proposal will result in the need for groundworks and soil disturbance, but as detailed in the relevant expert reports the impact of this will likely be offset by the long term benefits from reduced soil erosion potential, increased aquatic and semi-aquatic environments increasing soil diversity and the filtration of potential pollutants before they enter the soil. These outcomes are considered to reasonably address PDC 47.

The above demonstrates that the proposal has given careful consideration to the natural environment as part of design phase. This has resulted in a holistic approach to natural resource management that is integrated across the site. This will provide a high level of amenity for the primary land users and will promote biodiversity and afford land management efficiencies. The proposal is therefore considered to address the relevant Objectives and PDCs 1 and 2 of the Council-wide section.

Orderly and Sustainable Development

Objectives: 3

PDCs: 3 & 12

The proposed development is considered orderly and sustainable, and this has been achieved through a holistic site and contextual analysis and meticulous planning. The tourism and function centre uses will contribute to the economic base in the region and its integration with Silver Lake and its surrounds will likely become an iconic tourism drawcard. The proposal demonstrates this can be achieved whilst mitigating hazard risk and improving environmental outcomes. For these reasons the proposal adequately addresses the relevant Objectives and PDCs of the Council-wide section.

Residential Development

Objectives: 1

PDCs: 9, 13 & 14

The proposed dwelling and associated outbuildings are considered to exhibit a form and function that would meet and exceed the minimum expectations of the relevant Objectives and PDCs of the Council-wide section. In particular, the dwelling has a positive relationship to its surrounds and complimentary relationship to associated outbuildings.

Siting and Visibility

Objectives: 1

PDCs: 1, 2, 6, 7, 9 & 10

The new buildings proposed as part of this application, are considered to have been designed and sited to be as least obtrusive as possible, within the site limitations, in particular its susceptibility to flooding. All buildings are clustered across the lower third of the site and will be obscured by existing and proposed vegetation. The profile of the buildings is low on account of the skillion roof design and this also complements the natural form of land in the locality. Variations in wall and roof lines on both the outbuildings and the house has the effect of minimising the mass of the buildings. Material selection is of dark and earthen tones for both the dwelling and the outbuildings. Only one access point will service the site. Where access is gained the driveway forks, providing individual access to the residential dwelling and the tourism accommodation, these driveways despite being expansive will blend sympathetically with the landscape.

The above design responses are considered to adequately address the relevant Objectives and PDCs of the Council-wide section.

Tourism Development

Objectives: 1, 2, 3, 4, 5, 7 & 9

PDCs: 1, 2, 3, 4, 7, 10, 11, 12, 14, 15 & 18

Tourism development within the Adelaide Hills is envisaged to have an emphasis on the natural environment and incorporate environmentally sensitive design to ensure natural resources and amenity are protected.

In alignment with Objective 2 and PDCs 1, 2, 7, 14 and 15 the development will fundamentally involve upgrading an existing dwelling to facilitate the new use for 14 guests whilst conserving and improving a Local Heritage Place – Silver Lake. The development includes extensive environmental improvements with a focus on protecting biodiversity. In accordance with PDC9, functions will be undertaken wholly within the tourist accommodation building and will be limited in number to avoid impacting on residential amenity. Functions are to be low scale, holding no more than 40 persons and no more than 12 times per annum.

In keeping with PDC 10 the proposed development has incorporated on-site parking, with sufficient space for manoeuvring to ensure access and egress from the property is safe. The proposed car park and driveways will be constructed with permeable material to better protect water quality and limit generation of additional stormwater. The formalised carpark will have capacity for 17 cars however there is substantial space on site for informal parking if necessary.

Pursuant to PDC 4 the proposed development will accommodate a generous number of guests at any one time without encroaching on existing primary production land.

The adaptive reuse of the existing building and existing site features is considered to be in keeping with the Council-wide section policies for tourism development.

Transportation and Access

Objectives: 2

PDCs: 25, 32, 33, 34, 35 & 39

The development will involve the upgrade of the existing access from Silver Lake Road, including the establishment of car parking and manoeuvring areas.

The proposal has satisfactorily addressed the above-mentioned objectives and policies relating to transportation and access by establishing formal on-site parking and manoeuvring areas which can facilitate the maximum number of guests proposed as part of this development. The proposed car parking and manoeuvring areas will be constructed using permeable materials to ensure the parking will not produce additional stormwater flows and avoiding the run off of pollutants into waterways. Council's engineers have reviewed the car park design and are satisfied with the outcome.

Waste

Objectives: 1 & 2

PDCs: 1, 2, 6, 7, 12 & 14

The Council-wide policies envisage that development will manage waste and wastewater in a sustainable manner and where possible will involve recycling or sustainable disposal of waste. The proposal has implemented mechanisms to facilitate the reuse of waste water and stormwater in an ecologically sensitive manner such as the establishment of a wetland and the new waste control system.

PDCs 1 and 2 call for development which will manage waste in a way which will not pose risk to public health or the environment. The EPA have concurred with the development including the proposed waste water strategy and stormwater management plan. Waste water produced by the aquaponics will be treated and filtered by the plant system and pumped back into the fish tanks in accordance with the policies. The applicant has confirmed that a private contractor will be engaged to remove hard waste from the site – particularly following functions. Suggested conditions have been attached to this report limiting the hours in which waste can be collected from the site to avoid impacting on neighbouring properties.

In alignment with PDCs 7, 12 and 14, the proposal will result in the installation of a new waste control system. The new system will be located on higher ground, away from the projected flood area with treated water used to irrigate native plants. The EPA have confirmed the proposed system is satisfactory and the siting of the irrigation area will reduce risk of contamination to water supply.

7. SUMMARY & CONCLUSION

The purpose of this application is to change the use of the existing dwelling to tourist accommodation including the undertaking of 12 annual functions. The tourist accommodation will accommodate a maximum of 14 guests at a time with functions for a maximum capacity of 40 people – functions are to be wholly contained within the accommodation building. The proposal includes the construction of a new detached dwelling, swimming pool and jetty, demolition of farm building and construction of two new outbuildings. The outbuildings are to be utilized for the purposes of low scale/ hobby aquaculture and storage of materials to maintain the property. The proposal has incorporated extensive landscaping and rejuvenation of Silver Lake – a Local Heritage Place, including a wetland. The landscaping component has been designed in conjunction with a bushfire management plan and comprehensive stormwater management plan. Not only are the landscaping and wetland purposed for amenity and appearance, but to improve the management of overland flows and improve water quality and biodiversity. Adequate formalised car parking will be provided as part of the project with sufficient space on site for informal parking if necessary.

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

8. RECOMMENDATION

That the Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and seeks the CONCURRENCE of the State Commission Assessment Panel to GRANT Development Plan Consent to Development Application 20/366/473 by Cartwheel Resources Pty Ltd for Change of use of detached dwelling to tourist accommodation facility with associated functions (maximum 12 per year for a maximum of 40 persons) together with alterations & additions to the building, construction of a new detached dwelling, in-ground swimming pool, jetty, demolition of ground mounted solar array, alterations and additions to Local Heritage Place (re-vegetating Silver Lake), demolition of farm building and construction of 2 outbuildings, associated car parking, landscaping & earthworks (non-complying) at 118 Silver Lake Road Mylor subject to the following conditions:

(1) Development In Accordance With The Plans

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

- Proposed Site Plan, prepared by Hannaford Consulting, drawing no. 1817 DA 1.1, revision B, received by Council 9 June 2021
- Proposed Fire Management Plan, prepared by Hannaford Consulting, drawing no. 1817 DA 5.3, revision A, received by Council 9 June 2021
- Proposed Landscaping Maintenance Areas, prepared by Hannaford Consulting, drawing no. 1817 DA 6.1, revision A , received by Council 9 June 2021
- Proposed Part Site Plan, prepared by Hannaford Consulting, drawing no. 1817 DA 1.2, received by Council 20 April 2020
- Proposed Part Site Plan (Impacted Trees & Reference Plan) , prepared by Hannaford Consulting, drawing no. 1817 DA 1.3, received by Council 20 April 2020
- Proposed Site Section 1, prepared by Hannaford Consulting, drawing no. 1817 DA 1.4, received by Council 20 April 2020
- Proposed Site Section 2, prepared by Hannaford Consulting, drawing no. 1817 DA 1.5, received by Council 6 August 2020
- Proposed Site Section 3, , prepared by Hannaford Consulting, drawing no. 1817 DA 1.5, received by Council 6 August 2020
- Proposed Ground Floor, prepared by Hannaford Consulting, drawing no. 1817 DA 2.2, dated 25 February 2020 received by Council 20 April 2020
- Proposed First Floor, prepared by Hannaford Consulting, drawing no. 1817 DA 2.3, dated 25 February 2020 received by Council 20 April 2020
- Proposed Elevations, prepared by Hannaford Consulting, drawing no. 1817 DA 2.4, dated 25 February 2020 received by Council 20 April 2020
- Proposed New Dwelling Floor Plan, prepared by Hannaford Consulting, drawing no. 1817 DA 3.1, dated 25 February 2020 received by Council 20 April 2020
- Proposed New Dwelling Elevations, prepared by Hannaford Consulting, drawing no. 1817 DA 3.2, dated 25 February 2020 received by Council 20 April 2020
- Sheds Floor Plan, prepared by Hannaford Consulting, drawing no. 1817 DA 4.1, dated 14 April 2020, received by Council 20 April 2020
- Sheds Elevations, prepared by Hannaford Consulting, drawing no. 1817 DA 4.2, dated 14 April 2020, received by Council 20 April 2020
- Proposed Function Area Plan, prepared by Hannaford Consulting, drawing no.1817 DA2.2, dated 2 August 2021, received by Council 2 August 2021

(2) Stormwater Runoff to be Dealt With On-Site

All roof run-off generated by the development hereby approved shall be managed on-site in accordance with the Stormwater Management Plan ‘Silver Lake Development – Stormwater Quality Issues Report by Barrie Ormsby’, dated 22 February 2021, to the satisfaction of Council

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

(3) Prior to Building Rules Consent Being Granted - Requirement for Soil Erosion And Drainage Management Plan (SEDMP)

Prior to Building Rules Consent being granted the applicant shall prepare and submit to Council a Soil Erosion and Drainage Management Plan (SEDMP) for the site for Council's approval. The SEDMP shall comprise a site plan and design sketches that detail erosion control methods and installation of sediment collection devices that will prevent:

- a) soil moving off the site during periods of rainfall;
- b) erosion and deposition of soil moving into the remaining native vegetation; and
- c) soil transfer onto roadways by vehicles and machinery.

The works contained in the approved SEDMP shall be implemented prior to construction commencing and maintained to the reasonable satisfaction of Council during the construction period.

(4) Access Upgrade

The vehicle access point(s) and cross-over shall be constructed at a maximum width of 6 metres with splays. Any existing crossing places not providing vehicle access shall be considered redundant and shall be closed off.

(5) Maximum Number of Guests for Tourist Accommodation

The tourist accommodation (bed and breakfast) shall accommodate a maximum number of 14 guests at any given time.

(6) Tourist Accommodation not to be used as Second Dwelling

The person(s) having the benefit of this consent shall refrain from permitting the use of the building (or any part thereof) for provision of long term accommodation or as a separate dwelling. The tourist accommodation unit shall be used and operated on a short term rental arrangement with a maximum of a 28 day per occupancy.

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

(7) Timeframe For Landscaping To Be Planted

Landscaping, detailed in Landscape Development Maintenance Report, prepared by Barrie Ormsby, dated 22 February 2021, 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.

(8) External Materials and Finishes

All external materials and finishes of the new approved buildings shall be of subdued colours which blend with the natural features of the landscape and are of a low-light reflective nature.

NOTE: Browns, greys, greens and beige are suitable and galvanised iron and zincalume are not suitable

- (9) **Restriction On Number Of Functions**
The number of functions in a calendar year shall not exceed 12. Such functions shall have a maximum capacity of 40. Any increase in the number of functions/capacity will require separate development approval.
- (10) **Restriction on Hours of Functions**
Functions shall only take place between the following hours:
- | | |
|-------------------|--------------------------|
| Sunday to Friday: | 9.00am to 10.00pm |
| Saturday: | 9.00am to 12.00 midnight |
- (11) **Entertainment**
Entertainment in the form of live music shall not be provided on the premises. Music shall only be played through a sound system and be limited to internal areas only to maintain the amenity of the area to the reasonable satisfaction of Council.

EPA Conditions

- (12) **Wastewater System in accordance with Plans**
The on-site wastewater systems (including the new irrigation area) must be constructed and operational in accordance with the manufacturer's specifications and the report 'Site and Soil Assessment, On-Site Wastewater Management System Design – Upgrade to facilitate the proposed Silver Lake development by RFE Consulting', dated 1 March 2021, prior to occupation of the converted tourist accommodation building, the new dwelling and functions occurring on the site.
- (13) **Pool Backwash Disposal**
Pool backwash water must be disposed of via the proposed soakage trench proposed in the Site and Soil Assessment, On-Site Wastewater Management System Design – Upgrade to facilitate the proposed Silver Lake development by RFE Consulting dated 1 March 2021.
- (14) **Aquaponics Systems Closure**
The aquaponics/hydroponics systems must be closed and recirculating with any resultant wastewater not being discharged on site.
- (15) **Stormwater Management Design**
Detailed design of the stormwater management system (including rainwater tanks, permeable paving and swales) must be established in accordance with the treatment train in the report 'Silver Lake Development – Stormwater Quality Issues Report by Barrie Ormsby', dated 22 February 2021 and construction of these elements must occur prior to occupation of the converted tourist accommodation building, the new dwelling and functions occurring on the site.
- (16) **Wetland System**
The design, operation and maintenance of the wetland system must be in accordance with the report 'Silver Lake Development – Stormwater Quality Issues Report by Barrie Ormsby', dated 22 February 2021.

(17) Wetland System Construction Prior To Occupation Of Buildings

The construction of the wetland must occur prior to occupation of the converted tourist accommodation building, the new dwelling and functions occurring on the site.

CFS Conditions

(18) Access to Habitable Building

- Access to the habitable buildings shall be of all-weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large fire-fighting vehicles.
- The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either:
 - i. A loop road around the building, OR
 - ii. A turning area with a minimum radius of 12.5 metres, OR
 - iii. A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres.
- Private access shall have minimum internal radii of 9.5 metres on all bends.
- Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.

(19) Access to Dedicated Water Supply

- The water supply outlet shall be easily accessible and clearly identifiable from the access way and at a distance of no greater than 30 metres from the proposed habitable buildings.
- The dedicated water supply and its location should be identified with suitable signage (i.e. blue sign with white lettering "FIRE WATER").
- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- Provision shall be made adjacent to the water supply for a flat hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
- SA CFS appliance inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.
- A gravity fed water supply outlet may be remotely located from the tank to provide adequate access.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.
- Ideally a remote water supply outlet should be gravity fed, where this is not possible the following dimensions shall be considered as the maximum capability in any hydraulic design for draughting purposes:
 - The dedicated water supply outlet for draughting purposes shall not exceed 5 metre maximum vertical lift (calculated on the height of the hardstand surface to the lowest point of the storage) and no greater than 6 metre horizontal distance.

The suction outlet pipework from the tank shall be fitted with an inline non return valve of nominal internal diameter not less than that of the suction pipe and be located from the lowest point of extract from the tank. All fittings shall be installed to allow for easy maintenance.

SA CFS notes that a remote outlet from one of the dedicated tanks will need to be provided within 30m of the existing dwelling to comply with the above conditions.

