

DEVELOPMENT NO.:	21027668
APPLICANT:	Planning Studio Pty Ltd Vinteloper Wines
ADDRESS:	589 CUDLEE CREEK RD CUDLEE CREEK SA 5232 CT 5946/767
NATURE OF DEVELOPMENT:	Convert former dwelling to shop for the sale and tasting of wine with associated building alterations & additions, associated car-parking and landscaping
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Productive Rural Landscape <p>Overlays:</p> <ul style="list-style-type: none"> • Environment and Food Production Area • Hazards (Bushfire - High Risk) • Hazards (Flooding - Evidence Required) • Limited Land Division • Mount Lofty Ranges Water Supply Catchment (Area 2) • Native Vegetation • Prescribed Water Resources Area • Traffic Generating Development • Urban Transport Routes • Water Resources
LODGEMENT DATE:	28 October 2021
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	2021.15
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes Notification period from 5 November 2021 to 25 November 2021
RECOMMENDING OFFICER:	Marie Molinaro Statutory Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Council Engineering Council Environmental Health

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DETAILED DESCRIPTION OF PROPOSAL:

The proposal is for the establishment of a shop for the sale and tasting of wine. The shop use is to be established partly within a former dwelling. The dwelling was mostly destroyed in the Cudlee Creek Bushfire of 2019 except for the slab and three brick walls. The proposal will use what is left of the dwelling to construct the shop, with an addition at the rear, which will require the demolition of a shed.

The proposal consists of the following:

- Shop building comprising:
 - 115 square metre tasting room with link to 75 square metre open outdoor area
 - 23 square metre wine storage area
 - Staff office area
 - Four toilets, including one universal access toilet.
 - The floor area of the building is approximately 212 square metres, plus the outdoor area.
- The walls of the shop building will be the existing/remaining brick walls and a mixture of pre-colour treated steel in Colorbond 'Monument' (black) colour and pre-cast concrete cladding.
- The roof of the shop building will be zinc cladding 'Pigmento Red' colour and Colorbond 'Monument'.
- The shop building will be single storey, with a maximum height of 6m to the peak of the roof above the remaining brick walls. The addition will have a flat roof pitch.
- The shop will sell and provide tasting of Vinteloper wines. The Vinteloper brand of wine sources grapes from the vineyard on the land, and other small vineyards across the Mount Lofty Ranges region.
- The shop will have a maximum capacity of 40 persons at any one time both inside the shop building and the associated outdoor area.
- The shop will be open 11:00am-5:00am Friday-Monday of each week, plus public holidays.
- The shop will serve light platters required to meet liquor licensing requirements, but it does not contain a commercial kitchen for restaurant use.
- Functions and entertainment are not proposed as part of this application. However, the applicant has indicated there may be a desire to participate in regional wine events such as Winter Reds etc.
- A 26 space compacted gravel car-park. The car-park is located on the southern side of the building and will be accessed from Berry Hill Road. The access point is existing, and is approximately 30m from the intersection of Cudlee Creek Road.
- Landscaping will be planted around the perimeter of the car-park and in front of the shop building. Landscaping will comprise a mix of non-native ground covers, small shrubs (maximum height 1m) and Chinese Elm trees (maximum height 6m).
- Stormwater will be managed on-site. Stormwater from the shop building will be captured in a detention tank and released to a soakage trench. Run-off from the car-park is to be discharged via a bioswale and then piped to a soakage trench.
- Wastewater will also be managed on-site. The existing wastewater system will be de-commissioned and replaced with a new Ozzi Kleen AWTS system with surface irrigation. The irrigation area will be on the northern side of the shop building, along the Cudlee Creek Road frontage.

- Signage is not forming part of this proposal.

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

BACKGROUND:

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
19 October 1998	473/970/98	Vineyard
3 August 2012	11/487/473	Change of land use to include horticulture (strawberry plantation – 10 hectares & cherry orchard 2 hectares) & conversion of dairy into shop (cellar door sales), verandah, decking (maximum height 900mm) & outdoor area & two advertising displays Stage 1 only – change of land use to include horticulture (strawberry plantation – 10 hectares & cherry orchard – 2 hectares)
6 May 2020	20/371/473	Replacement Farm Building

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 589 CUDLEE CREEK RD CUDLEE CREEK SA 5232

Title ref: CT 5946/767 **Plan Parcel:** F155936 AL21

The subject land is an irregular shaped allotment with an area of 29.38 hectares.

Built form on the land consists of the former dwelling building and a cluster of outbuildings. Buildings on the land are clustered in the south-western corner of the land. The former dwelling building is approximately 13m from the Cudlee Creek Road boundary.

The land has a primary frontage to Cudlee Creek Road, and secondary frontage to Berry Hill Road. The land is on the eastern side of Cudlee Creek Road and northern side of Berry Hill Road.

Access to the land is from Berry Hill Road. Cudlee Creek Road is a sealed arterial roadway, Berry Hill Road is only sealed to the access point to the subject land, but beyond this it is unsealed.

Most of the land is planted as a vineyard, with dam on the northern part of the land. The land is steeply sloping, and the buildings are located on the highest part of the land.

The land is approximately 2 kilometres north as the crow-flies from the Lobethal township.

There are no easements or other restrictions listed on the Certificate of Title.

Locality:

The locality predominantly consists of large allotments used for grazing and rural residential purposes. The proposed shop building is approximately 90m from the nearest dwelling not on the subject land. This is the dwelling on the opposite/western side of Cudlee Creek Road at 363 Neudorf Road, Cudlee Creek.

The subject land is identified on **Attachment 2 – Subject Land/Representation Map**. The zoning is shown on the map in **Attachment 3 – Zoning Map**.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Cellar Door: Code Assessed - Performance Assessed
Shop: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
The proposal is not listed as Accepted, Deemed to Satisfy or Restricted in the Planning & Design Code so it defaults to being a Performance Assessed type of development.

PUBLIC NOTIFICATION

- **REASON**
Shops are exempt from public notification per Table 5 procedural matters of the Productive Rural Landscape Zone provided DTS/DPF6.1 and DTS/DPF6.2 are met. The proposal fails to meet all of the criteria in DTS/DPF6.2 so public notification was required. Specifically, the shop building is less than 20m from all property boundaries and it is sited within 100m of a sensitive received in another ownership.

Public notification was undertaken from 5 November 2021 to 25 November 2021.

- **LIST OF REPRESENTATIONS**
Two (2) opposing representations from adjacent land owners/occupiers were received during the public notification period. Both of the representors wish to be heard in support of their written representation. The representors are detailed below:

Representor Name	Representor's Property Address	Wishes to be Heard (Yes/No)	Nominated Speaker (if relevant)
Annette Mason	10 Berry Hill Road, Lobethal	Yes	TBA
Jason Draper	632 Cudlee Creek Road, Lobethal	Yes	TBA

- **SUMMARY**
The issues contained in the representations can be briefly summarised as follows:
 - Amenity impacts relative to:
 - Dust nuisance through customer use of the unsealed section of Berry Hill roadway
 - Traffic impacts through customer use of the Berry Hill road verge for overflow parking and vehicle manoeuvring
 - Negative customer behaviour
 - Traffic safety concerns re entry and exit onto Cudlee Creek Road from Berry Hill Road
 - Concerns regarding future use of the shop for increased customer numbers, hours of operation and functions with resulting negative impact on residential amenity.

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

AGENCY REFERRALS

No referrals to external agencies were required.

INTERNAL REFERRALS

- Council Engineering
Accepted the car-parking design and stormwater management design for the car-park and shop building. Council Engineering also advised on the representors’ concerns regarding traffic. This is discussed later in the report.
- Council Environmental Health
Approved the wastewater application.

PLANNING ASSESSMENT

Desired outcomes

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

Performance outcomes

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

Designated performance features

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

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

Productive Rural Landscape Zone

Desired Outcomes	
DO1	A diverse range of land uses at an appropriate scale and intensity that capitalise on the region’s proximity to the metropolitan area and the tourist and lifestyle opportunities this presents while also conserving the natural and rural character, identity, biodiversity and sensitive environmental areas and scenic qualities of the landscape.

DO2	A zone that promotes agriculture, horticulture, value adding opportunities, farm gate businesses, the sale and consumption of agricultural based products, tourist development and accommodation that expands the economic base and promotes its regional identity.
DO3	The creation of local conditions that support new and continuing investment while seeking to promote co-existence with adjoining activities and mitigate land use conflicts.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & DTS/DPF1.1, PO2.1 & DTS/DPF2.1, PO2.2 & DTS/DPF2.2, PO6.1 & DTS/DPF6.1, PO6.2 & DTS/DPF6.2, PO8.1 & DTS/DPF8.1 & PO11.1	

The proposal is for a value adding activity that will support the ongoing use of the land for primary production (viticulture) as desired in the Zone. A shop for the sale and tasting of wine is considered to be a form of tourist development as also desired in the Zone.

The built form aspect of the land is partly within an existing building frame so as to minimise disturbance to the land in the form of earthworks and vegetation removal and assist in maintaining the natural and rural character of the Zone. The shop building is located at the highest point of the land, but again this is to take advantage of an existing building and its infrastructure. The shop building will be constructed of contemporary materials of a high architectural standards as to assist in maintaining the scenic quality of the landscape. Council staff have a material sample available of the zinc ‘Pigmento Red’ cladding, the sample shows this material is non-reflective.

There will be no removal of vineyard plantings to accommodate the shop building and its associated car-park.

PO 6.1, DTS/DPF6.1 and PO6.2, DTS/DPF6.2 relate directly to shop development.

PO6.1 seeks for shops to be associated with an existing primary production activity to support diversification of employment, provide services to visitors and showcase local and regional products. Specifically DTS/DPF6.1 seeks shop development to achieve the following:

- a) *are ancillary to and located on the same allotment or adjoining allotment used for primary production or primary production related value adding industries*
- b) *offer for sale or consumption produce or goods that are primarily sourced, produced or manufactured on the same allotment or adjoining allotments*
- c) *have a gross leasable floor area not exceeding 100 square metres or 250 square metres in the case of a cellar door*
- d) *have an area for the display of produce or goods external to a building not exceeding 25 square metres*
- e) *does not result in more than 75 seats for customer dining purposes in a restaurant.*

The proposal complies with all criteria of DTS/DPF6.1. Recommended condition ten (10) re-enforces the use of the shop for the sale of wine only to ensure there is no possibility of it becoming a shop of a general nature in the future.

PO6.2 & DTS/DPF6.2 relate to the siting of shop buildings. Specifically DTS/DPF6.2 seeks shop development to achieve the following:

- a) *are setback from all property boundaries by at least 20m*
- b) *are not sited within 100m of a sensitive receiver in other ownership*
- c) *have a building height that does not exceed 9m above natural ground level.*

The proposal does not comply with criteria a or b. The shop building is approximately 13m from the Cudlee Creek Road boundary, but it is approximately 38m from the Berry Hill Road boundary.

The reduced setback to the Cudlee Creek Road boundary is considered to be acceptable noting the shop building takes advantage of an existing building frame and the new building work addition is at the rear of the existing building frame. PO8.1 & DTS/DPF8.1 encourages the adaptive re-use of buildings for small-scale commercial development including shops. It is considered unreasonable to encourage the construction of an entirely new building to meet the setback criteria.

The shop building will be approximately 90m from the nearest dwelling not on the subject land. The next nearest dwelling is in the ownership of representor Annette Mason and the shop building is approximately 150m from this dwelling.

A 10m variance is considered to be a minor departure from criteria b. Land use conflicts are discussed later in the report, noting a 100m buffer is desired to mitigate against land use conflicts.

The proposal is considered to be consistent with the relevant Desired Outcomes, Performance Outcomes and Designated Performance Features of the Zone.

Overlays

Hazards (Bushfire – High Risk) Overlay

Desired Outcomes	
DO2	Activities that increase the number of people living and working in the area or where evacuation would be difficult is sited away from area of unacceptable bushfire risk
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO3.2 & PO6.3	

It is acknowledged that the proposal will increase the number of visitors in the area, however the subject land is serviced by sealed roadways and is approximately 2 kilometres as the crow-flies from Lobethal township, which is designated on the CFS website as a Bushfire Safer Place.

In the planning report accompanying the application it is noted that the shop will be closed on designated Catastrophic Bushfire Risk days, or if there is a known bushfire within the local area.

The proposed shop use has a maximum capacity of 40 persons, which is considered to be on the smaller scale relative to similar type of facilities in the district. Shop, tourism and function centre uses are encouraged within the Productive Rural Landscape Zone, the majority of which falls within the Hazards (Bushfire – High Risk) Overlay.

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

Hazards (Flooding – Evidence Required) Overlay

Desired Outcomes	
DO1	Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment through the appropriate siting and design of development.

The development area is located at the highest point on the land and there are no nearby watercourses. The risk of flooding is considered low so no flood evidence was sought of the applicant.

Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay

Desired Outcomes	
DO1	Safeguard Greater Adelaide’s public water supply by ensuring development has a neutral or beneficial effect on the quality of water harvested from secondary reservoirs or diversion weir catchments from the Mount Lofty Ranges.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1, PO2.1 & DTS/DPF2.1, PO2.3, PO2.5 & DTS/DPF2.5, PO3.1, PO3.2, PO3.3 & PO4.1	

Wastewater and stormwater will be managed on-site.

In terms of wastewater, the proposed shop use is anticipated to generate 320L of wastewater per day. This is well below the threshold requiring a referral to the Environment Protection Authority.

Council Environmental Health approved the waste control system, so it complies with the Public Health Act and relevant standards relative to setbacks from watercourses and slope of the land.

Stormwater from both the shop building and parking area will be directed to a soakage pit on the northern side of the building. Run-off from the car-park will first filter through a bioswale to reduce pollutants. Council Engineering has accepted the stormwater design.

The proposal is consistent with the Desired Outcomes, Performance Outcomes and Designated Performance Features of the Overlay.

Native Vegetation Overlay

Desired Outcomes	
DO1	Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystems services, carbon storage and amenity values.

The development area including the shop building, car-park area and waste control and stormwater disposal areas are clear of native vegetation.

Prescribed Water Resources Area Overlay

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

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

Traffic Generating Development Overlay

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

This overlay is not considered to be directly relevant to the proposal as the DTS/DPF criteria relate to large scale land division, commercial and education facility type developments.

Urban Transport Routes Overlay

Desired Outcomes	
DO1	Safe and efficient operation of Urban Transport Routes for all road users.
DO2	Provision of safe and efficient access to and from Urban Transport Routes.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO5.1 & DTS/DPF5.1	

Access will be via the existing access point from Berry Hill Road. The access point is approximately 36m from the intersection with Cudlee Creek Road – the State maintained road. Due to this separation distance a referral to the Commissioner of Highways is not required.

PO 5.1 & DTS/DPF5.1 relate to the creation of new access points directly from the State maintained road and driver sightlines. Whilst no access is proposed from Cudlee Creek Road the representors raised concern regarding driver sightlines at the Berry Hill Road and Cudlee Creek Road intersection.

In response, Council Engineering have advised that there is already a warning sign of the intersection on the Cudlee Creek road verge. Council’s data shows there has been only one accident at the intersection, being in 2015 involving a vehicle and an animal. It is Council Engineering’s position that there many roads with limited sightlines within the Council area, and it is the responsibility of road users to proceed with caution.

In regards to this matter, the applicant also sought the opinion of a Traffic Engineer from MFY Consulting. The Traffic Engineer notes that there are sight distance constraints towards the north of the intersection. However, it is their expert opinion that the increase to traffic volumes along Berry Hill Road as generated by the proposed development are of a level that would not trigger a requirement to upgrade the intersection.

Water Resources Overlay

Desired Outcomes	
DO2	Maintain the conveyance function and natural flow paths of watercourses to assist in the management of flood waters and stormwater runoff.

There are no watercourse impacts.

General Development Policies

Clearance from Overhead Powerlines

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

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

Design

Desired Outcomes	
DO1	Development is: <ol style="list-style-type: none"> a) contextual – by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area b) dural – fit for purpose, adaptable and long lasting c) inclusive – by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors d) sustainable – by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water

	management, environmental performance, biodiversity and local amenity and to minimise energy consumption.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.4 & DTS/DPF1.4, PO1.5, PO7.2, PO7.3, PO7.4, PO7.5, PO7.6 & PO7.7	

POs7.2-7.7 relate to car-parking appearance. The proposed on-site parking area is on the southern side of the proposed shop building to take advantage of the existing access-point. The car-parking area is linked to the shop building by a landscaped internal pathway. Additional landscaping is proposed between the edge of the car-park and the Cudlee Creek Road and the Berry Hill Road boundaries.

The landscaping consists of exotic plants with a combination of ground covers, small 1m high shrubs and a scattering of 6m high Chinese Elm trees.

Recommended condition eleven (11) sets out a timeframe for the landscaping to be planted, and on-going maintenance requirements.

The use of exotic plants is considered to be acceptable as the selected plant species blend with the English cottage look of the remaining structure of the former dwelling.

PO1.5 seeks for outdoor storage, waste storage and service areas to be screened from public view. This is considered to be important considering the zoning and location of the subject land adjacent to an arterial roadway. Recommended condition twelve (12) requires waste to be stored in a screened location not visible from Cudlee Creek Road to ensure compliance with PO 1.5. It is also considered to be in the operator's interests to comply with this condition to maintain an attractive shop front for visiting customers.

The proposal is consistent with the Design policies.

Infrastructure and Renewable Energy Facilities

Desired Outcomes	
DO1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO 11. & DTS/DPF 11.1, PO 12.1 & DTS/DPF 12.1 & PO 12.2 & DTS/DPF 12.2	

PO11. & DTS/DPF11.1 relate to water supply. The subject land is not connected to mains water, instead the proposed shop use will be reliant on on-site water storage.

PO12.1, DTS/DPF12.1 & PO12.2 & DTS/DPF12.2 relate to wastewater service.

PO 12.1 seeks for development to be connected to a common wastewater disposal service such as sewer or CWMS. This is not available to the subject land, so wastewater will be managed on-site. The waste system will be wholly contained within the boundaries of the subject land, and it will comply with the requirements of the Public Health Act 2011 as approval for the wastewater system has been granted by Council Environmental Health.

The shop building, car-park area and stormwater swales do not encroach upon the waste control system.

The proposal is consistent with the Infrastructure and Renewable Energy Facilities policies.

Interface Between Land Uses

Desired Outcomes	
DO1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO2.1 & DTS/DPF2.1, PO4.5 & PO6.1	

PO2.1 & DTS/DPF2.1 seeks for non-residential development to not unreasonably impact the amenity of sensitive receivers through its hours of operation.

The proposed shop use is encouraged in the Zone, and there is only a marginal shortfall in the desired setback to sensitive receivers.

In any event, hours of operation are considered to be unlikely to create an impact on nearby residences. The proposed shop is only to be open for six hours across four days of the week – Friday-Monday between 11am and 5pm.

Recommended conditions seven (7) and eight (8) re-enforce the operating hours and maximum capacity. If the operators wish to expand upon either the trading hours, or maximum capacity they will need to submit a fresh development application to vary the consent.

Recommended condition fourteen (14) also limits the provision of food to light snacks only, to re-enforce the use as a shop and not restaurant.

PO4.5 relates specifically to the proposal as it seeks outdoor areas associated with licensed premises to be designed and/or sited not to cause unreasonable noise impact on existing adjacent sensitive receivers.

The proposed shop use includes an outdoor area on the northern side of the building. The outdoor area is shielded on three sides by the shop building. As it is on the northern side of the building the open side faces away from the nearest sensitive receivers. The licensed area plan forming part of the proposal plans includes the outdoor area.

The representors raised concern regarding possible negative/anti-social customer behaviour associated with the proposed use. Unfortunately controlling/managing user behaviour is outside of the scope of the planning system to regulate. Shops specifically for the sale and tasting of wine sourced from produce grown within the local area are encouraged in the Zone.

PO6.1 seeks to control external lighting to ensure it does not cause unreasonable light spill. There is no lighting associated with the car-park area, and recommended condition two (2) restricts security lighting around the shop building.

The proposal is consistent with the Interface Between Land Uses policies.

Transport, Access and Parking

Desired Outcomes	
DO1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.4 & DTS/DPF1.4, PO3.1 & DTS/DPF3.1, PO4.1 & PO5.1 & DTS/DPF5.1	

PO5.1 & DTS/DPF5.1 relate to the on-site vehicle parking rate requirements.