(20) Water Supply

- A minimum supply of 22,000 litres of water for each dwelling shall be available at all times for bushfire fighting purposes.

SA CFS notes that additional water will be required to operate sprinkler systems.

- The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a compliant SA CFS fire service adapter, which shall be accessible to bushfire fighting vehicles at all times.
- The water storage facility (and any support structure) shall be constructed of non-combustible material.
- The dedicated fire-fighting water supply shall be pressurised by a pump that has:
 - i. A minimum inlet diameter of 38mm, AND
 - ii. Is powered by a petrol or diesel engine with a power rating of at least 3.7kW (5hp), OR
 - iii. A pumping system that operates independently of mains electricity and is capable of pressurising the water for fire-fighting purposes.
- The dedicated fire-fighting water supply pump shall be located at or adjacent to the dwelling to ensure occupants safety when operating the pump during a bushfire. An 'Operations Instruction Procedure' shall be located with the pump control panel.
- The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation.
- All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (i.e., at opposite ends of the dwelling).
- All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.
- All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.
- All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.
- All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
- All fire-fighting hoses shall be readily available at all times.

(21) Vegetation Management

- A vegetation management zone (VMZ) shall be established and maintained within 20 metres of each dwelling (or to the property boundaries – whichever comes first) as follows:
 - i. The number of trees and understorey plants existing and to be established within the VMZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the ‘clumping’ of shrubs where desirable, for diversity and privacy, and yet achieve the ‘overall maximum coverage of 30%’.
SA CFS notes that coverage of vegetation within 20m to the east and west of the proposed new dwelling is currently greater than 30%. SA CFS notes that the implementation of proposed landscaping within the above mentioned report will result in the removal of existing hazardous vegetation.
 - ii. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
 - iii. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
 - iv. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
 - v. Shrubs must not be planted under trees or must be separated by at least 1.5 times their mature height from the trees’ lowest branches.
 - vi. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
 - vii. No understorey vegetation shall be established within 1 metre of the dwelling (understorey is defined as plants and bushes up to 2 metres in height).
 - viii. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves.
 - ix. The VMZ shall be maintained to be free of accumulated dead vegetation.

NOTES

(1) Development Plan Consent

This Development Plan Consent (DPC) is valid for a period of twelve (12) months commencing from the date of the decision or, if an appeal has been commenced, the date on which it is determined, whichever is later.

Building Consent must be applied for prior to the expiry of the DPC and lodged through the PlanSA portal unless a private certifier was engaged prior to 19 March 2021.

Further details in relation to the Planning Reforms can be found https://www.saplanningportal.sa.gov.au/planning_reforms

(2) Works On Boundary

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

- (3) **Erosion Control During Construction**
Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.
- (4) **EPA Environmental Duty**
The applicant is reminded of his/her general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes, or may cause, environmental harm.
- (5) **Tourist Accommodation – Bushfire Survival Plan**
- The applicants to prepare and display a BUSHFIRE SURVIVAL PLAN (BSP) designed specifically for the purpose of any guests that may be in residence during a bushfire event, especially during the Fire Danger Season.
 - This BSP should give clear directions to persons that may be unfamiliar with the area/locality and unfamiliar with what protective actions they may need to take to protect their lives during a bushfire event, including when to take such protective actions.
 - The BSP should address the possibility that the owners may not be present at the time of the bushfire event.
 - The BSP should not expect guests to be involved in fire-fighting operations.
 - The SA CFS ‘Bushfire Safety and Survival for Business and Organisations’ document (refer to CFS website) should be utilised as a basis for information and the drafting of the (GUEST) BSP.
 - The applicant should consider reducing operating hours and restrictions on days of extreme weather or bushfire events.

SA CFS recommends that the Bushfire Planning Recommendations, as outlined in the report called Silver Lake Bushfire Management & Vegetation Review For Planning Purposes (Author: Environments by Design), dated March 2020, are implemented and reviewed on a regular basis.

- (6) **Department of Environment and Water (DEW) - Native Vegetation Council**
The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. The clearance of native vegetation includes the flooding of land, or any other act or activity that causes the killing or destruction of native vegetation, the severing of branches or any other substantial damage to native vegetation. For further information visit:
[www.environment.sa.gov.au/Conservation/Native_Vegetation/
Managing_native_vegetation](http://www.environment.sa.gov.au/Conservation/Native_Vegetation/Managing_native_vegetation)

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

9. ATTACHMENTS

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

Respectfully submitted

Concurrence

Sarah Davenport
Statutory Planner

Deryn Atkinson
Assessment Manager

COUNCIL ASSESSMENT PANEL MEETING

11 August 2021

AGENDA 8.2

Applicant: Susan Bastian & Brian West	Landowner: S E P Bastian & B R West
Agent: Graham Burns – Masterplan SA Pty Ltd	Originating Officer: Damon Huntley
Development Application:	19/1064/473
Application Description: Tourist accommodation, comprised of two separate self-contained villas, water storage tanks (2 x 22,000L), associated landscaping & earthworks (non-complying)	
Subject Land: Lot:80 Sec: P4013 DP:92095 CT:6122/499	General Location: 11 Onkaparinga Valley Road Balhannah Attachment – Locality Plan
Development Plan Consolidated : 08 August 2019 Maps AdHi/20 and AdHi/61.	Zone/Policy Area: Watershed (Primary Production) Zone - Onkaparinga Slopes Policy Area / Balhannah/Oakbank (Rural Surrounds) Policy Area
Form of Development: Non-complying	Site Area: 12.1 hectares
Public Notice Category: Category 3 Notice published in The Advertiser on 27 March 2020	Representations Received: Three (3) Representations to be Heard: One (1)

1. EXECUTIVE SUMMARY

The proposal seeks Development Plan Consent for the development of two (2) detached tourist accommodation buildings at 11 Onkaparinga Valley Road, Balhannah.

The subject land is approximately 12.3 ha and exhibits an unconventional shape, particularly along its south-western boundary which is aligned with a portion of the Onkaparinga River. The land has frontage of 295 metres to Spoehr Road and approximately 18 metres frontage to Onkaparinga Valley Road and contains an existing detached dwelling surrounding gardens, swimming pool and outbuilding.

The subject land is located within the Watershed (Primary Production) Zone and notwithstanding the land straddles two policy areas, the proposed development is situated entirely within the Onkaparinga Slopes Policy Area.

The proposal is a non-complying Category 3 form of development and three (3) representations were received during the Public Notification period. One (1) representation was in opposition, one (1) representation was in support of the proposal and a third representation was received from SA Power Networks (SAPN) and advisory in nature in respect of SAPN's sub-station infrastructure adjacent to the site on Onkaparinga Valley Road.

The proposal purports two modestly sized tourist accommodation units, each of low profile design and accommodating up to four (4) guests in two bedrooms.

As per the Adelaide Hills Council Assessment Panel delegations, the CAP is the relevant authority for Category 3 development where representors want to be heard.

The main issues relating to the proposal pertain to the elements raised within the public notification process and the matters regarding non-compliance of additional 'stand-alone' tourist accommodation within the Zone and coinciding matters of mandatory referral to the Environment Protection Authority in respect of increased potential for impact upon the Watershed from increased/intensified development.

Following an assessment against the relevant zone and Council Wide provisions within the Development Plan, staff are recommending the Council Assessment Panel **seeks the CONCURRENCE of the State Commission Assessment Panel to GRANT** Development Plan Consent.

2. DESCRIPTION OF THE PROPOSAL

The proposal is for the development of a small scale tourist accommodation facility comprising the establishment of two single-storey self-contained units, associated landscaping and minor earthworks.

Each unit is to have floor area dimensions of 13.3 metres length x 7.2 metres width and 2.7 metres wall height/5.1 metres roof ridge height. The buildings are to be accessed from Spoehr Road on the western aspect of the property by way of a new gravel and formalised driveway of approximately 260 metres that meanders to the accommodation. The accommodation access is separate to the existing dwelling access which is off Onkaparinga Valley Road.

The proposed development incorporates new landscaping to be established in 'islands' generally between the villas and about the driveway area, and notably, upon the north-western boundary where the landscaping provides a buffer of screening vegetation between the eastern most villa and an adjacent dwelling upon Lot 11.

The proposed villas are 'mirror imaged' each having the opposite orientation of deck, verandah and their internal layout. The floor plan includes two guest rooms with separate ensuites and shared open-plan kitchen, dining and lounge areas, making each villa appropriate for up to four guests. Each villa has two dedicated vehicle parking spaces. The villas are proposed to be used for short term accommodation for periods up to 28 days.

The proposed accommodation buildings are to be sited as follows:

Eastern villa: is to be situated 13 metres from the nearest part of the northern side property boundary and 118 metres from the southern side property boundary and will have a setback distance of 247 metres from the Spoehr Road frontage. The building will have a setback of over 400 metres to Onkaparinga Valley Road and a setback of no less than 280 metres from the nearest rear boundaries of adjoining allotments fronting Onkaparinga Valley Road.

Western villa: is to be situated 88 metres from the nearest part of the northern side property boundary and 62 metres from the southern side property boundary and will have a setback distance of 154 metres from the Spoehr Road frontage. The building will have a setback of over 500 metres to Onkaparinga Valley Road and a setback of no less than 360 metres from the nearest rear boundaries of adjoining allotments fronting Onkaparinga Valley Road.

The nearest sensitive receptors (dwellings) on adjoining allotments are situated 113 metres to the north and 314 metres south of the proposed villas. The adjoining premises to the south is subject of the Category 3 representation opposing the proposal.

External finishes for the tourist accommodation include horizontally expressed compressed fibre-cement ‘weatherboard’ style wall cladding, and corrugated Colorbond roof sheets. The buildings are to feature ‘muted colours’, however the specific details of the external colour scheme have not been provided.

The accommodation villas are separated by some 100 metres, with proposed native vegetation landscape screening situated generally between the two villas to provide additional buffer against views from the north and east.

The application proposes the installation of two (2) 22,000 litre water storage tanks for capture of roof-stormwater and to provide water to the accommodation villas, in combination with 5000 litres dedicated firefighting water supply.

Notwithstanding the initial versions of the proposal sought to establish two separate on-site aerobic wastewater treatment and disposal systems, the proposal has been amended to include the connection of the tourist accommodation villas as well as the existing dwelling to the sewer infrastructure that crosses the subject land near the Onkaparinga Valley Road frontage.

An easement for electricity distribution infrastructure also crosses the subject land.

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

3. BACKGROUND AND HISTORY

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
30 July 2004	04/679/473	Verandah attached to dwelling
25/02/2010	10/135/473	In-ground Swimming Pool
10/10/2011	11/645/473	Masonry pillars x 2 (maximum height of 1.8m)
17 April 2013	12/60/473	Boundary realignment (2 allotments into 2) – DAC relevant authority

In respect of the current development application, the Applicant has provided updated drawings and documentation relating to the design, landscaping, and connection to the SA Water sewer network since public notification.

4. REFERRAL RESPONSES

- **SA CFS**

The SA Country Fire Service have identified the site Bushfire Attack Level as BAL-19 for both accommodation villas and has provided a ‘no objection’ response to the proposal, directing that (4) standard conditions in line with the mandatory provisions of the *Minister’s Code: Undertaking development in Bushfire Protection Areas* are attached to any Development Plan Consent granted (refer to recommended conditions 8 to 11).

The CFS have further recommended the following:

TOURIST ACCOMMODATION - BUSHFIRE SURVIVAL PLAN

- The applicants to prepare and display a BUSHFIRE SURVIVAL PLAN (BSP) designed specifically for the purpose of any guests that may be in residence during a bushfire event, especially during the Fire Danger Season.

- This BSP should give clear directions to persons that may be unfamiliar with the area/locality and unfamiliar with what protective actions they may need to take to protect their lives during a bushfire event, including when to take such protective actions.
- The BSP should address the possibility that the owners may not be present at the time of the bushfire event.
- The BSP should not expect guests to be involved in fire-fighting operations.
- The SA CFS '*Bushfire Safety and Survival for Business and Organisations*' document (refer to CFS website) should be utilised as a basis for information and the drafting of the (GUEST) BSP.
- The applicant should consider reducing operating hours and restrictions on days of extreme weather or bushfire events. (refer recommended advisory note 8)

- **EPA**

The EPA provided its initial consultation response on 30 April 2020, recommending refusal. Identifying that the existing dwelling on the site relies upon an on-site wastewater disposal system and in terms of water quality impact, the EPA have noted that the proposed development would represent the equivalent of multiple dwellings on a single allotment, and in consideration of the cumulative impacts anticipated from additional wastewater loading at the site, the EPA had taken the position that the proposed development was unable to demonstrate a neutral or beneficial impact on water quality.

Following substantial discussion with the applicant and a revision of plans and details by the applicant, the multiple on-site wastewater treatment and disposal systems were abandoned in favour of connection to the SA Water sewer. The sewer line passes through the subject land in close proximity to the Onkaparinga Valley Road frontage of the property, and the proposed connection includes two new totally enclosed pumping stations and infrastructure across the Onkaparinga River affixed to the bridge structure that forms part of the existing driveway access for the dwelling.

In respect of demonstrating neutral or beneficial results to water quality in the Watershed Area, the applicant has also committed as part of this proposal's requirements to connect the existing dwelling to the sewer infrastructure and decommission the existing on-site waste system.

The revised proposal was re-referred to the EPA on 22 March 2021 with the EPA returning its revised response on 29 June 2021. This provided support of the proposal acknowledging the revisions produce a superior outcome resulting in *a neutral or beneficial impact on water quality of the Mount Lofty Ranges given the connection of accommodation units and the existing dwelling to the SA Water sewer network and the proposed management of roof and site run-off.*

The EPA have recommended two conditions and three advisory notes in respect of any Development Plan Consent granted (refer to recommended conditions 5 & 13 and advisory notes 3 to 5).

The above responses are included as **Attachment – Referral Responses.**

- **AHC EHU**
An application for an on-site wastewater works approval (Wastewater Application No. 20/W214/473) was lodged to Council on 14 September 2020. As a result of the revised application detail, particularly in respect of the proposed connection to SA Water Corporation sewer services, the waste system application has become redundant.
- **AHC Engineering**
Internal referral response from Council’s Technical Officer received 16 April 2021:
No objections to the proposal, with the following conditions sought:
 1. Property access and egress is adequate, a bitumen crossover to be installed to a width that accommodates traffic entering the property and to a minimum depth of 2 metres
 2. The proposed access to the property to be the only point of entry all other accesses are to be made redundant.
 3. No stormwater discharge requirements.

Refer to recommended conditions 14, 17, and 18.

5. CONSULTATION

The application was categorised as a Category 3 form of development in accordance with Section 38(2) (c) of the *Development Act 1993* requiring formal public notification and a public notice. Three (3) representations were received during the public notification period, two from adjoining land owners. Of these, one (1) representation opposes the proposal, one (1) was in support of the proposal and the third representation from SA Power Networks is of an advisory nature regarding the Authority’s nearby power infrastructure.

The following representor wishes to be heard:

Name of Representor	Representor’s Address	Property	Nominated Speaker
Andrew and Kate Cowling	38 Spoehr Road, Balhannah		TBA

The applicants and their representative, Mr Graham Burns of Masterplan, will be in attendance.

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

- Impact on residential amenity through loss of privacy
- Negative impacts upon the Onkaparinga River
- Impact on the natural and rural character of surrounding area
- Impact upon Scenic Routes
- Development within 60 metres from the top of the bank either side of the Onkaparinga River
- Bushfire risks, and
- Inaccurate representation of boundaries on the application plans.

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

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

6. PLANNING & TECHNICAL CONSIDERATIONS

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

i. The Site's Physical Characteristics

The subject land forms an irregular shaped rural allotment comprising an area of approximately 12 hectares. The land currently gains vehicle access appurtenant to the existing detached dwelling, at the east of the site via an existing drive way from Onkaparinga Valley Road. The existing dwelling is located some 187 metres from the eastern boundary fronting Onkaparinga Valley Road, and an existing outbuilding is located in close proximity to the northern side boundary at an approximate distance of 44 metres from the residence.

At the western boundary of the site, there is an existing gate which allows a point for entry from Spoehr Road, however, while vehicles are able to enter the site through this gate, there is currently no formal all-weather driveway passing through this access point.

Land levels vary across the site as a result of undulating terrain between both Onkaparinga Valley Road, and Spoehr Road. The Onkaparinga River passes through the lower eastern side of the subject land and makes a turn to the west where it runs virtually parallel to the southern boundary inside of the property. The site features areas of large River Red Gum trees, many of which form extended rows along the side boundaries of the site, and the sloping banks of the Onkaparinga River.

ii. The Surrounding Area

The subject land is located at the south-eastern periphery of the township of Balhannah. Given that the subject land adjoins the outer edge of the township, the surrounding area presents a mixture of both residential settlement, and larger rural land holdings.

Land sizes range between approximately 700 square metres in the township settlement area, to larger parcels in the order of 16 hectares such as the adjoining property located at 38 Spoehr Road. The surrounding area is highly influenced by the nature and function of Onkaparinga Valley Road, with frequent levels of traffic travelling north and south.

The locality has a predominant rural character, with vineyard and orchards contributors to the character of the surrounding area.

iii. Development Plan Policy considerations

a) *Policy Area/Zone Provisions*

The subject land lies within the Watershed (Primary Production) Zone - Onkaparinga Slopes Policy Area, Watershed (Primary Production) Zone - Balhannah/Oakbank (Rural Surrounds) Policy Area. The following policies are considered to be the most relevant provisions within the Adelaide Hills Council Development Plan relating to the proposed development:

Onkaparinga Slopes Policy Area 11

The proposed development lies wholly within the Watershed (Primary Production) Zone's Onkaparinga Slopes Policy Area (11) and these provisions seek:

- *to retain low density rural development and land uses specifically through the avoidance of uses which would require division of land into smaller holdings.*
- *avoidance of activities such as forestry and intensive animal keeping, and*
- *an emphasis upon low intensity general farming activities.*

It is noted that the south-eastern portion of the subject land is located within the Balhannah/Oakbank (Rural Surrounds) Policy Area however no portion of the proposed development nor any critical site components (with the exception of sewer pipework) are located within this Policy Area. For this reason no further consideration has been given to the specific provisions of the Balhannah/Oakbank (Rural Surrounds) Policy Area.

Objective 1 of the Onkaparinga Slopes Policy Area is considered to be the relevant Policy Area provision, and is considered to be relatively well accorded insofar that the proposal does not seek to divide land and buildings into separate holdings, which has been reinforced through the commitment to integrate the servicing of the proposed and existing buildings with a view to the long term future operation of the land as a whole and the environmental benefit to the Watershed in this proposal.

As a result of the existing pattern of land (formation of the surrounding allotments) and land uses which have been established, it is unlikely that the subject land, or many of the smaller allotments laying within the zone would revert to primary production activities, other than hobby scale activities or land uses which generally maintain the rural character of the area.

Watershed (Primary Production) Zone (W(PP))

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

- to maintain and enhance natural resources of the Mount Lofty Ranges particularly water resources.
- to protect the long term sustainability of primary production activities.
- to enhance amenity and landscape value through preservation and restoration of native vegetation.
- to enhance the amenity and landscape of the south Mount Lofty Ranges for the enjoyment of residents and visitors and to support and develop the tourism industry with accommodation, attractions & facilities and increase visitation and overnight stays in the region.

In particular, the provisions reinforce the avoidance of pollution of surface or underground water resources and maintenance of a pleasant, attractive rural landscape, with the following are considered to be the relevant Watershed (Primary Production) Zone provisions:

Objectives: 1, 2, 5 & 6

PDCs: 1, 2, 3, 4, 9, 10, 11, 14, 15, 16, 17, 29, 32, 35, 36, 70

Fundamentally the zone remains accommodating of many forms of development where it can be assured that there are no unreasonable impacts particularly in terms

of the sustainability of primary production activity and enhancement of amenity and local rural and natural landscapes, where the natural surface and underground water resources of the Mount Lofty Ranges Watershed are protected.

Protection of the watershed zone resources, in this instance also coincides with the procedural matters of the zone, identifying development of additional dwellings and new 'stand-alone' tourism accommodation as non-complying forms of development and the mandatory referral to the Environment Protection Authority (EPA) upon the basis of increased potential for impacts upon water resources.

This proposal initially presented issues which the EPA could not support in respect of increasing pollution potential within the Watershed Area through increased on-site wastewater disposal and increased stormwater discharge. The revisions made to the application have substantially addressed those concerns of the EPA.

The proposal now incorporates logical and technical solutions to the issues which reflects an overall improvement in environmental performance over and above the existing 'status quo' of the subject site.

Accordance with Zone

The proposal is not offensive or prejudicial to the objectives of the W(PP) Zone or the Objectives of the Onkaparinga Slopes Policy Area, which both emphasise sustainability of water resources and not undermining the potential for primary production land uses to prevail.

The proposed development will not have any adverse effect upon water resources, having adequate stormwater and effluent management provisions, and contributes to improvement of the existing effluent management on the land, which has been confirmed by the EPA's final referral response.

Both the Zone and the Policy Area identify that the landscape quality and amenity is to be enhanced for the enjoyment of residents and visitors and in this respect, the proposal incorporates landscaping which will assist in screening the proposed accommodation buildings from prominent, clear and direct view, and enhancing the landscape generally.

It is not considered that the proposal will adversely impact the pleasant rural aesthetics of the locality, particularly at such close interface with the Township Zone, which contextually supports the proposed development also.

Form of Development

The development of small scale, low profile tourist accommodation appears generally consistent with the zone provisions, particularly where it avoids negative impacts to the landscape and water resources. By their very nature, tourist accommodation more commonly responds with a higher degree of land management than many other forms of development largely through seeking to enhance the guests' experience and amenity of the site.

The low profile nature of the buildings is not unreasonable within the landscape and in respect to the opposing representation, the form of the development is not considered to impinge upon the characteristics established in the locality. The separation of the proposed accommodation villas to sensitive receptors is substantial, with in excess of 113 and 314 metres respectively separating the two closest dwellings and the proposed tourist accommodation. The location of the tourist villas also achieves significant setback distances to public roads.

Accordingly, the proposal is not considered to be out of context or detract from the scenic qualities of the locality.

The proposal does not prejudice or compromise any undertaking of desirable activities within the zone such as primary production activities on neighbouring allotments should it occur. As foreshadowed previously in this report, the existing pattern of allotments and land uses generally will not realise future primary production activities other than low intensity/hobby scale activities.

Two allotments adjoining to the north and south-west stand apart due to their size and relative capability to support activities of greater scale. In particular the northern allotment contains an established orchard demonstrating this principle.

Appearance of Land and Buildings

The proposed buildings will be finished in appropriate materials confirming non-reflective material selection, extensive shading from the buildings' large 800mm surrounding eaves and modest built form. However colours of external materials should be conditioned to be comprised of natural shades and muted colours in order to blend with the surrounding natural and rural environment (refer recommended condition 2).

Conservation

The proposal has comprehensively addressed the matters of preservation, protection and enhancement of the Watershed Area.

The development proposes setbacks from the Onkaparinga River which surpass the threshold described in Zone PDC 4 by a substantial degree. The proposal does not purport any influence upon existing native vegetation or sensitive areas such as the riverbank or areas susceptible to flood inundation or, higher volumes of run-off which exist on the land.

The proposed driveway access is also set out in a fashion which is reasonably consistent with the contour of the land so as not to be a visual impediment in respect of Zone PDC 9.

The proposal incorporates further landscaping annotated as comprising native species indigenous to the area as sought by Zone PDC 10, propagating additional habitat for native fauna, birdlife and generally supporting greater biodiversity.

b) Council Wide provisions

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

- Appropriate segregation of certain forms of development within appropriate zones or areas.
- Orderly and sustainable development.
- Avoidance of incompatible land uses.
- Appropriate limitations to design, height, bulk and visual/aesthetics.

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

Tourism Development

Objectives: 1, 2, 3, 5, 6, 7, 8 & 9

PDCs: 1, 3, 4, 7, 10, 18, & 28

The proposed development is considered to generally pursue the intent of the Tourism Development provisions. The development is considered to be appropriate within the context of the site, particularly at such close interface to the outskirts of the Balhannah township and its scale and intensity of use is such that it should remain inconspicuous within its surrounding environment and locality.

With regard to its proximity to townships, it has a high degree of accessibility to many of the hills towns including, and beyond Balhannah, affording guests the opportunity to enjoy the attractions and food/wine and farm-gate produce experiences in the region.

The proposal brings guests into contact with the peaceful natural and rural environment within the district and is not considered to create any negative impacts to the natural environment. The proposal appropriately avoids the more sensitive environmental features of the land, particularly the Onkaparinga River and its banks and pools.

The development also seeks to further enhance the environmental features of the site, creating some further buffering and separation and in turn enhancing habitat for native fauna, birdlife and generally supporting environmental improvement and biodiversity.

Siting and Visibility

Objective: 1

PDCs: 1, 5, 7 & 9

Orderly and Sustainable Development

Objectives: 3 & 4

PDCs: 1 & 5

Further to the provisions regarding built form and design already addressed above, the proposal does not in any way jeopardise the continuance of adjoining authorised land uses. The proposal does not prejudice the achievement of the provisions of the Development Plan insofar as they relate to water resource preservation and security and the potential for primary production pursuits upon larger arable rural areas within the zone.

The siting of the building is considered to be appropriate to insulate the development well within the allotment. The proximity of the eastern accommodation unit to the northern boundary and nearby sensitive receptor had potential to be a concern, however this has not been raised although the public notification process from the adjoining owner. The landscaping treatment employed upon that northern shared boundary is considered to have substantial value for attenuating direct impacts and views of the proposed development.

The separation distance to the southern boundary and sensitive receptor are comparatively large and in this instance it is also considered that the visual impact is substantially mitigated by the existing vegetation along the Onkaparinga River and within the subject land.

Also foreshadowed earlier in this report is the higher degree of land management availed by tourism developments, and it is considered the separation distances proposed and the inherent management of the site by the landowner residing on the same site, will ensure that peaceful amenity of the site is maintained.

Hazards

Objectives: 1, 2 & 5

PDCs: 1, 7, 8 & 11

Specifically in respect of bushfire hazard related matters, the proposal demonstrates relatively simple design and built form which avoids the risk of trapping burning material and embers in the event of bushfire.

The site is readily accessible by CFS appliances, with reasonably short driveways, and emergency vehicle access and egress accommodated in the proposal design.

The plans and details demonstrate water tanks for firefighting water storage with a capacity 22,000 litres each. The provision of fittings in accordance with the Minister's Building Standard MBS 008 for active firefighting features are to be conditioned (refer recommended CFS Conditions 9 & 10).

The passive fire resistance features of the design and construction of the proposed building will be assessed at Building Rules assessment stage to accord the Building Code of Australia and relevant standards called up thereunder.

7. SUMMARY & CONCLUSION

The proposal is to construct two (2) single-storey self-contained tourist accommodation villas, along with associated landscaping and minor earthworks. The proposed villas provide a tourist accommodation facility in an area of rural character whilst also situated in close proximity to the township of Balhannah.

Whilst the proposal will result in a partial change to the use of the land, the accommodation villas are located on a large site, well separated from boundaries, and therefore it is considered the proposal will not result in amenity impacts to the occupants of nearby residential dwellings. There will be a negligible increase to traffic movements to and from the site with on-site car

parking provided for both accommodation villas. Therefore, there will be minimal impact to the local roads.

The proposal is for purpose-built buildings in an architectural style that is considered to be of a low and sympathetic profile. Furthermore, landscaping surrounding the environs of the accommodation villas will allow the buildings to be further screened from the view of neighbouring properties. Given that the accommodation villas and the existing residence are to be connected to the SA Water sewer network, the proposed development will not give rise to adverse water quality impacts.

The proposal is sufficiently consistent with the relevant provisions of the Development Plan, and it is considered that the proposal is not seriously at variance with the Development Plan. In the view of staff, the proposal has sufficient merit to warrant consent. Staff therefore recommend that Development Plan Consent be **GRANTED**, subject to conditions and the concurrence of the State Commission Assessment Panel.

8. RECOMMENDATION

That the Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and seeks the CONCURRENCE of the State Commission Assessment Panel to GRANT Development Plan Consent to Development Application 19/1064/473 by Susan Bastian & Brian West for Tourist accommodation, comprised of two separate self-contained villas, water storage tanks (2 x 22,000L), associated landscaping & earthworks (non-complying) at 11 Onkaparinga Valley Road Balhannah subject to the following conditions:

(1) Development In Accordance With The Plans

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

- Amended State of Effect prepared by Graham Burns of MasterPlan pp 1-13 dated 25 May 2021 (received by Council dated 25 May 2021)
- Amended Site Plan prepared by MasterPlan dated Dec 2019 (received by Council dated 25 May 2021)
- Amended Enlargement Plan prepared by MasterPlan dated March 2020 (received by Council dated 25 May 2021)
- Amended Elevations (Tourist Accommodation Villas) (received by Council dated 25 May 2021)
- Amended Floor Plan (Tourist Accommodation Villas) (received by Council dated 25 May 2021)
- Amended System Design Schematic Layout - Overall Drawing Sheets Plan & Locations prepared by Land Energy Drawing No. 12269.LOC.1 Sheet 1 of 1 dated 17 April 2021 (received by Council dated 25 May 2021)
- Amended West Villa, Main Drains & Pump Station Plan prepared by Land Energy Drawing No. 12269.LAY.1C Sheet 1 of 4 dated 30 April 2021 (received by Council dated 25 May 2021)
- Amended East Villa, Pumped Sewer Rising Main Plan prepared by Land Energy Drawing No. 12269.LAY.1C Sheet 2 of 4 dated 30 April 2021 (received by Council dated 25 May 2021)

- Amended Main Residence Wastewater Inflow Point Plan prepared by Land Energy Drawing No. 12269.LAY.1C Sheet 3 of 4 dated 30 April 2021 (received by Council dated 25 May 2021)
- Amended Bridge Crossing & Sewer Connection Plan prepared by Land Energy Drawing No. 12269.LAY.1C Sheet 4 of 4 dated 30 April 2021 (received by Council dated 25 May 2021)
- Amended Detailed Plumbing Layout Plans West Villa & East Villa prepared by Land Energy Drawing No. 12269.DET.1B Sheet 1 of 1 dated 07 September 2020 (received by Council dated 25 May 2021)
- Amended Entrance Enlargement Plan prepared by MasterPlan dated March 2021 (received by Council dated 30 March 2021)
- E-mail written by Graham Burns of MasterPlan relating to proposed number of days for accommodation booking dated 23 July 2021 (received by Council dated 23 July 2021).