With regard to Table 1 of the Planning & Design Code - Transport, Access and Parking a shop use with no commercial kitchen should be provided with 5.5 on-site parking spaces per 100 square metres of gross leasable floor area. Gross leasable floor area does not include non-roofed areas, so on this basis 11.7 on-site parking spaces are required. As there is no available off-street parking it is considered necessary that all parking be provided on-site. A 26 space car-park is provided, which is well in excess of the Table 1 guide.

A universal access parking space is provided with direct access to the shop building, which complies with PO 4.1.

The Traffic Engineer from MFY recommended that the existing access point and internal driveway be slightly modified to comply with the relevant Australian Standard Off-Street Parking (AS/NZS2890.1:2004). Recommended condition four (4) requires the provision of an amended car-parking plan demonstrating compliance with AS/NZS2890.1:2004 prior to Building Consent. This condition also requires the car-parking to be completed prior to the shop use commencing.

The car-park surface treatment is to be compacted gravel. This is acceptable as a sealed car-park would not be fitting with the rural character of the area, and could lead to increased water quality impacts. Recommended condition five (5) requires the maintenance of the car-park area at all times. Again, it is also considered to be in the operator's interests to maintain the car-park area to ensure an attractive shop front to visitors.

PO1.4 & DTS/DPF1.4 seek for all vehicle manoeuvring to occur within the subject land. The car-park is large enough to allow for passenger and mini-bus vehicles to enter and exit in a forward motion. Larger buses will not be allowed to enter the site.

Representor concern was noted regarding customers driving past/beyond the access point and causing dust nuisance, in addition to parking on and causing disturbance to the road verge.

Council Engineering is of the opinion that the existing no-through road and emergency vehicle only street signs along Berry Hill Road are enough to deter vehicles going past the subject land.

Recommended condition five (5) also requires the car-parking area to be sign-posted, which should also assist with directing customers where to park.

As there is an excess of on-site parking spaces it is not anticipated that customers will need to park on the road verge. If this however does become an issue Council Regulatory staff can monitor.

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

CONCLUSION

The proposal is to convert a former dwelling to a shop for the sale and tasting of wine in the Productive Rural Landscape Zone. Included in the proposal is a building addition, and construction of an on-site car-parking area with associated landscaping.

The proposed use is encouraged in the Zone, and amenity impacts are considered to be addressed and managed to acceptable levels.

On-site car-parking, stormwater and wastewater management arrangements are all adequate.

Representor concern re possible negative customer behaviour is noted, however this is outside the scope of the planning system to regulate.

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 21027668, by Planning Studio Pty Ltd and Vinteloper Wines for conversion of former dwelling to shop for the sale and tasting of wine with associated building alterations & additions, associated car-parking and landscaping is GRANTED Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

- 1) Development in Accordance with Approved Plans
The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
- 2) Commercial Lighting
Flood lighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties.
- 3) External Finishes
The external finishes to the building herein approved shall be as follows:
WALLS: Mixture of existing brick walls, pre-cast concrete panels and pre-colour treated steel in Colorbond 'Monument' colour or similar.
ROOF: Zinc cladding in 'Pigmento Red' colour & Colorbond 'Monument' or similar.
- 4) Prior to Building Consent – Provision of Carparking Plan Designed In Accordance with Australian Standard AS 2890.1:2004
Prior to Building Consent being granted a final car-parking plan which complies with Australian Standard AS2890.1:2004 shall be provided and approved by Council.

5) **Construction & Maintenance of Car-Parking**

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

6) **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.

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) **Opening Hours**

The opening hours of the shop shall be Friday-Monday and public holidays from 11:00am to 5:00pm.

9) **Overall Capacity**

At any one time, the overall capacity of the premises shall be limited to a maximum of 40 persons. This includes the associated outdoor areas.

10) **Entertainment**

Amplified music shall be limited to within the shop building.

11) **Sale & Tasting of Wine Restricted to Licensee's Own Product**

The sale and tasting of wine shall be limited to that which is the licensee's own product, and shall be primarily produced within the Mount Lofty Ranges Region.

12) **Timeframe for Landscaping to be Planted**

Landscaping detailed on the approved landscaping plan shall be planted in the next available planting season following the opening of the shop. Landscaping shall thereafter be maintained in good health and condition at all times. Any landscaping that dies or becomes seriously diseased shall be replaced in the next available planting season.

13) **Stormwater Roof Runoff & Car-Park Runoff to be Dealt With On-Site**

All roof runoff and runoff from the car-park shall be managed on-site in accordance with the approved stormwater plan to the satisfaction of Council.

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

All solid waste of any kind shall be stored in a closed container having a closed fitting lid. The container shall be stored in a screened area so that it is not visible from Cudlee Creek Road.

15) **Ancillary Food**

Individual meals may not be offered to patrons, with the exception of light snacks such as platters.

ADVISORY NOTES

- 1) This Planning Consent is valid for a period of twenty four (24) months commencing from the date of the decision. Building Consent must be applied for prior to the expiry of the DPC.

- 2) **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.**
- 3) **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.**
- 4) **A separate development application is required for any signs or advertisements (including flags and bunting) associated with the development herein approved.**
- 5) **This approval does not in any way imply compliance with the Food Act SA 2001 and/or Food Safety Standards. It is the responsibility of the owner or other person operating the food business from the building to ensure compliance with the relevant legislation before opening the food business on the site.**

OFFICER MAKING RECOMMENDATION

Name: Marie Molinaro
Title: Statutory Planner

PLANNING ASSESSMENT REPORT

DEVELOPMENT APPLICATION
Application ID: 2102 7668

**VINTELOPER
CELLAR DOOR**

589 CUDLEE CREEK ROAD
CUDLEE CREEK

Prepared for:
Vinteloper

Date:
25 October 2021



Image provided for illustration proposes only.



Proprietary Information Statement

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Revision	Description	Author	Review	Date
Draft DV01	PAR	EB	client	20 October 2021
Draft DV02	PAR	EB	client	22 October 2021
Final	PAR	EB	client	25 October 2021

Approved : Emma Barnes | Director

Date : 25/10/2021



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Appendices

A	Certificate of Title
B	Proposed Plans Detail Studio
C	Stormwater Management Plan PT Design
D	Site & Soil Assessment – Wastewater RFE Consulting



1. EXECUTIVE SUMMARY

Category	Details
PROJECT	Vinteloper Cellar Door
ADDRESS	589 Cudlee Creek Road, Cudlee Creek
CERTIFICATES OF TITLE	A21 in Filed Plan 155936 CT Volume: 5946; Folio 767
SITE AREA	29.38 hectares
PRIMARY FRONTAGE (Cudlee Creek Road)	607.17 metres
SECONDARY FRONTAGE (Berry Hill Road)	538.53 metres
LOCAL GOVERNMENT	Adelaide Hills Council
RELEVANT AUTHORITY	Council
PLANNING & DESIGN CODE	Version 2021.12 dated 26 August 2021
ZONING	Productive Rural Landscape Zone
OVERLAYS	<ul style="list-style-type: none">— Environment and Food Production Area— Hazards (Bushfire - High Risk)— Hazards (Flooding - Evidence Required)— Limited Land Division— Mount Lofty Ranges Water Supply Catchment (Area 2)— Native Vegetation— Prescribed Water Resources Area— Traffic Generating Development— Urban Transport Routes— Water Resources.
VARIATIONS	Nil
EXISTING USE	(Former) Detached Dwelling, horticulture/agriculture buildings and horticulture (vineyard)
PROPOSAL DESCRIPTION	Alterations and Additions to a former detached dwelling and Change of Use to Shop (Cellar Door) in association with existing vineyard with ancillary carparking and landscaping



Category	Details
AGENCY REFERRALS	Nil
NOTIFICATION	Not required
APPLICANT	Mr David Bowley Vinteloper
PROJECT ARCHITECT	Detail Studio
PLANNING	Planning Studio Pty Ltd
STORMWATER	PT Design Pty Ltd
WASTEWATER	RFE Consulting
CONTACT PERSON	Emma Barnes Planning Studio Pty Ltd 0431 527 636 emma@planingstudio.com.au





2. BACKGROUND AND CONTEXT

Vinteloper are a name synonymous with cold climate wines produced on the steep slopes of the Adelaide Hills. In the words of Vinteloper, *'the Adelaide Hills is a region brimming with creative energy and building a reputation for growing amazing produce. It is our home.'*

The almost 30 hectare vineyard site is located between Lenswood and Lobethal, high in the central Adelaide Hills Wine Region. It's a rolling site with steep slopes, peaking at over 500m above sea level. The land is provided with extended views to the north, taking in far ranging views of the valleys and steep slopes of Cudlee Creek and beyond.

In addition to growing their own fruit, Vinteloper also source grapes from a handful of small vineyards across the region.

'We've been working with our grape growers year after year to support their families and communities while we build a library of wine influenced by the season and evolution in our winemaking.'

In December 2019, the 'Cudlee Creek bushfire' devastated much of the Adelaide Hills. Vinteloper was hit hard, with a resultant 95% loss of the vineyard and the farm house.

It is out of this catastrophic loss that the cellar door proposal has been born.

The cellar door building will utilise the skeleton of the farm house left behind, ensuring ...

"the house of Vinteloper will rise from these ashes."



Photo 1 | View east to existing (former) dwelling

While Vinteloper has an established presence at 'Lot 100', Halley Valley ... it's now time to provide an exclusive Vinteloper cellar door tasting experience among the vines. Siting proudly at the top of the rise, the creation of the Vinteloper Cellar Door marks an important step in post bushfire recovery.



The following Planning Assessment Report ('**report**') has been prepared in support of a formal development application by Planning Studio on behalf of Mr David Bowley ('**the Applicant**') for a 'Shop for the sale and tasting of wine including car-parking and landscaping'. The proposal is more appropriately described to include alterations and additions to the former detached dwelling given the significance the remaining external structure of the dwelling has to the evolution of the project.

This report provides information about the subject site and proposed development and addresses the merits of the development application against the relevant provisions of the Planning and Design Code ('**the Code**') as it relates to the proposal.

This report has been prepared on the basis of the plans, elevations and visualisations for the development prepared by Detail Studio (Project Architect) and provided in **Appendix B**, and having reviewed the reports and advice from specialist consultants in relation to stormwater and wastewater management.