(2) External Materials and Finishes

All external materials and finishes shall be of subdued colours which blend with the natural features of the landscape and be of a low-light reflective nature.

NOTE: Browns, greys, greens and beige are suitable and galvanised iron and zincalume are not suitable.

(3) Gravel Car Parking Designed In Accordance With Australian Standard AS 2890.1:2004

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

(4) Car Parking Directional Signage

Directional signs indicating the location of car parking spaces shall be provided on the subject land and maintained in a clear and legible condition at all times.

(5) Tourist Accommodation to be Connected to SA Water Sewer Network

Prior to the issue of a certificate of occupancy, the two accommodation villas must be connected to SA Water network in accordance with the wastewater management system and sewer connection plans prepared by Land Energy Pty Ltd referenced in Condition 1.

(6) Soil Erosion Control

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

(7) Timeframe For Landscaping To Be Planted

Landscaping detailed in Enlargement Plan (prepared by Masterplan dated March 2020) 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.

(8) CFS Access Requirements

Minister’s Code 2009 “Undertaking development in Bushfire Protection Areas” (as amended October 2012), Part 2.3.3.1 describes the mandatory provision that ‘Private’ roads and driveways to buildings shall provide safe and convenient access/egress for large bushfire fighting vehicles, where the furthest point to the building from the nearest public road is more than 30 metres:

- **Access to the building sites shall be of all-weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large fire-fighting vehicles.**
- **The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either:**
 - i. A loop road around the building, OR**
 - ii. A turning area with a minimum radius of 12.5 metres, OR**
 - iii. A ‘T’ or ‘Y’ shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres.**
- **Private access shall have minimum internal radii of 9.5 metres on all bends.**
- **Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.**
- **Vegetation to be established along the access road shall be carefully selected and designed in accordance with the following:**
 - i. No Understorey vegetation shall be established within 3 metres either side of the access road (understorey is defined as plants and bushes up to 2 metres in height);**
 - ii. Grasses shall be reduced to a maximum height of 10cm for a distance of 3 metres (or to the property boundary, whichever comes first); and**
 - iii. Mature trees with a single stem habit, are permitted within this fuel reduced zone, providing they are maintained to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.**

(9) CFS Water Supply

Minister’s Code 2009 “Undertaking development in Bushfire Protection Areas” (as amended October 2012), Part 2.3.4.1 prescribes the mandatory provision of a dedicated and accessible water supply to be made available at all times for fire-fighting.

Minister’s Specification SA78 provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with Minister’s Specification SA78:

- **A minimum supply of 22,000 litres of water for each building shall be available at all times for bushfire fighting purposes.**
- **The minimum requirement of 22,000 litres may be combined with domestic use, providing the outlet for domestic use is located above the 22,000 litres of dedicated fire water supply in order for it to remain as a dedicated supply.**

- The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a compliant SA CFS fire service adapter, which shall be accessible to bushfire fighting vehicles at all times.
- The water storage facility (and any support structure) shall be constructed of noncombustible material.
- The dedicated fire-fighting water supply shall be pressurised by a pump that has –
 - i. A minimum inlet diameter of 38mm, AND
 - ii. Is powered by a petrol or diesel engine with a power rating of at least 3.7kW (5hp), OR
 - iii. A pumping system that operates independently of mains electricity and is capable of pressurising the water for fire-fighting purposes.
- The dedicated fire-fighting water supply pump shall be located at or adjacent to the dwelling to ensure occupants safety when operating the pump during a bushfire. An 'Operations Instruction Procedure' shall be located with the pump control panel.
- The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation.
- All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (i.e. at opposite ends of the dwelling).
- All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.
- All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.
- All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.
- All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
- All fire-fighting hoses shall be readily available at all times.

(10) CFS Access To Dedicated Water Supply

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.4.1 requires a dedicated and accessible water supply to be made available at all times for fire-fighting:

- The water supply outlet shall be easily accessible and clearly identifiable from the access way.
- The dedicated water supply and its location should be identified with suitable signage (i.e. blue sign with white lettering "FIRE WATER").
- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.

- Provision shall be made adjacent to the water supply for a flat hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
- SA CFS appliance inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.

(11) CFS Vegetation / Landscaping

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.5 mandates that landscaping shall include Bushfire Protection features that will prevent or inhibit the spread of bushfire and minimise the risk to life and/or damage to buildings and property.

- A vegetation management zone (VMZ) shall be established and maintained within 20 metres of the buildings (or to the property boundaries – whichever comes first) as follows:
 - i. The number of trees and understorey plants existing and to be established within the VMZ shall be maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%'.
 - ii. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
 - iii. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
 - iv. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the buildings.
 - v. Shrubs must not be planted under trees or must be separated by at least 1.5 times their mature height from the trees' lowest branches.
 - vi. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
 - vii. No understorey vegetation shall be established within 1 metre of the buildings (understorey is defined as plants and bushes up to 2 metres in height).
 - viii. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the buildings such as windows, decks and eaves.
 - ix. The VMZ shall be maintained to be free of accumulated dead vegetation.

(12) CFS Conditions To Be Completed Prior To Occupation

The Country Fire Service (CFS) Bushfire Protection Conditions (four (4) conditions) shall be substantially completed prior to the occupation of the building and thereafter maintained in good condition.

(13) Prior to Building Rules Consent Being Granted – Requirement for Soil Erosion And Drainage Plan (SEDMP)

Prior to Building Rules Consent being granted the applicant shall prepare and submit to Council a Soil Erosion and Drainage Management Plan (SEDMP) for the site for Council's approval. The SEDMP shall comprise a site plan and design sketches that detail erosion control methods and installation of sediment collection devices that will prevent:

- a) soil moving off the site during periods of rainfall;**
- b) erosion and deposition of soil moving into the remaining native vegetation; and**
- c) soil transfer onto roadways by vehicles and machinery.**

The works contained in the approved SEDMP shall be implemented prior to construction commencing and maintained to the reasonable satisfaction of Council during the construction period.

(14) Stormwater Roof Runoff To Be Dealt With On-Site

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

- Rainwater Tanks**
- Grassed swales**
- Stone filled trenches**
- Small infiltration basins**

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

(15) Maximum Number of Guests for Tourist Accommodation

Each tourist accommodation villa shall accommodate a maximum of four (4) guests at any given time.

(16) Tourist Accommodation

The person(s) having the benefit of this consent shall refrain from permitting the use of the building (or any part thereof) for the provision of long term accommodation or, as a separate dwelling. The tourist accommodation shall be used and operated on a short term rental arrangement with a maximum stay per occupancy not exceeding 28 days. Accommodation bookings for periods between 7 days and 28 days shall not exceed 10 percent of the total number of bookings per accommodation unit in any calendar year.

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

(17) Removal of Redundant Crossovers

Any existing crossing places along Spoehr Road shall be considered redundant and shall be closed off prior to the occupation of the development herein-approved.

(18) Sealing of Vehicle Access

The vehicle and cross-over as detailed on Entrance Enlargement Plan (dated 1 March 2021) shall be sealed in Hotmix bitumen, concrete, brick paving or similar material, from the edge of the sealed carriageway of Spoehr Road to the property boundary prior to the occupation of the development herein-approved.

NOTE: The access shall be constructed to ensure no construction materials are deposited onto the carriageway of Spoehr Road.

NOTES

(1) Development Plan Consent

This Development Plan Consent (DPC) is valid for a period of twelve (12) months commencing from the date of the decision or, if an appeal has been commenced, the date on which it is determined, whichever is later.

Building Consent must be applied for prior to the expiry of the DPC and lodged through the PlanSA portal unless a private certifier was engaged prior to 19 March 2021. The time period may be further extended by Council agreement following written request and payment of the relevant fee.

(2) Water Storage Tanks

A water storage tank (and any supporting structure) which:

- a) is not part of a roof drainage system; or
- b) has a total floor area exceeding ten (10) square metres; or
- c) is not wholly above ground; or
- d) has a part higher than four (4) metres above the natural surface of the ground, will require Council approval.

(3) EPA Information Sheets

Any information sheets, guideline documents, codes of practice, technical bulletins, are referenced in this decision can be accessed on the following web site: <http://www.epa.sa.gov.au/pub.html>

(4) EPA Environmental Duty

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

(5) EPA Sewer Pump Station Requirements

The pipeline and automatic control system of the sewer pump station should be designed and constructed to minimise any potential overflow/discharge of sewerage to the environment.

(6) 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.

(7) Department of Environment and Water (DEW) – Native Vegetation Council

The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. For further information visit:

www.environment.sa.gov.au/Conservation/Native_Vegetation/Managing_native_vegetation

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

(8) Bushfire Survival Plan – Tourist Accommodation

A BUSHFIRE SURVIVAL PLAN (BSP) shall be displayed in the accommodation. This BSP shall be designed specifically for the purpose of any guests that may be in residence during a bushfire event, especially during the Fire Danger Season:

- This BSP should give clear directions to persons that may be unfamiliar with the area/locality and unfamiliar with what protective actions they may need to take to protect their lives during a bushfire event, including when to take such protective actions.
- The BSP should address the possibility that the owners may not be present at the time of the bushfire event.
- The BSP should not expect guests to be involved in fire-fighting operations.
- The SA CFS ‘Bushfire Safety and Survival for Business and Organisations’ document (refer to CFS website) should be utilised as a basis for information and the drafting of the (GUEST) BSP.
- The applicant should consider reducing operating hours and restrictions on days of extreme weather or bushfire events.

(9) CFS Bushfire Attack Level

Compliance with the fire protection requirements is not a guarantee the dwelling will not burn, but its intent is to provide a “measure of protection” from the approach, impact and passing of a bushfire.

The Bushfire hazard for the area has been assessed as BAL 19 (applicable for Tourist Accommodation Villa's 1 & 2).

The buildings shall incorporate the construction requirements for buildings in Bushfire Prone areas in accordance with the Building Code of Australia Standard AS3959 “Construction of buildings in bushfire prone areas”.

9. ATTACHMENTS

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

Respectfully submitted

Concurrence

Damon Huntley
Statutory Planner

Deryn Atkinson
Assessment Manager

COUNCIL ASSESSMENT PANEL MEETING

11 August 2021

AGENDA – 8.3

Applicant: Woodforde JV Stage 3A Pty Ltd	Landowner: Woodforde JV Stage 3A Pty Ltd
Agent: Future Urban	Originating Officer: Doug Samardzija
Development Application:	21/327/473
Application Description: Five storey residential flat building comprising of 57 dwellings, associated car parking, swimming pool & associated safety barriers, fencing (maximum height 2m), landscaping, associated communal facilities & associated earthworks	
Subject Land: Pces:6031-3 Sec: P626 DP:122699 CT:6232/338 (now new Lot 228)	General Location: Buchanan Drive., Kintyre Road and MacIntosh Crescent, Woodforde Attachment – Locality Plan
Development Plan Consolidated : 08 August 2019 Maps AdHi/1, AdHi/11 & AdHi/96	Zone/Policy Area: Residential Zone - Glen Stuart Policy Area
Form of Development: Merit	Site Area: 3108m ²
Public Notice Category: Category 3 Notice published in The Advertiser on 11 June 2021	Representations Received: 2 Representations to be Heard: 0

1. EXECUTIVE SUMMARY

The purpose of this application is to seek consent to construct a five storey residential flat building comprising of 57 dwellings (apartments), with associated car parking, swimming pool, landscaping, associated communal facilities and associated earthworks.

The subject land is located within the Residential Zone - Glen Stuart Policy Area and the proposal is a merit, Category 3 form of development. Two representations in opposition were received during the public notification period.

As per clause 3 of the Policy for the Determination of Development Applications by CAP, the CAP is the relevant authority for applications requested by the Assessment Manager to be determined by CAP.

The main issues relating to the proposal are car parking, bulk and scale, building height, visual impacts, amenity, overlooking and streetscape appeal.

In consideration of all the information presented, and following an assessment against the relevant zone and Council Wide provisions within the Development Plan, staff are recommending that the proposal be **GRANTED** Development Plan Consent, subject to conditions:

2. DESCRIPTION OF THE PROPOSAL

The proposal is for a five storey residential flat building comprising 57 dwellings in the form of an apartment configuration, associated car parking, communal facilities and landscaping on approved lot 228, known as Piece 6031 at the time of lodgement of this development. . The key features of the proposal are:

- Residential flat building containing a total of 57 apartments- consisting of 40 one bedroom, 16 two bedroom and 1 three bedroom (penthouse) apartments
- The proposed building is five storeys in height. First two storeys are made up of apartments facing the primary street, 58 car parking spaces including bicycle storage to the rear of the apartments, associated communal facilities at the ground level featuring a swimming pool, a gymnasium and a kiosk, a lobby with lift and staircase and storage/facility areas and a sales office. The remain three levels are just for the single and two bedroom apartments with the exception of the fifth level which also includes a single three storey apartment
- Based on the indicated roof level of RL 183.40 and the floor level of the gymnasium at RL 165.50, the overall building height is approximately 17.9m
- The proposed residential flat building has a total floor area of 2205m², which is made up of 1080m² of car parking area and 804m² devoted to the remainder of the building
- The one bedroom apartments are 53m² in area with 12m² balconies, the two bedroom apartments range in area from 74 -87m² with 10-18m² balconies and the three bedroom apartment is 184m² in area with a 110m² balcony
- The building is predominantly setback 2m from the front allotment boundary at the ground level terrace area and 3.8m to the main face of the building. The building setback from the boundary with the vacant residential allotment to the east is 3m. The car park is setback 3m from the rear boundary at ground level increasing to 14.1m at the second level. The rear boundary is shared with the vacant allotments fronting Kintyre Road. The building setback from the north/western boundary is 28.6m to the wall of the building and the swimming pool is setback 6m from this boundary
- The design includes communal areas to the west of the building featuring a swimming pool, deck, landscaping, a gymnasium and a kiosk. These areas are designed to be used solely by the occupants of the building
- The original ground level had a fall from north/east to south/west but was excavated as part of the land division bulk earthworks and the north/east section of the building which will predominantly contain car parking is proposed to be approximately 4.9m below the natural ground level. At the same time the south/east section of the building is going to be 1.3m below the natural ground level
- The building is proposed to be finished in concrete render painted white with flat bar metal balcony balustrade, balcony planter boxes and a tiled terrace, and the surrounds will include landscaping along the street frontage

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

3. BACKGROUND AND HISTORY

As part of the master plan this area was originally identified for five Torrens title allotments ranging in size from 300m² to 360m² whilst the original super lot was proposed further west of the subject site. Through different variations of the plan of division the super lot site was changed to be in the location nominated for the development whilst the original was changed into singular allotments. The site is now one of the three nominated sites set aside for higher density residential development within the estate as originally envisaged with the master plan.

4. REFERRAL RESPONSES

- **ENGINEERING**

Council's Engineering Department provided comments as follows:

- Stormwater management: Engineering Department accepted confirmation from project engineers that the stormwater infrastructure has been installed as part of land division works which would be able to cater for stormwater discharge from the proposed development. A condition has been recommended seeking final stormwater calculations and a stormwater management plan prior to Building Consent being granted (refer recommended Condition 14).
- Car parking requirements: Engineering have accepted the shortfall of car parking considering 52 bicycle parking spaces are nominated as part of the development and considering that an adequate number of on street parking spaces could be provided along Macintosh Crescent.

5. CONSULTATION

The application was categorised as a Category 3 form of development in accordance with Section 38(2) (c) of the Development Act 1993 requiring formal public notification and a public notice. The authority has not considered the proposal to be minor and the proposal is not Category 2 as it is for a building that is greater than 2 storeys in height that comprises dwellings (residential flat building).