The proposal is supported by carparking and supplementary landscaping, including the reinstatement of the dwelling's original cottage garden.

Specialist reports are provided in **Appendices C & D**.





3. SITE AND LOCALITY

The subject land is identified as Allotment 21 in Filed Plan 155936 held in Certificate of Title Volume: 5946; Folio: 767 and is known generally as 589 Cudlee Creek Road, Cudlee Creek.

The land is an irregular shaped 29.38 hectare parcel of land used in the pursuit of horticulture (vineyards). While provided with frontages to both Cudlee Creek and Berry Hill Roads, the land is primarily accessed via an existing driveway located on Berry Hill Road. The land is located approximately 2kms to the north west of the township of Lobethal.

The closest dwellings to the land are located 150 metres to the south and 510 metres to the north east. A replacement dwelling is under construction opposite the land, approximately 90 metres to the west. The locality displays a variety of primary production activities, with many facing recovery from the bushfire.

The land is located within the **Productive Rural Landscape Zone ('the Zone')** of the Code, where Desired Outcome ('DO') D01 seeks

DO1 A diverse range of land uses at an appropriate scale and intensity that capitalise on the region's proximity to the metropolitan area and the tourist and lifestyle opportunities this presents while also conserving the natural and rural character, identity, biodiversity and sensitive environmental areas and scenic qualities of the landscape.

The Zone anticipates a wide variety of primary production pursuits, with DO2 actively promoting 'agriculture, horticulture, value adding opportunities, farm gate businesses, the sale and consumption of agricultural based products, tourist development and accommodation that expands the economic base and promotes its regional identity'.

DO3 further looks to 'Create local conditions that support new and continuing investment while seeking to promote co-existence with adjoining activities and mitigate land use conflicts.'

As a 'shop' that will facilitate the consumption and sale of value add products that are sourced from the subject land, the cellar door proposal demonstrates perfect alignment and symmetry with the Desired Outcomes of the Zone.

The land and the approximate siting of the proposal is identified in **Figure 1** overpage.



Photo 2 | View north from location of proposed cellar door

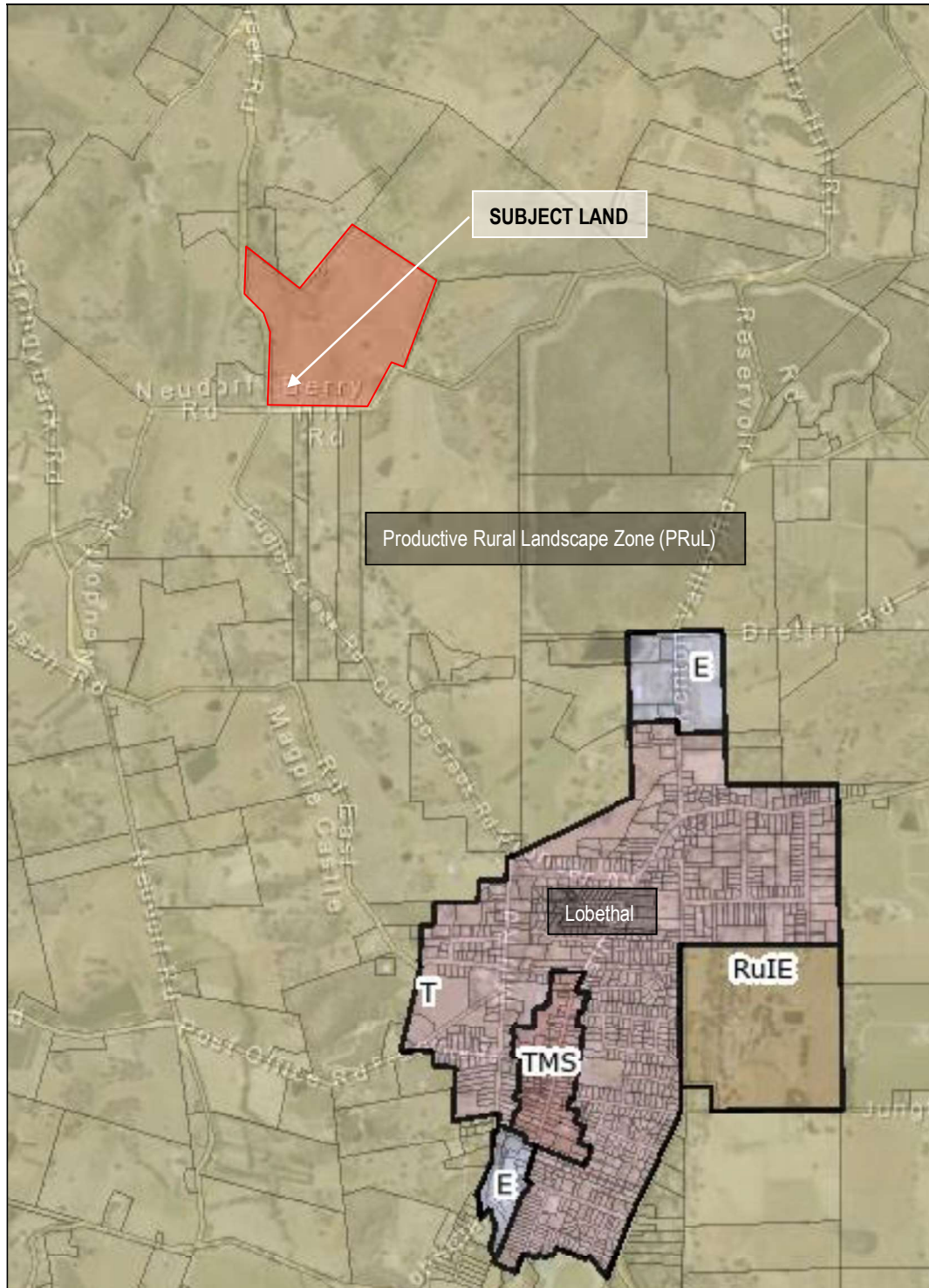


Figure 1 | Site Context (Source: <https://maps.sa.gov.au/SAPPA/>)

4. PROPOSED DEVELOPMENT

4.1 Built Form Proposal and Materiality

The cellar door will generally occupy the footprint of a former dwelling that was destroyed in the December 2019 bushfire, with additions to the remaining built form to contain an entry/seating area, outdoor area, and office and sanitary facilities accessed via a linkway.

The proposal comprises a total floor area of 212m² including all indoor areas. The area to be used for the tasting and retail sale of wine comprises an 80m² tasting room, with seating spilling out into an entry lobby of some 35m². A linkway provides access to an office and amenities, and would be used to display artwork of the winemaker and other artists. The outdoor area, positioned on the northern side of the building to take full advantage of views over the vineyard and to the hills in the distance, is provided with direct access from the entry lobby. An existing verandah wraps three sides of the perimeter of the former dwelling and will be accessible from the tasting room and entry lobby.

The building will exhibit a maximum building height (to roof apex) of 6.0 metres, while the additions to the rear of the tasting room will have a maximum height of 3.9 metres. The building has an overall length of 34.62 metres, and an average width of 9.71 metres, consistent with the width of the former dwelling.

The proposal will incorporate a wine store/display area that will utilise an underfloor void left in the wake of the building's destruction. No access will be provided via the existing façade to the Cudlee Creek street frontage.



Photo 3 | View west from interior of former dwelling

The cellar door will be supported by a purpose built 26 space carpark, providing parking at a rate equivalent to 1.5 spaces per person, far in excess of Planning & Design Code requirements for off street parking by land use which requires 5.5 spaces per 100m², generating a requirement for 11.7 spaces on the site.

The proposal does not include a restaurant, nor kitchen, and will provide light refreshments and platters only, as required by liquor licensing / responsible service of alcohol.



The new cellar door will be located on the same allotment as the existing Vinteloper vineyard and within close proximity to a cluster of existing horticulture and farm buildings. A small outbuilding (shed) will be demolished as part of the proposal. The cellar door carpark will be accessed via an existing crossover located on Berry Hill Road.

The cellar door will have a capacity of 40 persons at any one time and will open between the hours of 11am – 5pm Friday – Monday, and public holidays.



Figure 2 | South West Perspective (Source: Detail Studio, 2021)



Figure 3 | South East Perspective (Source: Detail Studio, 2021)



Figure 4 | North East Perspective (Source: Detail Studio, 2021)



Figure 5 | North West Perspective (Source: Detail Studio, 2021)



Cellar door materiality will make remnant brickwork the hero of the build, with all suitable existing external brick walls to be retained. As if rising from within the shell of the former dwelling, a new roofline will be constructed in copper cladding material, referencing the colour and experience of the fire and the days that followed.

The front elevation (south) of extension will be formed of sand blasted precast concrete, with recycled timber beams and columns accenting the new materials and framing verandah areas. The north and east elevations of the extension will be constructed in Maxline cladding in Monument, ensuring materials complement existing built form to the east. Double glazed powder coated aluminium windows and doors with folded aluminium hoods will accent the building and provide framed, yet extensive, views across the land.

Existing palm trees will be retained as testament to, and in celebration of, their survival. Windows are placed at defined intervals to frame the views of the trees on the northern side of the building.

There is no signage proposed as part of the current application. If desired, a separate application for signage will be lodged in due course.

The dedicated 26 space carpark incorporates a bioswale on the western end of the defined parking area to collect stormwater run off. The carpark will be delineated as appropriate. Access to the site is existing and facilitates forward entry and exit of vehicles.

Landscaping, with species and mature heights appropriate to the locality, will be established around the north, south and western edges of the carpark to provide sufficient screening and shade, and along the entrance path leading to the building.

Existing vegetation to the north will be retained.

Of note, the proposal will reinstate the original cottage garden and layout.



Figure 6 | South Elevation (Source: Detail Studio, 2021)



Figure 7 | North Elevation (Source: Detail Studio, 2021)



Figure 8 | West and East Elevations (Source: Detail Studio, 2021)

Figure 9 and **Figure 10** overpage provide a visual representation of the built form both prior to and following the December 2019 bushfire.

The proposed development, whilst forming an extension to the *remaining* built form, has a building footprint which is comparable to the footprint of the former dwelling prior to its destruction in December 2019. This is a valuable comparison to make when considering the relatively minor extent of 'additional' built form, insofar as it is considered equivalent to what existed prior to the fire.

In the context of what built form was on site prior to the fire, the current proposal does not represent a significant change to the overall footprint. The existing water tank adjoining the outbuilding and evident on both aerial photographs, provides a good reference point given it will be retained as part of the development and appears on the architectural drawings.



Figure 9 | Aerial photo prior to December 2019



Figure 10 | Aerial photo following December 2019



4.2 Technical Considerations

4.2.1 Stormwater Management

PT Design, Structural and Civil Engineers, have been engaged to provide specialist advice and the preparation of a Stormwater Management Plan (SWMP) to manage the disposal of stormwater from the post development site. The report considers:

- Effect of the proposed development on the existing stormwater infrastructure; and
- Preparation of a preliminary stormwater drainage plan incorporating the proposed method of disposing stormwater run-off from the site due to the proposed development.

The site is to be separated into two portions, with the run-off generated from each of these areas to be managed as below.

1. Run-off generated off the rebuild and external paved adjacent the building is to be captured in a detention tank and slowly released to a soakage trench at a controlled rate, equivalent to a 1 in 10 year ARI predevelopment flow.
2. The proposed carpark runoff is to be discharged via a bioswale to remove contaminants before being piped to a soakage trench.

The total run-off generated from each of these areas is proposed to be retained on site to lessen any impact on Council infrastructure, although it is noted that there is no existing Council stormwater infrastructure abutting the boundary of this site.

A plan incorporated within the PT Design report indicates the location of a 15kL detention tank discharging to a soakage pit to the north of the outdoor area. Infrastructure (tank) is depicted on the architectural drawings, with the detention tank to be located adjacent an existing water storage tank. During construction, the location of the tank may be altered and form part of a minor variation if required.

The landowner is committed to 100% capture of stormwater collected from the proposed building for re-use on the property, and will manage all roof run-off within existing rainwater tanks on site, and a series of new tanks to form part of the current development. In addition to the PT Design detention tank, a small buffer tank will be provided adjacent the northern wall of the building, which will hold stormwater temporarily before it is pumped to an additional 22,500 litre water storage tank to be installed adjacent the existing shed to the east of the cellar door building. The additional water tank will supplement the existing 75,000+ litre storage capacity on the site.

Vinteloper pride themselves on sustainable property management practices wherever possible, and will continue to pursue all opportunities that arise from the development.

A copy of the PT Design Stormwater Report and associated calculations and Stormwater Management Plan is provided in **Appendix C**.

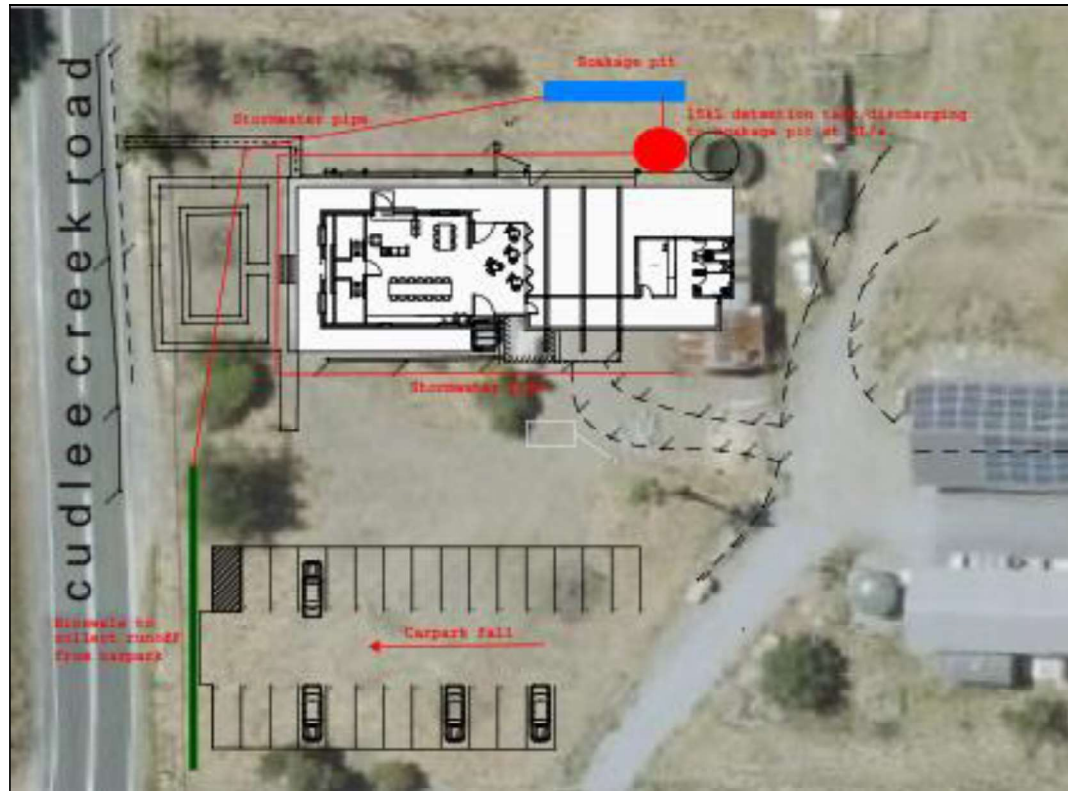


Figure 11 | Stormwater Management Plan (Source: PT Design SWMP, 2021)

4.2.2 Wastewater Management

RFE Consulting have been engaged as project environmental engineer and have undertaken a soil and site assessment to facilitate the preparation of a wastewater management plan and subsequent application.

The aim of the assessment is to determine the suitability of the proposed on-site wastewater management system which will comprise an OzziKleen RP10 AWTS and 1kL balance tank, with an associated surface irrigation land application area of 184m². The wastewater management plan has been developed following an inspection of the land, examination of proposal documentation and the conduct of soil sampling on 25 August 2021.

RFE Consulting have designed a system sufficient to cater for the adequate management of wastewater generated by the proposal. There is no impediment to the installation and operation of the system in accordance with the requirements noted within the report.

A copy of the RFE Consulting Site and Soil Assessment (wastewater) logs and system design is provided in **Appendix C**.

We note that an 'Application for an on-site wastewater works approval' has been lodged concurrently with Council for assessment by Council's Environmental Health Officer. We understand that in-principle support for the wastewater design must be received prior to the granting of Planning Consent.



5. PROCEDURAL REQUIREMENTS

5.1 Relevant Authority

The relevant authority to determine the application is the Adelaide Hills Council ('the **Council**').

The relevant Code version for the purpose of assessment is Version 2021.12, 26 August 2021. The Code is subject to change, although any broad change that would impact on the subject land is unlikely in the short to medium term given the very recent introduction of the new planning system and Code. At the time of writing, the Adelaide Hills Council is not known to be progressing any Code Amendments that would impact on the subject land.

The legislation and version of the Planning & Design Code in place at the time of lodgement is relevant to assessment.

5.2 Procedural Matters

5.2.1 Nature of Development

The subject land is located within the **Productive Rural Landscape (PrUL) Zone** ('the Zone') of the Planning and Design Code.

The following Overlays are applicable.

- | | |
|------------------------------------------------------|-----------------------------------|
| — Environment and Food Production Area | — Native Vegetation |
| — Hazards (Bushfire - High Risk) | — Prescribed Water Resources Area |
| — Hazards (Flooding - Evidence Required) | — Traffic Generating Development |
| — Limited Land Division | — Urban Transport Routes |
| — Mount Lofty Ranges Water Supply Catchment (Area 2) | — Water Resources |

There are no prescribed variations applicable.

The proposed use has been described as 'Alterations and Additions to a former detached dwelling and Change of Use to Shop (Cellar Door) in association with existing vineyard with ancillary carparking and landscaping'.

A 'shop' is defined within the Code as:

- a) *premises used primarily for the sale by retail, rental or display of goods, foodstuffs, merchandise or materials; or*
- b) *a personal or domestic services establishment.*

Within the Adelaide Hills Council, cellar door facilities are generally described as a 'shop' for the purpose of assessment.

The proposed use accords with the definition.

Within the Zone, a 'Shop' is excluded from 'restricted development' whereby it accords with the following:

- *shop that is ancillary to and located on the same allotment or adjoining allotment used for primary production or value adding and offers for sale or consumption produce or goods that are primarily sourced, produced or manufactured on the same allotment or from the region*

The proposal adequately complies with the exclusion and defaults to a **performance based assessment** against the relevant policies contained within the Planning & Design Code.



5.2.2 Notification

Table 5 of the Zone, provides an exemption for 'Shop' where the proposal satisfies DTS/DPF 6.1 and DTS/DPF 6.2, relating primarily to co-location with primary production, the sourcing of produce and goods, floor area and dining capacity.

DTS/DPF 6.2 seeks to ensure 'new buildings' are sited sufficient distance from boundaries and sensitive receivers.

Shops, Tourism and Function Centres	
<p>PO 6.1</p> <p>Shops are associated with an existing primary production or primary production related value adding <u>industry</u> to support diversification of employment, provide services to visitors and showcase local and regional products.</p>	<p>DTS/DPF 6.1</p> <p>Shops, other than where located in The Cedars Subzone:</p> <ul style="list-style-type: none"> (a) are ancillary to and located on the same allotment or adjoining allotment used for primary production or primary production related value adding industries (b) offer for sale or consumption produce or goods that are primarily sourced, produced or manufactured on the same allotment or adjoining allotments (c) have a <u>gross leasable floor area</u> not exceeding 100m² or 250m² in the case of a cellar door (d) have an area for the display of produce or goods external to a building not exceeding 25m² (e) do not result in more than 75 seats for customer dining purposes in a <u>restaurant</u>.
<p>PO 6.2</p> <p>Shops that are proposed in new buildings are sited, designed and of a scale that maintains a pleasant rural character and amenity.</p>	<p>DTS/DPF 6.2</p> <p>Shops in new buildings:</p> <ul style="list-style-type: none"> (a) are setback from all property boundaries by at least 20m (b) are not sited within 100m of a <u>sensitive receiver</u> in other ownership (c) have a <u>building height</u> that does not exceed 9m above natural ground level.

While we note the construction of a replacement dwelling approximately 90 metres to the west of the existing building, and a primary setback of 15.9 metres to the existing building, we submit that DTS/DPF 6.2 is not relevant given the proposal forms alterations and additions to an existing building.

The proposal, being a cellar door located on the same allotment as the existing vineyard, with a total floor area (including all indoor areas) of 212m² and no restaurant feature, accords with DTS/DPF 6.1.