Two (2) representations were received opposing the proposal they do not wish to be heard in support of their representation. Both were from adjacent and nearby properties.

The applicant and their representative – Fabian Barone from Future Urban may be in attendance.

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

- Building height
- Traffic volumes and car parking
- Inequity of distribution of affordable housing across the development

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

A copy of the submission is included as **Attachment – Representations** and the response is provided in **Attachment – Applicant's Response to Representations**.

6. PLANNING & TECHNICAL CONSIDERATIONS

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

- i. The Site's Physical Characteristics

The subject land of this proposal is approved and created lot 228 within Stage 3A of the Hamilton Hill land division. At the time of lodgement the property was identified as part of the super lot comprising pieces 6031, 6032 and 6033, forming the one allotment. This approved allotment is 3108m² with an original fall from north/east to south/west. The levels provided in the accompanying drawings depict the existing levels following the site being excavated as part of the bulk earthworks. The allotment has a direct

frontage and access from the recently created Macintosh Crescent with direct views towards the Council reserve immediately across the road from the subject land.

ii. The Surrounding Area

The subject land is within Stage 3A and opposite the Council reserve to the south of the subject land. Further south of the subject land and across the Council reserve is the existing five story apartment building (Kelso Apartments) approved as part of Development Application 17/272/473. Immediately to the east and north and abutting the subject land is a further residential allotment approved as part of the Hamilton Hill estate for single and two storey detached dwellings.

The greater locality is very expansive. To the north of the estate along Kintyre Road is the Yertabirriti Womma Sports Oval, Rostrevor College, two large SA Water storage tanks and an Early Learning Centre. To the north-east (east of Heather Avenue) is a low density residential area, which generally consists of detached dwelling on allotments of approximately 1000m². To the east of the estate is a very large rural living allotment and to the south-east the Council owned Windmill Reserve.

To the south of the estate on the opposite side of Norton Summit Road is the Council owned Horse Paddock Reserve and detached dwellings within Teringie. These dwellings are positioned on allotments of approximately 2000m² in area, with the exception of a medium density residential community title subdivision to the south-east (at the corner of the Norton Summit Road and Glen Stuart Road).

To the western side of the estate (opposite side of Glen Stuart Road) are low to medium density residential uses within the City of Campbelltown.

iii. Development Plan Policy considerations

a) *Policy Area/Zone Provisions*

The subject land lies within the Residential Zone - Glen Stuart Policy Area and these provisions seek:

- *A residential Policy Area comprising a range of medium density dwellings, including a minimum of 15 percent affordable housing, designed to integrate with areas of open space, neighbouring centres or public transport nodes.*
- *Development that minimises the potential impact of garaging of vehicles on the character of the area.*
- *Development that supports the viability of community services and infrastructure and reflects good residential design principles.*
- *Development that contributes to the desired character of the Policy Area.*

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

Objectives: 1-4

PDCs: 1, 2, 4, 5, 6, 7, 9, 10, 11, 15, 18, 19, 20 and 26

Desired Character

Relevant sections of the Desired Character Statement have been extracted and are shown below in italics, with comments provided immediately after.

The Desired Character Statement for the Policy Area as well as Objective 1 seeks development which will comprise a range of dwelling types at medium and low densities which respond to the topography of the area. The proposal provides for an alternative dwelling type in the form of an apartment building and is considered to be high density. Whilst the proposal is for a greater density, the development assists to achieve the overall densities envisaged for the Policy Area. In the planning report provided by the applicant's planning consultant it is highlighted that proposal will maintain the overall density of the Hamilton Hill development to 32 dwellings per hectare. This is consistent with PDC 6 which seeks a density of 23 to 45 dwelling per hectare.

Stormwater discharge should be minimised through on-site stormwater capture of individual buildings and capture and harvesting within the road network where practical.

The stormwater network for the overall Hamilton Hill development has been designed with measures to treat and detain stormwater. The project engineer has confirmed that the stormwater infrastructure within Stage 3A has been designed in anticipation of, and to cater for, the proposed development. This confirmation was accepted by Council's Engineering as advised earlier in the report. Notwithstanding this more details would need to be provided to ensure that discharge of stormwater does not cause localised flooding in high rainfall events. As such condition 14 has been recommended requiring that the final stormwater management plan and calculations be provided prior to Building Consent being granted.

A diverse range of dwellings will be developed on a variety of allotment sizes. Development in the western portion of the policy area, on flatter land, will feature higher residential densities than the eastern portion and near Kintyre Road and Norton Summit Road where steeper gradients will require larger allotments.

The five storey residential flat building will definitely contribute to a diverse range of dwelling types being developed within the Policy Area. Whilst the development is being proposed at the eastern portion of the subject land, the location is considered to be a better alternative than the western end due to the overall bulk and scale of the building, and the excavation of the site will further reduce the profile of the building.

Allotment sizes, dwelling forms and height will establish a transition from higher density development near the centre of the Policy Area to the existing low-rise dwellings outside the Policy Area. To achieve this, higher density development will be centrally located and in close proximity to open space to ensure that residents with smaller areas of private open space have easy access to public reserve and that passive surveillance of public open space is promoted.

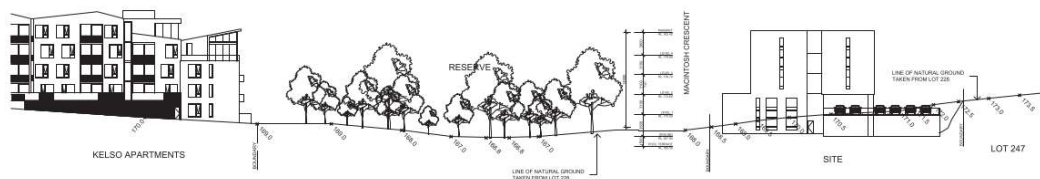
The subject land which is proposed to feature a higher density form of development is appropriately located adjacent to the large open space reserve in the middle of the estate. As mentioned earlier, the existing five storey apartment building is also located on the opposite side of this reserve. View 6 on identified drawing number A7.03 [A1] in **Attachment Proposed Plans** provides a perspective of how the proposed development would sit in reference to the reserve and the existing apartment building (this image is also referred to elsewhere in the report as Figure 1). In addition to the

adjacent open space reserve the proposal includes a communal open space area to the west of the building in the form of a swimming pool, deck and a gymnasium.

Buildings up to three storeys in height will be developed within the Policy Area where potential impact on adjoining properties such as overlooking, overshadowing and traffic movements have been appropriately addressed.

The building is well over 3 storeys in height especially when viewed from the south and west. As mentioned earlier in the report, a large portion of the building is proposed to be cut approximately 4.9m into the slope along the north/east section. As such the building as viewed from the north/eastern portion of Kintyre Road will appear 3 or 4 storey in nature. Views from Kintyre Road when approaching the site from the west will vary with some views being of the full five storey building, whilst other views will be obscured by the existing large concrete water tank and gum trees fronting the road. Internal to the site the building will present as five storey in nature but as shown by the existing apartment building, this is not considered to be detrimental to the character of the locality.

As depicted in the elevation drawings and perspective drawings, the biggest impacts of the bulk and scale of the building is going to be on the immediate proposed allotment to the east of the subject land. In reference to the existing built form, the image below clearly illustrates the bulk and scale of the proposed apartment building in reference to the existing apartment building located on the other side of the reserve. The image illustrates that the profile of the proposed building is lower due to the topography of the land and also due to the fact that the development will be located on an excavated rather than a filled site.



The shadow diagrams provided illustrate that the future allotment 237 immediately to the east of the subject land will be overshadowed between the hours of 12pm and 3pm during the winter solstice. The plan shows that the private open space of this allotment will continue to receive access to sunlight for at least 6 hours of the day. There will however be impacts on any potential future solar panels that might be positioned on the dwelling being that it is located south of the residential flat building and will be overshadowed for at least 3 hours during the winter solstice.

Buildings should be sufficiently separated to provide visual interest while also providing visual and acoustic privacy, as well as adequate sunlight to dwellings.

The building is well separated from the adjoining allotment to the rear with a 14m setback proposed to the main face of the building at the second level and above and is also from the western boundary with a 28m setback. Setback to the eastern allotment boundary is only proposed to be 3 metres. Based on the separation distance between the building and the allotment boundaries, acoustic privacy from the occupation of the building is not considered to be of concern. Some noise concerns may result from the use of the communal area, however considering that the use of these areas is for the

occupiers of the property and swimming pools are envisaged development in residential areas, the hours of pool use would be regulated by the strata management and the impacts would be minimal.

There is potential for some acoustic impact associated with the use of the car park but this would be no different to the noise levels associated with the use of cars on public roads and within the control of the strata management.

There were concerns raised about potential overlooking from the rear facing balconies into the private open space areas of the allotments fronting Kintyre Road. Amended documentation was provided outlining that overlooking concerns are proposed to be managed by planting of mature trees along the rear allotment boundary. See recommended condition 12 seeking planting of mature non-deciduous trees along the rear boundary prior to occupation of the apartments.

Development will provide articulated and varied façades which features balconies, increased setbacks to upper levels and a

The proposal features a mix of materials including finished concrete render painted white with flat bar metal balcony balustrade, balcony planter boxes and a tiled terrace, and the surrounds will include landscaping along the street frontage. The design incorporates balconies at all upper levels of the building which help to break up the mass of the building. There are still elements of the design however that are considered to have not been broken up effectively. In particular, the eastern elevation has a continuous solid wall exceeding 13m in height and 19m in width, and only features small windows to break up the bulk. The view of the eastern elevation will be partially screened by further dwellings on the adjoining allotments. It is also acknowledged that introduction of balconies along this side of the building have potential to result in the overlooking of adjoining allotments.

The visual impact of garaging and driveway crossovers on the streetscape will also be minimised.

Generally the proposal is considered to accord with this element of the Desired Character Statement. One access is proposed from Macintosh Crescent and as such the streetscape presentation of the building ensures that the no part of the car park apart from the direct access is visible from the road. Given that the entire car park is located to the rear and over two levels, small section of it will be visible from Kintyre Road. However the existing large concrete water tank as well as proposed landscaping to the rear of the property will assist to provide substantial screening.

High quality structured landscaping will also be provided to mitigate large scale building facades, provide visual amenity and shade, and help establish a clear hierarchy of vehicle and pedestrian movement pattern across the Policy Area.

There is a high standard of landscaping being provided as part of the land division in the road verges as well as in the reserve directly across from the subject land. Additional landscaping along the street frontage has also been proposed with the development as indicated on the landscaping plan provided with the documentation.

Policy Area provisions

Based on the above assessment of the proposal against the Desired Character Statement, it is considered that the proposal is mostly consistent with the overall intent of the Policy Area. The proposal fails to comply with some key criteria relating to the building heights and visual impacts but is still relatively consistent with Objective 4 and PDC 4.

The proposal is consistent with Objective 1 as it provides for a range of dwelling types and will also contribute towards affordable housing. The visual impacts have not fully been addressed through the overall bulk and scale of the development given the five storey nature of the design. The impact of garaging is considered to have been adequately addressed through the design and a combination of the surrounding development and topography to ensure that only limited views of the car park are available from Kintyre Road. The proposal is therefore consistent with Objective 2.

Height

The proposal is partly consistent with PDC 1. Whilst residential flat buildings are an envisaged form of land use within the Policy Area, they are only envisaged at a height of up to 3 storeys. The proposal aligns with the Residential (Glen Stuart Road) Concept Plan and is therefore consistent with PDC 2.

Whilst the proposed development is considered to be high density in nature, it is still considered to meet the intent of PDC 6 when looked at holistically for the entire estate which seeks medium density development of 23 and 45 dwellings per hectare. The report prepared by the planning consultant states that this proposal will maintain the overall density of Hamilton Hill as a whole to 32 dwellings per hectare. The proposal is therefore consistent with the intent of PDC 6 in achieving the density requirements but is not consistent in the method that the PDC seeks to achieve this considering that the building height should be limited to 2 and 3 storeys.

Building Setbacks

The building setback from the front boundary is staggered. The first two levels of the building are set 3.8m from the front boundary whilst the balconies and terraces protrude another 1.8m forward of the main building line. The proposal is therefore considered to be consistent with PDC 10 which seeks a 3m setback from the primary road frontage but fails to satisfy PDC 7 which seeks that balconies only extend 1m closer to the road than the associated dwelling. In saying that the variation is minimal and the setback of the building from the front boundary increases to 8.3m and to 6.5m to the balcony from the third storey upwards. On balance therefore it is considered that the proposal is sufficiently consistent with the intent of PDC 7.

PDC 9 seeks that in the case of multiple dwellings on site that the access be limited to minimal number of common driveways. As mentioned earlier in the report a single access point to the shared garage area is proposed. The proposal is therefore consistent with PDC 9.

As mentioned above the proposal satisfies part of PDC 10 relating to the setback from primary road frontage. In relation to the side boundary setback the PDC does not require a setback however the proposed development has provided a 3m setback from the eastern boundary and a 25m setback from the western boundary. Minimum setback requirement from the rear boundary is 4m which the proposal easily satisfies

if measuring to the main face of the building with a 14.1m setback proposed from level 1. However the building setback from the car parking levels to the rear boundary is 3m, but the 1m shortfall is not detrimental to the proposal given that a large portion of the car parking is below the ground level of the properties fronting Kintyre Road.

Site Coverage

Maximum site coverage sought by the PDC 10 is 60% whilst the maximum building height was 3 storeys. As mentioned earlier in the report the proposal fails to satisfy the building height requirements and as such is not consistent with this aspect of PDC 10. In relation to the site coverage, total site coverage proposed (excluding the swimming pool area is 1868.80m² on a 3108m² allotment and as such the proposal is considered to be accord with the 60% maximum site coverage requirements. The proposal is therefore considered to be relatively consistent with the quantitative site coverage requirements of PDC 10.

Affordable Housing

The planning report accompanying the application indicates that all 40 of the 1 bedroom apartments are going to be offered as affordable housing which will go towards the required 15% target or 63 dwellings that are required to be put towards affordable housing as mandated by the State Government for Hamilton Hill. Thus far as indicated by the planning consultant 23 dwellings have been offered as affordable housing. All of the 23 dwellings are within the existing five storey apartment building. The proposal offers a further 40 dwellings, and a total of 63 dwellings and the proposal is therefore consistent with PDC 18.

The proposal however fails to satisfy PDC 19 which seeks that affordable housing is distributed throughout the Policy Area to avoid over-concentration of similar types of housing in a particular area. As mentioned in the paragraph above, the 23 dwellings so far offered for the affordable housing market are within the existing apartment complex and are all 1 bedroom apartments. In saying that, the two buildings are two different stages of development and are also separated by a large road reserve. Furthermore the 23 existing affordable housing units as well as the proposed 40 are spread throughout the buildings minimising the concentration of affordable housing in one area.

Open Space

PDC 11 seeks that private open space for residential flat buildings (excluding affordable housing) be provided at a rate of 8m² for each 1 bedroom dwelling plus 3m² for each additional bedroom with the area included needing to be 2m x 2m in area. Of the 16 two bedroom apartments proposed, 9 of them marginally fail to satisfy this requirement considering that the balconies proposed are to be used as part of the private open space do not fully satisfy the minimum dimension requirements given that they are proposed to be 1.8m in depth rather than 2m. Notwithstanding the shortfall in the depth of the balcony which is minor in nature, the overall floor area of all of the balconies associated with the 2 bedroom apartment are in excess of the 8m² minimum area required for private open space with the exception of 1 apartment which fails to satisfy the minimum area by 1m². The proposal is therefore considered to be reasonably consistent with PDC 11 notwithstanding the minor shortfalls.