The proposal is excluded from notification.

5.2.3 Agency Referrals

The proposal does not require referral to any government agencies, but is anticipated to undergo internal referral to various Council departments, including engineering and environmental health given the separate and subsequent lodgement of an Application for an on-site wastewater works approval.



6. PLANNING & DESIGN CODE ASSESSMENT

6.1 Relevant Provisions of the Planning and Design Code

As noted in section 5.2.2, the Planning and Design Code indicates that the following provisions are relevant to an assessment of the proposed development:

Zone

Productive Rural Landscape (PrUL) Zone

The following Overlays are applicable.

- Environment and Food Production Area
- Hazards (Bushfire - High Risk)
- Hazards (Flooding - Evidence Required)
- Limited Land Division
- Mount Lofty Ranges Water Supply Catchment (Area 2)
- Native Vegetation
- Prescribed Water Resources Area
- Traffic Generating Development
- Urban Transport Routes
- Water Resources

There are no prescribed variations applicable.

The proposed development will redevelop and repurpose a former detached dwelling for the purpose of a cellar door in association with an existing vineyard on the land. The proposal utilises the remaining structure and enhances the built form with an architecturally designed addition to the rear of the remaining building, positioned in a manner that ensure the former dwelling is a prioritised built form element. The proposal will provide significant value add and experiential tourism opportunities, further enhancing the production and economic value of the Adelaide Hills wine region.

Together with a 40 person cellar door capacity, the development will include the provision of a 26 space on-site dedicated car park and will be landscaped in a manner that ensures a high standard of appearance and design. Key considerations are land use, built form, traffic and parking, stormwater and wastewater management. None of these considerations are contentious and can be readily addressed to the required standard.

Accordingly, we consider that the following provisions of the Planning and Design Code are of particular relevance, notwithstanding a need to consider all relevant provisions relating to development within the Zone:

Zone

- Productive Rural Landscape Zone

Overlays

- Hazards (Bushfire - High Risk)
- Mount Lofty Ranges Water Supply Catchment (Area 2)

General Development Policies

- Design
- Interface between Land Uses
- Transport Access and Parking

A more detailed assessment of the proposal against these provisions follows.



6.2 Assessment

6.2.1 The Zone

The following provides an assessment of the relevant provisions of the Productive Rural Landscape Zone as they relate to the development of a shop (cellar door) within the Zone.

6.2.1.1 Land Use

The Desired Outcomes ('DO') of the Productive Rural Landscape Zone ('PRuL') seek

DO 1 *a diverse range of land uses at an appropriate scale and intensity that capitalise on the region's proximity to the metropolitan area and the tourist and lifestyle opportunities this presents while also conserving the natural and rural character, identity, biodiversity and sensitive environmental areas and scenic qualities of the landscape.*

Fundamentally, DO 2 clearly anticipates value add opportunities arising and specifically encourages the sale and consumption of agricultural based products, which may be interpreted to include wine and beverage products. DO 2 looks to expand economic activities within the region.

DO 2 *A zone that promotes agriculture, horticulture, value adding opportunities, farm gate businesses, the sale and consumption of agricultural based products, tourist development and accommodation that expands the economic base and promotes its regional identity*

There is no doubt that the proposed land use responds to both DO1 and DO2.

DO 3, while less specific to agricultural production and value add opportunities, acknowledges that there is a need to create an environment which fosters compatible land uses that will attract new and continuing investment.

The introduction of an architecturally designed cellar door to the subject land will not only enhance the contribute to the attractiveness of the region in regard to its association with the wine industry but will also provide increasing the opportunities for investment in the Adelaide Hills region more broadly. An increase in wine and beverage related industries, together with opportunities for experiential tourism, will undoubtedly gain support and increase economic activity and investment in the general area. Vinteloper will make a valuable contribution to the overall success of the region.

DO3 *Create local conditions that support new and continuing investment while seeking to promote co-existence with adjoining activities and mitigate land use conflicts*

Importantly, Zone Performance Outcome 1.1 and DTS/DPF 1.1 anticipate a range of non-residential, primary production oriented developments. Within this, a 'shop' is specifically listed and is considered an anticipated use within the Zone, together with numerous other beverage production related land uses, and more traditional forms of agriculture and primary production.

PO 1.1 *The productive value of rural land for a range of primary production and horticultural activities and associated value adding of primary produce (such as beverage production), retailing and tourism is supported, protected*



and maintained. The proliferation of land uses that may be sensitive to those activities is avoided.

DTS/DPF 1.1

Development comprises one or more of the following:

- a) Advertisement
- b) Agricultural building
- c) Brewery
- d) Carport
- e) Cidery
- f) Distillery
- g) Dwelling
- h) Dwelling addition
- i) Farming
- j) Function centre
- k) Horse keeping
- l) Horticulture
- m) Industry
- n) Low intensity animal husbandry
- o) Outbuilding
- p) Shop
- q) Small-scale ground mounted solar power facility
- r) Tourist accommodation
- s) Transport distribution
- t) Verandah Warehouse
- u) Winery
- v) Workers' accommodation

6.2.1.2 Siting & Design

In terms of siting and design of new buildings, PO 2.1 and 2.2 seek to ensure that development is provided with suitable vehicle access, generally sited on flat land to minimise cut and fill and the associated visual impacts.

The proposed development has the advantage of both an existing access, comprising an existing all weather access and driveway and sufficient turning area, and the benefit of utilising an existing dwelling and immediate surrounds. The land is relatively flat, requiring little to no earthworks to facilitate the development.

The proposal achieves the desires of DPF 2.1 and 2.2.

6.2.1.3 Shops, Tourism and Function Centres

PO 6.1 *Shops are associated with an existing primary production or primary production related value adding industry to support diversification of employment, provide services to visitors and showcase local and regional products.*

DTS/DPF 6.1 *Shops, other than where located in The Cedars Subzone:*

- a) *are ancillary to and located on the same allotment or adjoining allotment used for primary production or primary production related value adding industries*



- b) offer for sale or consumption produce or goods that are primarily sourced, produced or manufactured on the same allotment or adjoining allotments
- c) have a gross leasable floor area not exceeding 100m² or 250m² in the case of a cellar door
- d) have an area for the display of produce or goods external to a building not exceeding 25m²
- e) do not result in more than 75 seats for customer dining purposes in a restaurant.

PO 6.1 is fundamental to the assessment of the proposal, where overt support is provided to the establishment of small scale shops, such as a cellar door with a floor area not exceeding 250m², where located on the same allotment as a vineyard and where produce offered for sale or consumption is sourced from the same allotment. While DPF 6.1 (c) acts a guide in achieving the scale anticipated by PO 6.1, the proposal is noted to comply with its intent for 'small scale' development through provision of a total floor area of 212m². Sub clauses a) and b) are also achieved given the colocation with the existing vineyard and the purpose of showcasing Vinteloper within the facility.

The cellar door does not contain a restaurant, so sub clause d) is of no relevance.

PO 6.2 *Shops that are proposed in new buildings are sited, designed and of a scale that maintains a pleasant rural character and amenity.*

DTS/DPF 6.2 *Shops in new buildings:*

- a) *are setback from all property boundaries by at least 20m*
- b) *are not sited within 100m of a sensitive receiver in other ownership*
- c) *have a building height that does not exceed 9m above natural ground level.*

PO 11.1 *Large buildings designed and sited to reduce impacts on scenic and rural vistas by:*

- a) *having substantial setbacks from boundaries and adjacent public roads*
- b) *using low reflective materials and finishes that blend with the surrounding landscape*
- c) *being located below ridgelines.*

While the proposal does not seek consent for a 'new building' as identified within PO 6.2, nor is it considered a 'large' building as anticipated in PO 11.1, it does incorporate the rebuild of a portion of an existing building, and includes an addition to the rear of the remaining building. As noted earlier, the footprint to be occupied by the cellar door development is comparable to the built form existing prior to the December 2019 bushfire. In this regard, the overall building maintains a scale that is not only appropriate within the rural landscape and within the context of other agricultural buildings on the site, but also consistent with the former built form on the site. Additions to the existing building are well setback from property boundary, maintain a substantial distance from nearby residential dwellings to the south and west, and present with a maximum height ranging from 3.9 – 6.0 metres in height (to apex).

It is considered that the building is an appropriate scale within the context of the site and the locality generally.



PO 8.1 *Adaptive reuse of existing buildings for small-scale shops, offices, tourist accommodation or ancillary rural activities.*

DTS/DPF 8.1

Development within an existing building is for any of the following:

- a) a shop*
- b) office*
- c) tourist accommodation.*

Vinteloper has a story to tell and a product to celebrate. The adaptive reuse of the former dwelling, completely devastated by the fire, is an excellent display of resilience and creativity that responds directly to the desired adaptive re-use of existing buildings for small scale shops.

The skeleton of the former dwelling is the hero and centrepiece of the cellar door design and functionality, and remains an integral part of the design and appearance of the site.

Considerable salvage efforts, at significant time and expense, have been undertaken to ensure as many materials from the former dwelling as possible can be used within the cellar door development. Reuse of materials makes an important contribution to the fabric of the building and the story it will have to tell.

The history of the site is as important to the development as its future will become.

The proposal complies with PO 8.1 and DTS/DPF 8.1.

The above provisions are considered those most relevant in respect of an application for a Cellar Door within the Productive Rural Landscape Zone. It is evident in response that the proposed land use is appropriate within the Zone, with the design and siting ensuring there is no negative impact arising from the pursuit of a creative and adaptive reuse of the former dwelling that was destroyed by the Cudlee Creek bushfire of December 2019.

The proposal looks to introduce a value add opportunity to the land through the sale and consumption of wine produced from the vineyard on the land, by the landowner.

The proposed use, and the resultant alterations and additions to the existing building to support it, are most appropriate.



6.2.2 Relevant Overlays

The following provides an assessment of the most relevant provisions of the 'Overlays' identified to be applicable to the subject land.

6.2.2.1 Hazards (Bushfire High Risk)

The subject land is identified as a High Bushfire Risk Area and is subject to the above overlay. We do not diminish the risk associated with the threat of bushfire, nor the potential for the land to be subject to significant fire risk in future.