In relation to private open space requirements for affordable housing or in this instance all of the 1 bedroom apartments, PDC 20 seeks that the private open space requirements for dwelling at ground level are 20m² unlike the 8m² for the above

ground apartments. In total there are five 1 bedroom apartments at ground level, which do not fully satisfy PDC 20 given that they do not provide the minimum of 20m² of private open space as required. Despite the shortfall, these apartment unlike the above ground apartments have access to the communal area as well as the public reserve immediately across from the site.

PDC 15 seeks that average site area for a dwelling within a residential flat building (excluding affordable housing) be 120m². The proposal is considered to fail to meet this PDC considering that the average site area per dwelling is 75m². PDC 20 on the other hand seeks that an average site coverage for dwelling constituting affordable housing is 100m². The proposal also fails to satisfy the average site area for affordable housing considering that all of the 1 bedroom apartments allocated towards affordable housing have an average site coverage of 53m². The proposal therefore fails to satisfy site coverage aspects of PDCs 15 and 20. It should be noted the site area on average is consistent with that of the existing five storey apartment building.

Car Parking Provision

As mentioned earlier in the report, the majority of the apartments which includes all of the 1 bedroom apartments are allocated towards affordable housing. PDC 20 seeks that one car parking space be provided for each of the affordable housing units. On the other hand the remaining apartments are applied residential flat building car parking requirements as stipulated in Table AdHi/4. Based on the combined calculations the total number of on-site car parking spaces required including visitor parking is 74. The proposal therefore fails to satisfy PDC 20 and Table AdHi/4 for on-site parking requirements given that the total number of parking spaces proposed are 58 which is a shortfall of 16 spaces. In comparison the shortfall that was accepted with the original five storey apartment building was 15 spaces. The traffic report prepared however argues that whilst there is a shortfall under the Development Plan car parking demands, the proposal does satisfy the empirical parking requirements which are adopted by Transport for New South Wales "Guide to Traffic Generating Developments. The report further argues that there are 30 on street parking spaces along Macintosh Crescent to cater for the shortfall in on-site parking numbers. Councils Engineering Department has also reviewed the report and are not objecting to the shortfall considering that 52 bicycle spaces have been provided as part of the development which is more than double that provided with the original five storey building and considering that Macintosh Crescent is able to account for the shortfall in the on-site car parking spaces.

Suitability of the site for intended use

PDC 26 states that development should not occur where site contamination has occurred unless the site has been assessed and remediated as necessary to ensure that it is suitable and safe for the proposed use. A Site Contamination Auditor Report was prepared in relation to Stages 3A and 3C of the Hamilton Hill Development. The report concluded that allotments within Stage 3A are proposed for sensitive use – residential with minimal opportunities for soil access; including dwellings with fully and permanently paved yard space such as high-rise buildings and apartments, are not permitted to have a basement. Given that the proposed development does not include a basement it is considered to accord with the recommendation in the report. Further confirmation was sought from the site contamination auditor in relation to the timing of the investigation considering that the subject land has been excavated and is not at the natural ground level. The Site Contamination Auditor has confirmed that the levels as shown in the McMahon Services drawing dated July 2019 titled "As-built Finish Level" and submitted with documentation associated with the proposed development

are current and the ground gas assessment was undertaken from November 2019 through portion of 2020, therefore the existing levels were considered as part of the audit overall assessment.

Zone provisions

The subject land is within the Residential Zone and these provisions seek:

- *A residential zone comprising a range of dwelling types , including 15 per cent affordable housing*
- *Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.*

The following are considered to be the relevant Zone provisions:

Objectives: 1, 3 and 4

PDCs: 1, 3, 6, 7, 9, 11, 12 and 13

Accordance with Zone

The proposal is for a five storey residential flat building comprising 57 dwelling in an apartment style living with the majority allocated towards affordable housing. This is the second residential flat building of its type within the Hamilton Hill estate which is generally defined by a mixture of single, two storey and 3 storey dwellings. The proposal is therefore considered to accord with Objective 1 of the zone as well as the Desired Character Statement which seek a range of dwelling types. The proposal is also consistent with PDC 6 which states that development should not be undertaken unless it is consistent with the desired character for the Zone.

The proposal is for a high density development that is proposed adjacent to a large open reserve of approximately 5.4 hectares. The proposal is therefore in accordance with Objective 4.

Form of Development

PDC 1 of the zone lists the forms of development generally envisaged for the zone, and whilst the zone doesn't specifically list a residential flat building it does envisage dwellings and affordable housing. The proposal is therefore considered to be consistent with PDC 1.

Similar to some of the Policy Area provisions, PDC 8 of the Zone seeks that development of more than one storey in height should take account of the height and the bulk of the building relative to adjoining buildings by incorporating stepped design and setting the upper storey of the dwelling a greater distance from the side and rear boundaries. As mentioned earlier in the report, the land division master plan envisaged that allotments be set aside to be developed with a more-dense residential product. The site selected for this building is considered to be appropriate in that it is well separated to ensure that its bulk and scale minimises impacts on adjoining properties, both through the sitting of those properties but also the topography of the land. The bulk and scale of the building is broken up through the use of different colours and material but also through the use of balconies. Furthermore the front facing facade has been stepped by increasing the setback of the upper levels from the front boundary. The biggest impact will however be on the immediate adjoining property to the east due to the design of

the eastern elevation. However this impact is minimised by the 3m setback from the side boundary, noting the Policy Area has no requirements for side setback and 3m is also greater than the 1m setback anticipated in PDC 9 of the Zone. The proposal is therefore considered to be sufficiently consistent with PDC 7.

As discussed elsewhere in the report, the affordable housing target of 15% or 63 houses is achieved through the proposal. The proposal is therefore consistent with PDC 12.

PDC 13 seeks that affordable housing should be distributed throughout the Zone to avoid over concentration of similar types of housing in particular area. So far 23 of the existing affordable housing has been provided in the existing apartment building, which was developed as part of stage 2. Whilst this apartment building is in close proximity to the proposed development, it is separated by the large reserve within the estate. Furthermore the 1 bedroom apartments have been spread throughout the residential flat building to avoid concentration on a particular level within the apartment building. As such, whilst affordable housing has not been provided throughout the entire estate, it has been proposed over two different stages of development and spread throughout the building.

b) Council Wide provisions

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

- Orderly and economic development
- Development of a high design and appearance
- A diverse range of dwelling types and sizes to cater for a changing demographic

Design and Appearance

Objectives: 1

PDCs: 1, 2, 3, 4, 5, 7, 9, 17, 18, 20, 21, 22, 27 and 28

Objective 1 seeks that the development is of high design standard and appearance, whilst PDC 1 seeks that buildings should reflect the desired character of the locality incorporating contemporary designs that have regards to building height, external finishes, façade articulation and detailing. As mentioned earlier in the report, the overall bulk and scale of the building is not consistent with the desired character of the Zone and Policy Area which seek buildings of up to 3 storey in height. In saying that, the land division for the estate has foreseen high density developments of this nature with one similar style apartment building already approved and built as part of stage 2 of the Hamilton Hill estate. Furthermore the use of different colours, materials and integration of balconies within the contemporary design has ensured that the overall bulk and scale of the building is minimised. With the exception of the eastern facing wall, all other parts of the building have been broken up through the use of balconies and stepping of the building façade. The increased setback of 3m from the eastern boundary should ensure that the overall bulk and scale impacts on the adjoining property are reduced. The proposal is therefore considered to be consistent with Objective 1 and PDCs 1, 2(a), 5, 20 and 22.

Despite the five storey nature of the building there will be no loss of sunlight or views from existing development. Due to the topography of the land, the fact that the building will be located on an excavated rather than filled site will ensure that existing views from neighbouring properties are maintained. This is also demonstrated in the drawing provided as part of the response to the representation which illustrates that the views enjoyed from the balcony of 2 Kintyre Road are maintained. The proposal is therefore consistent with PDC 7(a).

A maximum of 4.9m of excavation is included along the north/east end of the site. PDC 9 seeks that development takes place in a manner which will result in minimal alteration to the existing land form. In this instance deviation from this PDC is considered acceptable considering that the excavation of the site will result in a reduction of the overall profile of the building and that the excavated area is either going to be screened from view by the built form, or landscaped.

Overshadowing and Overlooking Impacts

The shadow diagrams provided illustrate that the future allotment 237 immediately to the east of the subject land will be overshadowed between the hours of 12pm and 3pm during the winter solstice. Given that this is vacant land at the moment it is unclear if this would impact any internal living areas, however it is clear that based on the drawings that the private open space of this allotment will continue to receive access to sunlight for at least 6 hours of the day. There could be future limitations on any solar panels on the adjoining property given the northerly orientation. Notwithstanding this the proposal is considered to sufficiently consistent with PDC 17.

Primary concerns relating to overlooking was identified in relation to the allotment along the rear boundary and potential overlooking from the rear facing balconies. To address overlooking concerns the applicant has offered to plant mature trees along the rear boundary and this has been demonstrated in drawing number A3.03 [A2]. Recommended condition 12 seeks planting of mature non-deciduous trees which include a mixture of *Tristaniopsis laurina* 'Luscious' (Kanooka Gum) and *Corymbia citriodora* 'Scentuous' (Lemon Scented Gum) along the rear boundary prior to occupation of the apartments. The proposal is therefore consistent with PDC 18.

Waste Storage

Location of the waste storage area has been integrated internally within the building ensuring that this is not visible from public view. The proposal is therefore consistent with PDC 27.

Infrastructure

Objectives: 3 and 4

PDCs: 1 and 5

The stormwater network for the overall Hamilton Hill development has been designed with measures to treat and detain stormwater. In addition, the project engineer has confirmed that the stormwater infrastructure within Stage 3A has been designed in anticipation to cater for the proposed development and this confirmation was accepted by Council's Engineering. Notwithstanding this and whilst there is an overall stormwater network design for the estate more details would need to be provided to ensure that discharge of stormwater does not cause localised flooding in high rainfall

events. As such condition 13 has been recommended requiring that the final stormwater management plan and be provided prior to building consent being granted. The proposal is therefore considered to be consistent with Objectives 3 and 4 and PDCs 1 and 5.

Landscaping, fence and walls

Objectives: 1 and 2

PDCs: 1, 2 and 3

Objective 1 seeks that amenity of the land and development is enhanced through appropriate landscaping using locally indigenous species. This is also further enforced by PDCs 1, 2 and 3 which seek planting of vegetation which is oriented towards the street, reduces the visual impact of large buildings, minimises hard paved surfaces but which doesn't restrict solar access to adjoining properties or cause damage. The Landscaping Plan along with the tree species plan has been provided illustrating the extent of landscaping proposed along the front of the building, around the communal open space and also along the back of the property. The landscaping proposed will help in minimising the bulk and scale of the building and minimise the hard paved areas around the communal space. The trees proposed along the rear boundary are proposed to serve a dual purpose given that they will also serve as screening for the adjoining property to the rear and minimise overlooking from the rear facing balconies. The proposal is therefore considered to be consistent with Objective 1 and PDCs 1, 2 and 3.

Orderly and Sustainable Development

Objectives: 1, 2, 4 and 6

PDCs: 1, 4, 5, 9 and 14

The proposal is consistent with the masterplan of the estate as well as the Policy Area which envisages a range of housing types to meet the needs of the community and achieve the median density targets within the Policy Area. The development is the second of its type proposed within the locality with the earlier five storey apartment developed as part of Stage 2 of the land division. The site is connected to mains sewer and water whilst a private waste collection contractor will service the site. All of the other network infrastructure such as the stormwater, the road and street lighting have been developed in association with the land division to cater for these types of developments. Some additional details relating to stormwater management however will be required prior to building consent being granted. The proposal is therefore consistent with Objective 1, 2, 4 and 6 and PDCs 1, 4, 5, 9 and 14.

Residential Development

Objectives: 1, 2, 3 and 5

PDCs: 3, 4, 5, 8, 9, 10, 11, 17, 18, 25, 26, 27, 28 and 30

Council Wide Residential Development Objectives and PDCs primarily repeat the requirements stipulated within the Policy Area as well as the Zone relating to the development providing a range of housing designs, addressing affordable housing and housing density, site coverage, private open space requirements, overlooking impacts, and ensuring that the development does not exceed the existing capacity of the roads and other network infrastructures. As mentioned earlier in the report the proposed

development adequately provides for a range of housing designs and options within the estate which range from single storey to five storey buildings. The proposal also ensures that the overall density of the estate meets the intended target of 32 dwellings per hectare to ensure compliance with the intended density requirements for the Policy Area. Overlooking concerns from rear facing balconies have been addressed through implementation of landscape screening along the rear boundaries. The design of the building has adequately addressed the street frontage by stepping the building design and incorporating balconies and terraces which overlook public spaces. Site coverage requirements have been met whilst private open space requirements are generally consistent with the exception of some minor shortfalls. The proposal is therefore considered to be consistent with Objectives 1, 2, 3 and 5 and PDCs 3, 4, 5, 8, 9, 10, 11, 17, 18 and 25.

The proposed development includes communal areas in the form of a swimming pool, gymnasium and a kiosk at ground level along the western end of the building. PDC 25 seeks that communal spaces be shared by more than one dwelling and not be publically accessible. The proposed development is therefore considered to be in accordance with PDC 25. On the other hand PDC 26 seeks that communal places to be located on elevated gardens or roof tops whilst ensuring that they minimise overlooking, address acoustic, safety, security and wind effects, and integrate landscaping in the overall design of the building. Whilst the communal area is not proposed on elevated gardens or roof tops and therefore fails to satisfy this aspect of the PDC, the location of the area at ground level and to the side of the building ensures that there are no overlooking concerns. The noise impacts are also minimised given that it is at ground level and closer to the Council reserve as well as the Oval and therefore grouping the noise generating activities. The proposal is therefore considered to still satisfy the intent of PDC 26.

Sitting and Visibility

Objectives: -

PDCs: 2, 4 and 6

Although greater than three storeys in height, the building has a central location within the estate on an excavated site. It will not be directly visible from Glen Stuart Road whilst views from Kintyre Road are obscured by a large SA Water concrete tank and large gum trees on the approach from the west whilst, on the approach from the east it will be screened by future two storey dwellings that will front Kintyre Road as part of further development of the Hamilton Hill estate. The proposal is therefore unlikely to impact on the residential amenity of existing dwellings in the locality outside of the estate as depicted on the drawing number A7.02[A1] in **Attachment 1 Proposed Plans**. Furthermore, as noted earlier in the report the profile of the proposed building is lower than that of the existing apartment building due to the topography of the land and also due to the fact that the development will be located on an excavated rather than a filled site. Whilst a three storey dwelling would be more in keeping with the established residential area, the location of this five storey building has been well selected to ensure impacts on other single and two storey dwellings in the estate are minimised whilst the views from existing development outside the estate are not impaired, as demonstrated on drawing number A3.03 [A2] provided as part of the response to the representations. The proposal is therefore considered to be consistent with PDCs 2, 4 and 6.

Transportation and Access

Objectives: 2

PDCs: 2, 5, 11, 14, 23, 25, 34, 35, 42, 45, 46 and 47

As mentioned earlier in the report the Policy Area seeks a density of 23 to 45 dwelling per hectare. The master plan for the estate has set aside three sites for higher density residential development and the development of this site would ensure that a density of 32 dwellings per hectare is achieved in accordance with the Policy Area requirements. As such during land division design and civil works it was ensured that road infrastructure is in place to satisfy the density requirements and whilst not relevant for this application it is important to note that potential congestion on Glen Stuart Road intersections was a matter assessed in the approved land division. The provision of a single access point to the car parking area also improves safety and minimises amenity impacts resulting from multiple crossovers. The proposal is considered to be consistent with Objective 2 and PDCs 11 and 25.

A more detailed car parking assessment has been provided in the Policy Area assessment section of this report. The proposal is therefore considered to be consistent with PDCs 23, 34, 42, 45, 46 and 47.

The traffic report prepared with the application looked at the car parking layout, movement of vehicles as well as waste collection. The report concluded that the layout and the turning paths in and out of the car park are in accordance with the standards and therefore acceptable. The proposal is therefore considered to be consistent with PDC 35. In relation to waste collection, this is to be undertaken through a private collection service using rear loading trucks to access the site. The report also encourages installation of parking controls adjacent to the proposed driveway to accommodate the waste collection vehicles during collection. This will be a matter for the developer to discuss with Council after construction.

7. SUMMARY & CONCLUSION

The proposal is for a residential flat building comprising 57 dwellings in the form of 1, 2 and 3 bedroom apartments with all of the 1 bedroom apartments proposed as affordable housing. The development provides associated car parking and communal areas in the form of a swimming pool, a gymnasium and a kiosk all which are to be used exclusively by the occupants of the dwellings. The subject site is considered particularly suitable for a residential flat building development given it abuts the large Council reserve, is set well back from and, not in direct view from Glen Stuart Road whilst being relatively well screened from Kintyre Road. Whilst the proposal will contribute to the desired density of the estate, the proposal does fail to satisfy some of the quantitative requirements for the Policy Area, mainly in relation to the building height and the minimum on-site car parking requirements. Despite failure to meet these quantitative outcomes, qualitatively the proposal is considered to be consistent with the intent of the Policy Area. Shortfall in the car parking numbers has been considered and deemed acceptable considering the number of bicycle parking spaces allocated to encourage different modes of transport and also given Macintosh Crescent has adequate capacity for on street parking.

The bulk and scale of the building has been reduced through incorporation of balconies, the use of a mixture of colours and materials, landscaping and through stepping of the building levels. The design of the building adequately addresses the streetscape and the adjacent reserve, whilst the car parking area is relatively well screened from view. The development is also proposed on an

excavated rather than a filled site and is proposed to be nestled amongst the existing development, including the adjacent large SA Water concrete tank. It will also be flanked by future development of vacant allotments fronting Kintyre Road and Macintosh Crescent in the form of two storey dwellings.

The proposal is sufficiently consistent with the relevant provisions of the Development Plan, and it is considered the proposal is not seriously at variance with the Development Plan. In the view of staff, the proposal has sufficient merit to warrant consent. Staff therefore recommend that Development Plan Consent be **GRANTED**, subject to conditions.

8. RECOMMENDATION

That the Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and GRANTS Development Plan Consent to Development Application 21/327/473 by Woodforde JV Stage 3A Pty Ltd for Five storey residential flat building comprising of 57 dwellings, associated car parking, swimming pool & associated safety barriers, fencing (maximum height 2m), landscaping, associated communal facilities & associated earthworks at pieces 6031, 6032 and 6033 Buchanan Drive., Kintyre Road and MacIntosh Crescent, Woodforde (now created Lot 228 Macintosh Crescent, Woodforde) subject to the following conditions:

(1) Development In Accordance With The Plans

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

- Amended site selection plan prepared by Enzo Caroscio Architecture, drawing number A01.02 [A1] dated 15/03/21 and date stamped by Council 26/05/2021
- Amended site analysis plan prepared by Enzo Caroscio Architecture, drawing number A01.04 [A1] dated 15/03/21 and date stamped by Council 26/05/2021
- Site survey plan prepared by McMahon Services dated July 2019 and date stamped by council 26/05/2021
- Amended ground floor plan prepared by Enzo Caroscio Architecture, drawing number A02.00 [A2] dated 12/05/21 and date stamped by Council 26/05/2021
- Amended level 1 floor plan prepared by Enzo Caroscio Architecture, drawing number A02.01 [A2] dated 12/05/21 and date stamped by Council 26/05/2021
- Amended level 2 floor plan prepared by Enzo Caroscio Architecture, drawing number A02.02 [A2] dated 12/05/21 and date stamped by Council 26/05/2021
- Amended level 3 floor plan prepared by Enzo Caroscio Architecture, drawing number A02.03 [A3] dated 12/05/21 and date stamped by Council 26/05/2021
- Amended level 4 floor plan prepared by Enzo Caroscio Architecture, drawing number A02.04 [A2] dated 12/05/21 and date stamped by Council 26/05/2021
- Amended roof plan prepared by Enzo Caroscio Architecture, drawing number A02.05 [A2] dated 12/05/21 and date stamped by Council 26/05/2021
- Amended elevation 01 drawings prepared by Enzo Caroscio Architecture, drawing number A03.00 [A2] dated 12/05/21 and date stamped by Council 26/05/2021
- Amended elevation 02 drawings prepared by Enzo Caroscio Architecture, drawing number A03.01 [A2] dated 12/05/21 and date stamped by Council 26/05/2021

- Amended elevation-site context 01 drawings prepared by Enzo Caroscio Architecture, drawing number A03.02 [A2] dated 12/05/21 and date stamped by Council 26/05/2021
- Amended elevation-Macintosh Crescent drawing prepared by Enzo Caroscio Architecture, drawing number A03.10 [A2] dated 15/03/21 and date stamped by Council 26/05/2021
- Amended elevation east drawing prepared by Enzo Caroscio Architecture, drawing number A03.11 [A2] dated 15/03/21 and date stamped by Council 26/05/2021
- Amended elevation north drawing prepared by Enzo Caroscio Architecture, drawing number A03.12 [A2] dated 15/03/21 and date stamped by Council 26/05/2021
- Amended elevation west drawing prepared by Enzo Caroscio Architecture, drawing number A03.13 [A2] dated 15/03/21 and date stamped by Council 26/05/2021
- Amended swimming pool elevation drawing prepared by Enzo Caroscio Architecture, drawing number A03.14 [A2] dated 12/05/21 and date stamped by Council 26/05/2021
- Amended section AA drawing prepared by Enzo Caroscio Architecture, drawing number A03.20 dated 15/03/21 and date stamped by Council 26/05/2021
- Amended ground floor setback plan prepared by Enzo Caroscio Architecture, drawing number A04.00 [A2] dated 12/05/21 and date stamped by Council 26/05/2021
- Amended level 2 to 4 setback plan prepared by Enzo Caroscio Architecture, drawing number A04.01 [A2] dated 12/05/21 and date stamped by Council 26/05/2021
- Amended apartment plans prepared by Enzo Caroscio Architecture, drawing numbers A05.00 [A2], A05.01 [A2] and A05.02 [A2] dated 12/05/21 and date stamped by Council 26/05/2021
- Amended 3D perspective drawings prepared by Enzo Caroscio Architecture, drawing number A06.00 [A1] and A07.01 [A1] dated 22/04/21 and date stamped by Council 26/05/2021
- Camera location view plan prepared by Enzo Caroscio Architecture, drawing number A07.00 [A1] dated 22/04/21 and date stamped by Council 26/05/2021
- Comparison view drawings prepared by Enzo Caroscio Architecture, drawing number A07.01 [A1], A07.02 [A1] and A07.03 [A1] dated 22/04/21 and date stamped by Council 26/05/2021
- Perspective drawings prepared by Enzo Caroscio Architecture, drawing number A07.10 [A1] and A07.11 [A1] dated 22/04/21 and date stamped by Council 26/05/2021
- Material and finishes drawing prepared by Enzo Caroscio Architecture, drawing number A08.00 [A1] dated 15/03/21 and date stamped by Council 26/05/2021
- Amended shadow diagrams prepared by Enzo Caroscio Architecture, drawing number A09.00 [A2] dated 15/03/21 and date stamped by Council 26/05/2021
- Landscaping plan prepared by Landskap and date stamped by Council 26/05/2021
- Tree species plan prepared by Landskap and date stamped by Council 26/05/2021

(2) Vehicle Access Point(s) Line Of Sight

The vehicle access point(s) and cross-over(s) shall be kept free of any obstructions that may obscure the line of sight of a driver e.g. vegetation, letterboxes, fences.

(3) Sealing Of Vehicle Access

The vehicle and cross-over shall be sealed in Hotmix bitumen or concrete, from the edge of the sealed carriageway of Macintosh Crescent to the property boundary.

NOTE: The access shall be constructed to ensure no construction materials are deposited onto the carriageway of Macintosh Crescent.

(4) Residential Lighting

All external lighting shall be directed away from adjacent residential development and, shielded if necessary to prevent light spill causing nuisance to the occupiers of those residential properties.

(5) External Finishes

The external finishes to the building herein approved shall be in accordance with the Materials and Finishes Plan, drawing number A08.00[A1] prepared by Enzo Caroscio Architecture.

(6) 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 or concrete prior to occupation of the use and maintained in good condition at all times to the reasonable satisfaction of the Council.

(7) 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.

(8) Car Parking Directional Signage

Directional signs indicating the location of car parking spaces shall be provided on the subject land and maintained in a clear and legible condition at all times.

(9) Soil Erosion Control

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

(10) Prior To Building Consent Being Granted- Requirement for Construction Environment Management Plan (CEMP)

Prior to Building Consent being granted a Construction Environment Management Plan (CEMP) shall be prepared in accordance with current industry standards and submitted to Council. The industry standards include the EPA publications "Handbook for Pollution Avoidance on Commercial and Residential Building Sites – Second Edition" and, where applicable, "Environmental Management of On-site Remediation" – to minimise environmental harm and disturbance during construction. The plan shall be implemented prior to the commencement of construction.

- (11) **Installation of Automatic Watering System**
An automatic watering system shall be installed that provides sufficient water supply to ensure the on-going growth and survival of the landscape plantings established in accordance with the approved plans.
- (12) **Timeframe For Landscaping To Be Planted**
Landscaping, detailed in the landscaping plan shall be planted prior to 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.
- (13) **Planting of Trees Along The Rear Boundary**
Mature non-deciduous trees shall be planted along the rear boundary prior to occupation of the apartments. The trees shall be a mixture of *Tristaniopsis laurina* 'Luscious' (Kanooka Gum) and *Corymbia citriodora* 'Scentuous' (Lemon Scented Gum) F
- (14) **Prior to Building Consent Being Granted - Requirement For Stormwater Calculations**
Prior to Building Consent being granted all hydrological and hydraulic stormwater calculations shall be provided together with the final stormwater management drainage plan to the reasonable satisfaction of Council.
- (15) **Stormwater Overflow Directed To Street**
All roof runoff generated by the development hereby approved shall be directed to the street (via a pump if necessary) to the reasonable 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 to the reasonable satisfaction of Council.

NOTES

- (1) **Development Plan Consent Expiry**
This Development Plan Consent (DPC) 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 and lodged through the PlanSA portal unless a private certifier was engaged prior to 19 March 2021.

Further details in relation to the Planning Reforms can be found
https://www.saplanningportal.sa.gov.au/planning_reforms

- (2) **Footpath and Kerb Alterations**
The footpath and kerb alterations shall be reinstated in a manner so as to ensure no road water runoff enters the crossover point and to the satisfaction of Council in order to prevent scouring or flooding on the footpath or road verge area.

(3) EPA Environmental Duty

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

(4) 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.

9. ATTACHMENTS

Locality Plan
Proposal Plans
Application Information
Applicant's Professional Reports
Representation
Applicant's response to representations

Respectfully submitted

Concurrence

Doug Samardzija
Statutory Planner

Deryn Atkinson
Assessment Manager

CAP MEETING 11 August 2021
DA 21009955 – 39 Emmett Road Crafers West

DEVELOPMENT NO.:	21009955
APPLICANT:	Ulrich Schade Mang Chun Alfred Teng
ADDRESS:	39 EMMETT RD CRAFERS WEST SA 5152 Title ref.: CT 5545/209 Plan Parcel: F150979 AL24
NATURE OF DEVELOPMENT:	Variation to existing Development Approval 19/580/473 - Changes to retaining wall
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Hills Face <p>Overlays:</p> <ul style="list-style-type: none"> • Environment and Food Production Area • Hazards (Bushfire - High Risk) • Hazards (Flooding - Evidence Required) • Native Vegetation • Prescribed Wells Area • Regulated and Significant Tree
LODGEMENT DATE:	25 May 2021
RELEVANT AUTHORITY:	Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	2021.6
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	6 Representations 4 Representations to be heard
RECOMMENDING OFFICER:	Melanie Scott <i>Senior Statutory Planner</i>
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

CONTENTS:

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

DETAILED DESCRIPTION OF PROPOSAL:

Variation to existing Development Approval 19/580/473 - Changes to retaining wall

The toe of the entire retaining wall is varied to now be on the southern and eastern boundaries. Previously the approved wall had only small sections on the boundary. The changes proposed result in a steeper rock wall and larger level areas adjacent the dwelling.

The bench level remains at 109 AHD and, the dwelling remains as approved in Development Application 19/580/473.

The proposed retaining wall variation does result in the retaining wall presenting a steeper face to the southern neighbours. The varied retaining wall is proposed to sit above and inside the southern boundary at varying heights for 43 metres of its 60 metre length. Whilst the wall ranges in height from under 1 metre to 6 metres the foot of the wall is only located on the boundary. The slope of the proposed wall is at a grade of 1 in 2.

The varied retaining wall is proposed to sit below and inside the eastern (rear) boundary for its full length (21 metres).

The varied retaining wall is proposed to sit below, at varying heights inside the northern boundary for some 28 metres of its 60 metre length.

The application documents are provided in **Attachment 2**.

BACKGROUND:

BACKGROUND AND HISTORY

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
Planning Consent 13 February 2019 Lapsed	18/353/473	Single storey pole frame detached dwelling, including attached decks (maximum height 4.8m), with undercroft parking, water storage tank (22,500L) & associated earthworks (non-complying)
29 May 2020	19/580/473	Single storey detached dwelling, retaining walls (maximum height 3.6m), water storage tank (1 x 46400l), removal of native vegetation & associated earthworks (non-complying)

The first Development Application 18/353/473 on the land was for a pole home. That application was non-complying development in accordance with the Hills Face Zone provisions of development control with regards to height. (Refer Figure 1) There were no representations regarding this application. Of note the finished level of the proposed dwelling in Development Application 18/353/473 was 110 AHD, 3 metres below the highest point of land which ensured the application would minimise any potential visual impact from the Adelaide Plains. Also of note was the CFS bushfire attack level for this site of Flame Zone. It was the Flame Zone bushfire attack level which lead to the applicant approaching Council about amendments in June 2019. The applicant was advised to lodge a new application as the proposed changes were not considered minor.