Desired Outcome	
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: <ul style="list-style-type: none">(a) potential for uncontrolled bushfire events taking into account the increased frequency and intensity of bushfires as a result of climate change(b) high levels and exposure to ember attack(c) impact from burning debris(d) radiant heat(e) likelihood and direct exposure to flames from a fire front.
DO 2	Activities that increase the number of people living and working in the area or where evacuation would be difficult is sited away from areas of unacceptable bushfire risk.
DO 3	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.

- PO 1.1** *Development that significantly increases the potential for fire outbreak as a result of the spontaneous combustion of materials, spark generation or through the magnification and reflection of light is not located in areas of unacceptable bushfire risk.*
- PO 2.1** *Buildings and structures are located away from areas that pose an unacceptable bushfire risk as a result of vegetation cover and type, and terrain.*
- PO 3.1** *Buildings and structures are designed and configured to reduce the impact of bushfire through using designs that reduce the potential for trapping burning debris against or underneath the building or structure, or between the ground and building floor level in the case of transportable buildings and buildings on stilts.*
- PO 6.3** *Development does not rely on fire tracks as means of evacuation or access for fire-fighting purposes unless there are no safe alternatives available.*

Overlay Do1, Do2 and DO3 and outlined Performance Outcomes reiterate the ever present threat posed by fire events within the area, and seek to minimise the threat to life and property.

The current proposal seeks to provide opportunity for up to 40 persons to be within the cellar door facility at any one time. There may be additional within the vineyard and other buildings on the site at any time.

To minimise the threat of impact to life, the cellar door would not operate on any day declared 'catastrophic' nor when there is a known fire within the local area. In the event



that there is danger posed by an approaching fire, every effort would be made to ensure the safe and timely evacuation of visitors. The site has the benefit of direct access to Berry Hill and Cudlee Creek Roads, with entry to the Lobethal township 2 kilometres to the south.

Notwithstanding, the siting and design of the proposal is such that there is adequate existing all weather access to the site, sufficient turning areas for fire appliances, and other emergency services vehicles should they be required. The site of the cellar door has minimal vegetation surrounding the site of the cellar door, albeit the need to carefully balance this requirement with a desire for the site to be appropriately landscaped to provide adequate levels of shade and visual screening.

Following the development, the site will contain in excess of 100,000 litres of static water supply, and will address all fire protection and Essential Safety Provision requirements of the Building Code of Australia. It is anticipated that a fire hose reel may be required as part of Building Consent assessment requirements, but this has not yet been determined.

Construction materials have also been selected based on their compliance with fire protection requirements, although we acknowledge this does not provide a guarantee that the structure will not burn.

6.2.2.2 Mount Lofty Ranges Water Supply Catchment (Area 2)

Water Quality and Wastewater

Desired Outcome	
DO 1	Safeguard Greater Adelaide's public water supply by ensuring development has a neutral or beneficial effect on the quality of water harvested from secondary reservoirs or diversion weir catchments from the Mount Lofty Ranges.

Water Quality	
PO 1.1 Development results in a neutral or beneficial effect on the quality of water draining from the <u>site</u> to maintain and enhance the role of the catchment as a water supply.	DTS/DPF 1.1 None are applicable.

Wastewater	
PO 2.1 Development that generates <u>human wastewater</u> , including alterations and additions, are established at an intensity and in a manner to minimise potential adverse impact on water quality within secondary reservoir and weir catchment areas.	DTS/DPF 2.1 Development including alterations and additions, in combination with existing built form and activities within an allotment. (a) do not generate a combined total of more than 1500 litres of <u>wastewater per day</u> and (b) will be connected to the same on-site <u>wastewater system</u> that is compliant with relevant <u>South Australian standards</u> or is otherwise connected to a sewer or community wastewater <u>management system</u> .

To address DO1, PO 1.1 and PO 2.1, a wastewater assessment has been undertaken by RFE Consulting to determine the suitability of the proposed on-site wastewater management to facilitate the proposed cellar door development in a manner that ensures the development has a neutral or beneficial effect on the quality of waters within the Mount Lofty Ranges.



The site and soil assessment has determined an anticipated wastewater load of 320 L/d based on the proposed maximum of 40 patrons, with the specialist environmental engineer noting that the proposed OzziKleen RP10 AWTS with 1kL balance tank and a conservative allocation of a 184m² surface irrigation area will comply with the relevant South Australian Health requirements, and subsequently pose no risk to the water supply catchment.

<p>PO 2.4</p> <p>Wastewater management systems result in a neutral or beneficial effect on the quality of water draining from the <u>site</u>.</p>	<p>DTS/DPF 2.4</p> <p>Development results in:</p> <ul style="list-style-type: none"> (a) a building or land use that is currently connected to an existing on-site wastewater system that is non-compliant with relevant South Australian standards being connected to a new or upgraded system that complies with such standards or (b) an existing on-site wastewater system being decommissioned and wastewater being disposed of to a sewer or community wastewater management system that complies with relevant South Australian standards.
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While the former dwelling was connected to an operable wastewater system, it was destroyed by the fire and is no longer in use, or required. The proposal will incorporate the installation of a new system, with the design features noted above.

The plumber installing the system shall ensure all wastewater at the site is directed to the proposed on-site wastewater management system and ensure signs are provided adequately to indicate secondary treated wastewater is being utilised for surface irrigation.

The proposed on-site wastewater management system shall be installed by an appropriately qualified Plumber in accordance with Legislative requirements (including AS3500, the Code and the Plumbing Code of Australia) and the manufacturer's specifications.

The proposed on-site wastewater management system shall be serviced quarterly and reported to the Council.

<p>PO 2.5</p> <p>Surface and groundwater protected from wastewater discharge pollution.</p>	<p>DTS/DPF 2.5</p> <p>All components of an effluent disposal area are:</p> <ul style="list-style-type: none"> (a) setback 50 metres or more from a watercourse (b) setback 100 metres or more from a public water supply reservoir (c) located on land with a slope no greater than 1-in-5 (20%) (d) located on land with 1.2m or more depth to bedrock or a seasonal or permanent water table (e) above the 10% AEP flood level.
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All components associated with the wastewater system adequately comply with PO 2.5 and DTS/DPF 2.5 insofar as the nearest watercourses are located some 102 metres west (dam on adjoining land) of the surface irrigation area and a watercourse located on the subject land some 203 metres to the north.

A 50m setback from two bores located on the subject land is achieved and is nominated on RFE drawing RFE0379, Dwg WW_01 provided in **Appendix D**.



Stormwater

Stormwater	
PO 3.1 Post-development peak stormwater discharge quantities and rates do not exceed pre-development quantities and rates to maintain water quality leaving the site.	DTS/DPF 3.1 None are applicable.
PO 3.2 Stormwater run-off from areas not likely to be subject to pollution diverted away from areas that could cause pollution.	DTS/DPF 3.2 None are applicable.
PO 3.3 Polluted stormwater is treated prior to discharge from the site.	DTS/DPF 3.3 None are applicable.
PO 3.9 Stormwater from excavated and filled areas is managed to protect water quality.	DTS/DPF 3.9 Excavation and/or filling satisfy all the following: <ul style="list-style-type: none"> (a) is located 50m or more from watercourses (b) is located 100m or more from public water supply reservoirs and diversion weirs (c) does not involve excavation exceeding a vertical height of 0.75m (d) does not involve filling exceeding a vertical height of 0.75m (e) does not involve a total combined excavation and filling vertical height of 1.5m.
Landscapes and Natural Features	
PO 4.1 Development minimises the need to modify landscapes and natural features.	DTS/DPF 4.1 None are applicable.

In response to PO 3.1, PO 3.2, PO 3.3 and PO 3.9, PT Design were engaged to assess the effect of the development on the existing stormwater infrastructure (no Council assets abutting the site) and to prepare a preliminary stormwater drainage plan incorporating the proposed method of disposing stormwater run-off from the site as a result of the development.

In order to comply with known Council requirements, and to satisfy the above provisions, the site is to be separated into two portions, with the run-off generated from each of these areas to be managed as below.

1. Run-off generated off the rebuild and external paved adjacent the building is to be captured in a detention tank and slowly released to a soakage trench at a controlled rate, equivalent to a 1 in 10 year ARI predevelopment flow.
2. The proposed carpark runoff is to be discharged via a bioswale to remove contaminants before being piped to a soakage trench.

Refer to the PT Design report provided in **Appendix C** for further details and calculations, noting an additional 22,500 litre tank will be installed in addition to the requirements of the PT Design assessment.

The proposal has the benefit of specialist technical design advice regarding the management of stormwater generated by the built form and dedicated car park. It has been demonstrated that the proposal adequately complies with the provisions outlined above.



6.2.3 General Development Policies

The following provides an assessment of the most relevant provisions of 'Part 4 – General Development Policies' identified to be applicable to the subject land.

6.2.3.1 Design

On-site Waste Treatment Systems

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

On-site Waste Treatment Systems	
<p>PO 6.1</p> <p>Dedicated on-site effluent disposal areas do not include any areas to be used for, or could be reasonably foreseen to be used for, private open space, driveways or car parking.</p>	<p>DTS/DPF 6.1</p> <p>Effluent disposal drainage areas do not:</p> <ul style="list-style-type: none"> (a) encroach within an area used as private open space or result in less private open space than that specified in Design Table 1 - Private Open Space (b) use an area also used as a driveway (c) encroach within an area used for on-site car parking or result in less on-site car parking than that specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas.

It is considered that PO 6.1 is more relevant to the inclusion of on-site effluent disposal areas associated with residential development given the reference to 'private open space'. Notwithstanding, we acknowledge the need to ensure there is minimal intrusion into areas that may be used for recreation or as a driveway/car park.

This has been a significant consideration in the design of the on-site wastewater/sewage system given the potential risk and adverse impacts to visitors in the unlikely event of failure or odour emissions. To address this risk, the wastewater system is sited as far from the cellar door building as possible. The surface irrigation area extends in a northerly direction, parallel to the property boundary with Cudlee Creek Road. Tanks are located at the northern extremity of the irrigation area, some 25 meters from the cellar door.

The system is further separated by established fencing and will be screened by landscaping. There is no risk that persons attending the cellar door would enter the effluent disposal area. The proposal has been designed to adequately comply with PO 6.1.