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Figure 1: Previous dwelling design in DA 18/353/473

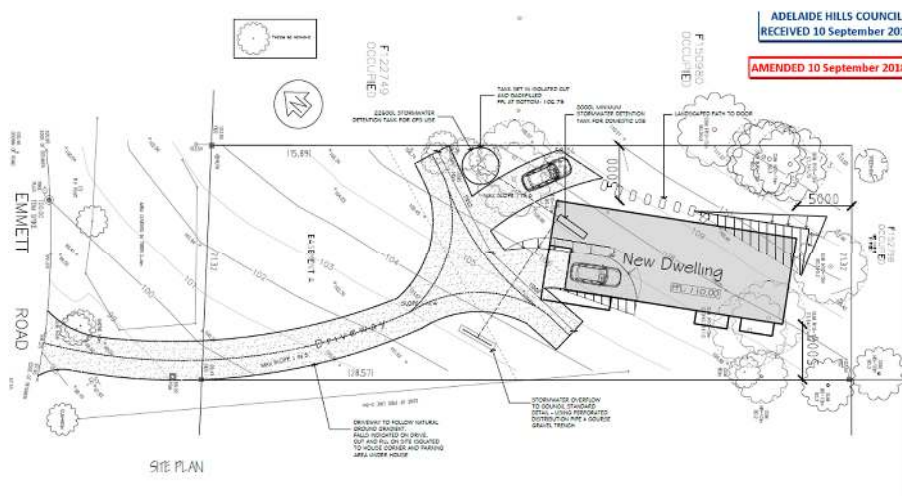


Figure 2: Previous dwelling site in DA 18/353/473

In July 2019 Development Application 19/580/473 was lodged. The proposed dwelling was no longer a pole design home and the finished floor level for the dwelling was 109 AHD. Rock retaining walls were proposed to obtain the level and the dwelling was sited on a bench achieved from a combination of fill and excavation, with a maximum of 4 metres of fill and 2 metres of cut. Given the general slope of the land the proposed rock wall was a series of terraces with the toe of the wall at 103 AHD extending to the bench level 109 AHD, so technically a 6 metre wall. No representations were made and planning approval was granted November 2019. A minor variation was made in May 2020 with some changes to windows and doors and Development Approval granted May 2020 (Building Rules Consent was issued by a private certifier).

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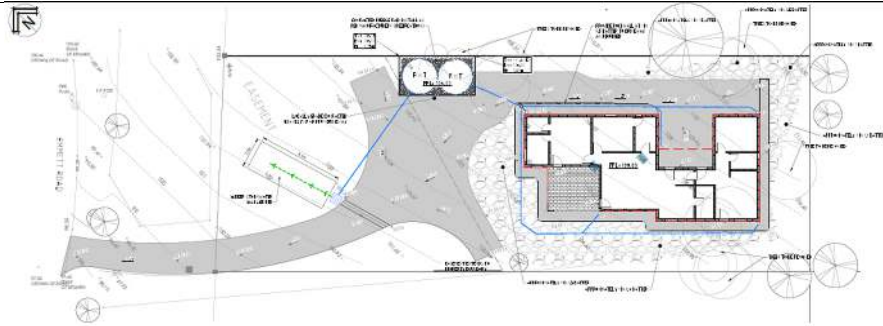


Figure 3: Dwelling site approved in DA 19/580/473

Works commenced on site February 2021 and following receipt of a complaint about the retaining wall being constructed. Council requested an engineering report in March 2021 to ascertain if the works were being undertaken in accordance with the plans. The proposed retaining has been subject to a third party assessment by a qualified person engaged by the owner and the site had an inspection by Safework SA. The applicant advised the design as approved did not offer enough clearance from the building to the edge of the retaining to ensure structural stability for the approved dwelling. From the information provided, Council determined the rock wall plans had been varied and a stop work notice was issued 27 April 2021.

An application to vary the previous approval was submitted in the Plan SA Portal on 14 May 2021 and lodged on 25 May 2021.

The new application is a variation to the retaining wall only, with the toe of the entire wall now on the boundary along the southern (30 metres) and eastern boundaries (20 metres). Previously the approved wall had only touched the boundary in small sections. The changes proposed result in a steeper rock wall and larger level areas adjacent the dwelling.

SUBJECT LAND & LOCALITY:

Site Description

The subject land is a vacant allotment of approximately 1200m² on the southern side of Emmett Road with a fall from 113 AHD in the north eastern (rear left) to 100 AHD at the point of entry in the south western corner. In addition to this fall of 13 metres from the north eastern corner to the south eastern corner, and there is also a cross fall of 7.5 metres from the north west corner to south western corner. Note the level at the bitumen crossover is 98 AHD. There was some vegetation around the eastern (rear) boundary which was authorised for removal for bushfire protection under the regulations with regard to the CFS and the Native Vegetation Council. None of the vegetation on site was identified as regulated or significant trees. The original approval includes onsite waste and a stormwater disposal system. There is a large power line easement diagonally bisecting the land roughly on a north-south alignment which is not impacted by the proposal.

Locality

The subject land is one of the smaller allotments in the area. Allotments to the north are similar in size and are all developed with dwellings. Allotments to the south and east are larger and contain dwellings and vegetation. The northern side of Emmett Road has a large allotment of 59 ha. All allotments are in the Hills Face Zone. The subject land and that relating to neighbouring representations is provided on the map in **Attachment 3**. The subject land and zoning is provided in **Attachment 4**.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- Retaining wall: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
The P&D Code does not classify retaining walls in the Accepted, Deemed to Satisfy or Restricted Development Tables for the Zone and therefore the development is categorised as Code Assessed Development and classified as “performance assessed development” under sections 105(b) and 107 of the Act, requiring the development to be assessed on its merits against the Code.

PUBLIC NOTIFICATION

- **REASON**
A Retaining wall is not listed in Table 5 of the Hills Face Zone as an exemption from public notification and in this instance, the development is not considered minor development by Council staff.

Public notification was undertaken from 8 to 30 June 2021.

- **LIST OF REPRESENTATIONS**
Six (6) representations were received. Of these, five (5) representations are opposing the proposal and one (1) is in support of the proposal. All were from adjacent and nearby properties.

The following representors wish to be heard:

Name of Representor	Representor’s Property Address	Nominated Speaker
Richard and Julie Arbery	37 Emmett Road Crafers West	Richard Arbery
Scott Hochwald	43 Emmett Road Crafers West	Scott Hochwald
David Shaw	3 Myrtle Avenue Myrtle Bank (Lot 4 Emmett Road)	David and Anthony Shaw
Jarred and Sarah Sutton	27 Emmett Road Crafers West	Jarred Sutton

The applicants or their representative may be in attendance.

The following is a summary of the issues in the representations:

- The site looks unsafe
- The works are not in accordance with the plans
- The works are not in accordance with the zone performance outcomes

- Ongoing stability
- Tree damaging activity
- Harbour for snakes and vermin
- Loss of amenity
- Inaccuracies in the plans

The subject land/representation map is provided as **Attachment 3**. A copy of representations is provided in **Attachment 5** and the applicant's response is provided in **Attachment 6**.

AGENCY REFERRALS

Nil mandatory referrals

INTERNAL REFERRALS

Nil required

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 1**.

Land Use - Zone

Desired Outcomes

HF Zone DO 1	To maintain the western slopes of the South Mount Lofty Ranges as an important natural asset of Greater Adelaide by limiting development to low-intensity agricultural activities and public and private open space. The natural character of the zone will be preserved, enhanced and re-established to: 'Natural character' refers to the natural topography,
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	native vegetation and colours, such as greens and browns of non-reflective earthen tones, normally associated with a natural landscape. Additionally, natural character refers to the open character of the land in those areas of the zone where open grazing currently predominates.
HF Zone DO 2	Development ensures that the community is not required to bear the cost of providing services to and within the Zone
Hazard Overlay DO 1	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: 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.
Hazard Overlay DO 3	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
Regulated and Significant Tree Overlay DO 1.	Conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss

Relevant Performance Outcomes/ Designated Performance Features	
Hill Face Zone	Land use & intensity: PO 1.1, PO 1.4 & DPF 1.4 Built Form and Character: PO 2.1 a & b, PO 2.2 & DPF 2.2, PO 2.4, PO 2.5, PO 2.6, PO 2.8, PO 2.9 Excavation and Filling: PO 3.1 & DPF 3.1 a & b, PO 3.2 Driveways, Access Tracks and Car parking: PO 8.1 & DPF 8.2 a & b Environment and Amenity: PO 10.2 a, b & c, PO 10.4 a, PO 10.5 Native Vegetation: PO 11.1, PO 11.2, and Fencing and Retaining Walls: PO 12.1
Hazards (Bushfire - High Risk) Overlay	Built Form: PO 3.1
Native Vegetation Overlay	Environmental Protection: PO 1.1 & DPF 1.1
Regulated and Significant Tree Overlay	Tree Retention and Health PO1.1 Ground work affecting trees: PO 2.1
General Development Policies	Landscaping: PO 3.1 Earthworks and sloping land: PO 8.1 & DPF 8.1 Fences and Walls: PO 9.1

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Land Use and Intensity & Built Form and Character

The use of local stone which is of a low reflective nature has been selected to preserve and assist in the re-establishment of natural character as sought by PO1.1. The retaining wall is set back from the road and is some 70 metres from the dwelling of the nearest down slope representor to the south west. The proposed wall is not finished and it is considered the proposed landscaping and finished wall will meet the expectations of the Planning and Design Code with regards to visual amenity, stability and not be a vermin trap, none of which would not be in the interests of the owners. It is expected the stone will weather with time.

Contrary to representor opinion the dwelling approved in previous applications is single storey in accordance with DPF 1.4.

The proposed dwelling and the retaining wall are not visible against the skyline when viewed from roads within the zone or from the Adelaide Plains.

Excavation and Filling & Environment and Amenity

There is 2 metres of cut and 4 metres of fill which is at odds with PO 3.1 and DPF 3.1. Whilst the level of cut is consistent with DPF 3.1, the fill exceeds the level of 1 metre. This level of cut and fill was previously approved by Council and SCAP concurred with Council... In the context of the site the amount of cut and fill is considered appropriate for this site for all the amenity reasons already mentioned in this report. As detailed in the Planning and Design Code rules of interpretation, DPFs are considered as a guide and do not necessarily need to be satisfied.

The representors had access to the previous applications during public notification and no issues were raised with regards to the amount of cut and fill. The steeper angle of the proposed retaining, the relocation of the proposed retaining closer to property boundaries and the construction method have led to representor concerns.

The stability of the proposed structure has been certified by the applicant's engineer and their private certifier. The professional advice would indicate the proposed retaining wall should be considered in accordance with PO 3.2 with regard to stability of the slope and the finished product with landscaping and natural weathering will assist in re-establishing the natural character of the area.

It is important to consider the construction details were designed by an engineer – "OB Geotechnics Consulting and Geotechnical Engineering Services" and approved by a private certifier in the original Building Rules Consent.

Amended details have been sought and a second engineering opinion provided confirming that the "as-built" wall is structurally sound. – Edge Consulting Engineers reviewed the approved details and "as constructed" wall and confirm water and soil erosion have been key considerations in the design.

The applicant advised some changes to the location of the wall or the house were required to prevent the proposed house footings imposing a load on the originally approved retaining structures.

The amended proposal will also require Building Consent from the private certifier (including the additional engineering reports received from Edge Consulting engineers. This assessment and approval process is to ensure that the minimum Building Code of Australian Standards (structurally) have been met and this is not within the scope of planning.

Stormwater and waste water management was engineered and approved as part of previous approvals. No changes are made to these.

On balance the proposal is considered to be in accordance with the desired outcomes of the Hills Face Zone given the complex nature of the site with slope and CFS concerns being of major consideration.

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Native Vegetation

Replanting, as part of the future landscaping of the land and the retention of a multi-trunked tree on southern boundary is designed to maximise the retention of existing native vegetation in the variation application. This aspect is discussed further in the native vegetation overlay paragraph below.

Fencing and Retaining Walls

PO 12.1 suggests retaining walls are constructed as a stepped series of low walls constructed of dark, natural coloured materials and screened by landscaping using locally indigenous plant species if possible. The proposal addresses two of the three suggestions by using natural local stone which will weather to a darker finish than that currently evident on site and native landscaping, being mindful of bushfire risk, is proposed on the wall.

Hazards Overlay

The site was assessed as by the CFS in the original application as Bushfire Attack Level (BAL) Flame zone. This is the highest BAL in terms of risk. The proposed retaining works ensure both CFS access to the site and water supply for the CFS by enabling CFS vehicle access to the site along with the legislated turn around, with the concept design being assessed as part of the dwelling application on the site. The proposed variation works do no change the CFS access to the site.

Native Vegetation Overlay

Native vegetation on the subject land was assessed as part of the previous application for the dwelling, no change is presented by this variation application. There is limited vegetation adjacent the boundary on neighbouring properties to the rear and the north. The earthworks and retaining required for this proposal also considers the CFS clearance requirements for vegetation management within 20 metres of the proposed building and the relationship of those requirements to the Native Vegetation Act. It is considered the works don't involve any further clearance of native vegetation over what has been previously approved.

Regulated and Significant Tree Overlay

It appears there is one regulated tree which straddles the southern boundary with the neighbours at 43 Emmett Road. The tree is a multi-trunked *Eucalyptus Obliqua* (stringybark). The tree will be within 5 metres of the approved dwelling and as such will not attract any legislative protection (PO 1.3iv). However there are no excavation works proposed in the vicinity of the tree and the rock wall is offset from the tree.

General Development Policies

Design/Soft Landscaping & Earthworks and Sloping Land

POs 8.4 and 8.5 mirror the zone outcomes. The comments regarding the amount of cut and fill in the zone provision also apply here. The amount of cut and fill was previously approved. This application is for a change in the way in which those works are retained.

Design in Urban Areas

The bulk of this section of the Code is more relevant to the dwelling assessment which is not part of this application. I have included it in this report as representors reference this section of the code. Council does not consider the Hills Face zone an urban area. However the proposed landscaping for the retaining, the expectation the stone will weather and the general concept of the cut and fill is considered a contextual solution to a challenging site as envisaged by the desired outcome.

CONCLUSION

The proposed retaining wall variation does not change the bench level proposed in the previous application 19/580/473. The proposed retaining wall variation does result in the retaining presenting a steeper face to the southern neighbours. The varied retaining wall is proposed to sit above and inside the southern boundary at varying heights for 43 metres of its 60 metre length with the slope of the proposed wall being at a grade of 1 in 2. The varied retaining wall sits below the eastern boundary for its full length (21 metres). The proposed retaining wall sits below the northern boundary at varying heights for some 28 metres of its 60 metre length. The proposed retaining wall does sit above the southern boundary at varying heights for 43 metres of its 60 metre length. The proposed retaining has been partially constructed and is incomplete. Both these matters and the engineering for the final development approval for the amended retaining will be considered and determined by the applicant's private certifier in the necessary Building Code of Australia assessment.

Council staff are satisfied the proposed variation is sufficiently in accord with the Planning and Design Code to warrant 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 21009955, by Ulrich Schade and Mang Chun Alfred Teng for Variation to existing Development Approval 19/580/473 - Changes to retaining wall at 39 Emmett Road Crafers West is GRANTED Planning Consent subject to the following conditions:**

Planning Consent

1) Development in Accordance with Stamped 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) Previous Plans & Details Still Apply

Except where varied by this authorisation, all other conditions, plans and details relating to the original Development Authorisation continue to apply to this amended authorisation.

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.

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 Planning Consent.

OFFICER MAKING RECOMMENDATION

Name: Melanie Scott
Title: Senior Statutory Planner
Date: 29 July 2021

PLANNING & DESIGN CODE POLICIES

As referenced in the report and attached at **Attachment 1**.