Carparking Appearance

Carparking Appearance	
<p>PO 7.1</p> <p>Development facing the street is designed to minimise the negative impacts of any semi-basement and undercroft car parking on the streetscapes through techniques such as:</p> <p>(a) limiting protrusion above finished ground level (b) screening through appropriate planting, fencing and mounding (c) limiting the width of openings and integrating them into the building structure.</p>	<p>DTS/DPF 7.1</p> <p>None are applicable.</p>
<p>PO 7.2</p> <p>Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced and the like.</p>	<p>DTS/DPF 7.2</p> <p>None are applicable.</p>
<p>PO 7.3</p> <p>Safe, legible, direct and accessible pedestrian connections are provided between parking areas and the development.</p>	<p>DTS/DPF 7.3</p> <p>None are applicable.</p>
<p>PO 7.4</p> <p>Street level vehicle parking areas incorporate tree planting to provide shade and reduce solar heat absorption and reflection.</p>	<p>DTS/DPF 7.4</p> <p>None are applicable.</p>
<p>PO 7.5</p> <p>Street level parking areas incorporate <u>soft landscaping</u> to improve visual appearance when viewed from within the <u>site</u> and from public places.</p>	<p>DTS/DPF 7.5</p> <p>None are applicable.</p>
<p>PO 7.6</p> <p>Vehicle parking areas and associated driveways are landscaped to provide shade and positively contribute to amenity.</p>	<p>DTS/DPF 7.6</p> <p>None are applicable.</p>
<p>PO 7.7</p> <p>Vehicle parking areas and access ways incorporate integrated stormwater management techniques such as permeable or porous surfaces, infiltration systems, drainage swales or rain gardens that integrate with <u>soft landscaping</u>.</p>	<p>DTS/DPF 7.7</p> <p>None are applicable.</p>

A dedicated 26 space carpark will be constructed on a relative level portion of land within the north western corner of the cellar door site. To facilitate development of the carpark, only minor leveling and resurfacing will be required. A bioswale will be constructed at the western end of the carpark to assist with stormwater management and drainage.

The parking area is directly accessible from an existing driveway, entering the land from Berry Hill Road adjacent the southern boundary.

The parking area will be partially screened by inclusion of perimeter landscaping including site suitable, fire retardant (if practical) trees and shrubs. Landscape selections will enhance the appearance of the site, in turn providing improved levels of shading. The general appearance of the land will be improved and will contribute positively to the amenity of the locality and the primary production area.



6.2.3.2 Interface between Land uses

Desired Outcome	
DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.

Hours of Operation									
<p>PO 2.1</p> <p>Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:</p> <ul style="list-style-type: none"> (a) the nature of the development (b) measures to mitigate off-site impacts (c) the extent to which the development is desired in the zone (d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land. 	<p>DTS/DPF 2.1</p> <p>Development operating within the following hours:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Class of Development</th> <th style="text-align: left;">Hours of operation</th> </tr> </thead> <tbody> <tr> <td>Consulting room</td> <td>7am to 9pm, Monday to Friday 8am to 5pm, Saturday</td> </tr> <tr> <td>Office</td> <td>7am to 9pm, Monday to Friday 8am to 5pm, Saturday</td> </tr> <tr> <td>Shop, other than any one or combination of the following: <ul style="list-style-type: none"> (a) restaurant (b) cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone </td> <td>7am to 9pm, Monday to Friday 8am to 5pm, Saturday and Sunday</td> </tr> </tbody> </table>	Class of Development	Hours of operation	Consulting room	7am to 9pm, Monday to Friday 8am to 5pm, Saturday	Office	7am to 9pm, Monday to Friday 8am to 5pm, Saturday	Shop, other than any one or combination of the following: <ul style="list-style-type: none"> (a) restaurant (b) cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone 	7am to 9pm, Monday to Friday 8am to 5pm, Saturday and Sunday
Class of Development	Hours of operation								
Consulting room	7am to 9pm, Monday to Friday 8am to 5pm, Saturday								
Office	7am to 9pm, Monday to Friday 8am to 5pm, Saturday								
Shop, other than any one or combination of the following: <ul style="list-style-type: none"> (a) restaurant (b) cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone 	7am to 9pm, Monday to Friday 8am to 5pm, Saturday and Sunday								

The proposal is for the operation of a cellar door for the sale and consumption of wine. The proposal does not include a restaurant, nor does it include a function centre. While the licensee may look to secure future Short Term Licences for one off or regional events, there are insufficient facilities to host large groups or special events on a regular basis.

While PO 2.1 appears to exclude nominated hours for a cellar door operating within the Productive Rural Landscape Zone, the proposed operating hours of Friday – Monday (plus Public Holidays) 11:00 – 5:00pm is well within the limitations imposed for a shop (other than a cellar door). This would anticipate longer hours are acceptable for the proposed use, however this is not sought at this time.

Notwithstanding, proposed operating hours comply with PO 2.1 above, and are not only acceptable within the locality, but also consistent with other cellar door facilities within the Adelaide Hills.



<p>PO 4.5</p> <p>Outdoor areas associated with licensed premises (such as beer gardens or dining areas) are designed and/or sited to not cause unreasonable noise impact on existing adjacent sensitive receivers (or lawfully approved sensitive receivers).</p>	<p>DTS/DPF 4.5</p> <p>None are applicable.</p>
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The licenced area will include only the area associated with the cellar door, with some allowance for overflow into the garden and immediate surrounds. This will enable smokers to be sufficiently removed from the building and visitor/public areas, and to support desires for visitors to be photographed within the immediate grounds. Visitors will not be allowed to enter the vineyard, with the area between the cellar door building and vineyard to remain fenced off.

To achieve PO 4.5, an outdoor area, similar to a courtyard, is positioned on the northern side of the building, located central to the tasting room/lobby and office/sanitary facilities. The outdoor area will be shielded by solid walls and a substantial setback to all adjoining property boundaries to the west and south. It is not anticipated that visitors gathering within the outdoor area would have any impact on adjoining properties.

Light Spill	
<p>PO 6.1</p> <p>External lighting is positioned and designed to not cause unreasonable light spill impact on adjacent sensitive receivers (or lawfully approved sensitive receivers).</p>	<p>DTS/DPF 6.1</p> <p>None are applicable.</p>

The cellar door will close at 5pm when operating, and will be closed Tues – Thurs. External lighting will be for safety and security purposes only and will be design and positioned/directed such that it will not cause undue impact to adjoining properties. There is no impediment in complying with PO 6.1 in relation to light spill.

6.2.3.3 Transport, Access and Parking

The physical aspects of carparking design and appearance have been discussed above in section 6.2.3.1.

Desired Outcome	
<p>DO 1</p>	<p>A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.</p>

Access for People with Disabilities	
<p>PO 4.1</p> <p>Development is sited and designed to provide safe, dignified and convenient access for people with a disability.</p>	<p>DTS/DPF 4.1</p> <p>None are applicable.</p>

The proposal will utilise an existing all weather access located on Berry Hill Road. The driveway will provide opportunity for access and egress by visitors in a forward manner, with sufficient existing turning areas provided for larger commercial and emergency service vehicles should that be required.



Car park space No. 1, located immediately adjacent the access path leading to the cellar door building, will be a dedicated accessible space. Mobility impaired patrons will access the building at the main entrance, being the same entry location for the able bodied. At grade access will be provided to all internal areas of the building, with access to the outdoor area provided via bi-fold or wider openings doors leading from the tasting room and lobby.

Vehicle Parking Rates	
<p>PO 5.1</p> <p>Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:</p> <ul style="list-style-type: none"> (a) availability of on-street car parking (b) shared use of other parking areas (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared 	<p>DTS/DPF 5.1</p> <p>Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant:</p> <ul style="list-style-type: none"> (a) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements (b) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas (c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces

The proposal will include a 26 space dedicated carpark on the southern side of the building. Table 1 – General Off-Street Car parking Requirements requires a 'shop' to provide parking at a rate of 5.5 spaces per 100m² of gross leasable floor area. With a total floor area of 212m², the proposal generates a requirement for 11.7 spaces. The proposal demonstrates a surplus of 14 spaces.

The proposal accords with DO1, PO 4.1 and PO 5.1 in regard to the relevant transport, access and parking provisions.



7. CONCLUSION

The development application seeks Development Plan Consent for a '*Alterations and Additions to a former detached dwelling and Change of Use to Shop (Cellar Door) in association with existing vineyard with ancillary carparking and landscaping*' for Vinteloper at 589 Cudlee Creek Road, Cudlee Creek.

The proposal seeks to reimagine the purpose, utilise the remaining structure and adapt the use of a former dwelling destroyed in the Cudlee Creek bushfire of December 2019 in a manner that explicitly addresses the desires of the Code to promote horticulture and value adding opportunities, including the sale and consumption of agricultural based products, that expands the economic base and promotes its regional identity, and create local conditions that support new and continuing investment while seeking to promote co-existence with adjoining activities and mitigate land use conflicts. The proposal exemplifies a desire for the adaptive reuse of existing buildings for small-scale shops.

The development is entirely consistent with the established existing use of the site for the purpose of primary production and is most acceptable within the Productive Rural Landscape Zone of the Planning and Design Code.

The proposed land use will be contained wholly within a zone where a range of non-residential and primary production land uses are envisaged and encouraged.

The proposal will be a catalyst in the continued recovery of the site and Vinteloper, providing an opportunity to showcase the site and the wines produced from produce sourced from the land.

The proposal adequately addresses the key considerations of land use, stormwater and wastewater management, and ensures there are no unreasonable amenity impacts arising from activation of the site.

On balance, it is considered that the proposal sufficiently accords with the Productive Rural Landscape Zone, relevant overlays, and the most relevant provisions of Part 4 – General Development Policies contained within the Planning & Design Code.

The proposal warrants the granting of Planning Consent.



APPENDIX A

Certificate of Title

REAL PROPERTY ACT, 1986



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5946 Folio 767

Parent Title(s) CT 5528/445, CT 5532/721
Creating Dealing(s) VE 10195124
Title Issued 18/08/2005 Edition 2 Edition Issued 16/05/2018

Estate Type

FEE SIMPLE

Registered Proprietor

DAVID NICHOLAS BOWLEY
OF 28 STATENBOROUGH STREET LEABROOK SA 5068

Description of Land

ALLOTMENT 21 FILED PLAN 155936
IN THE AREA NAMED CUDLEE CREEK
HUNDRED OF TALUNGA

Easements

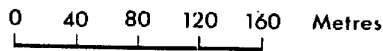
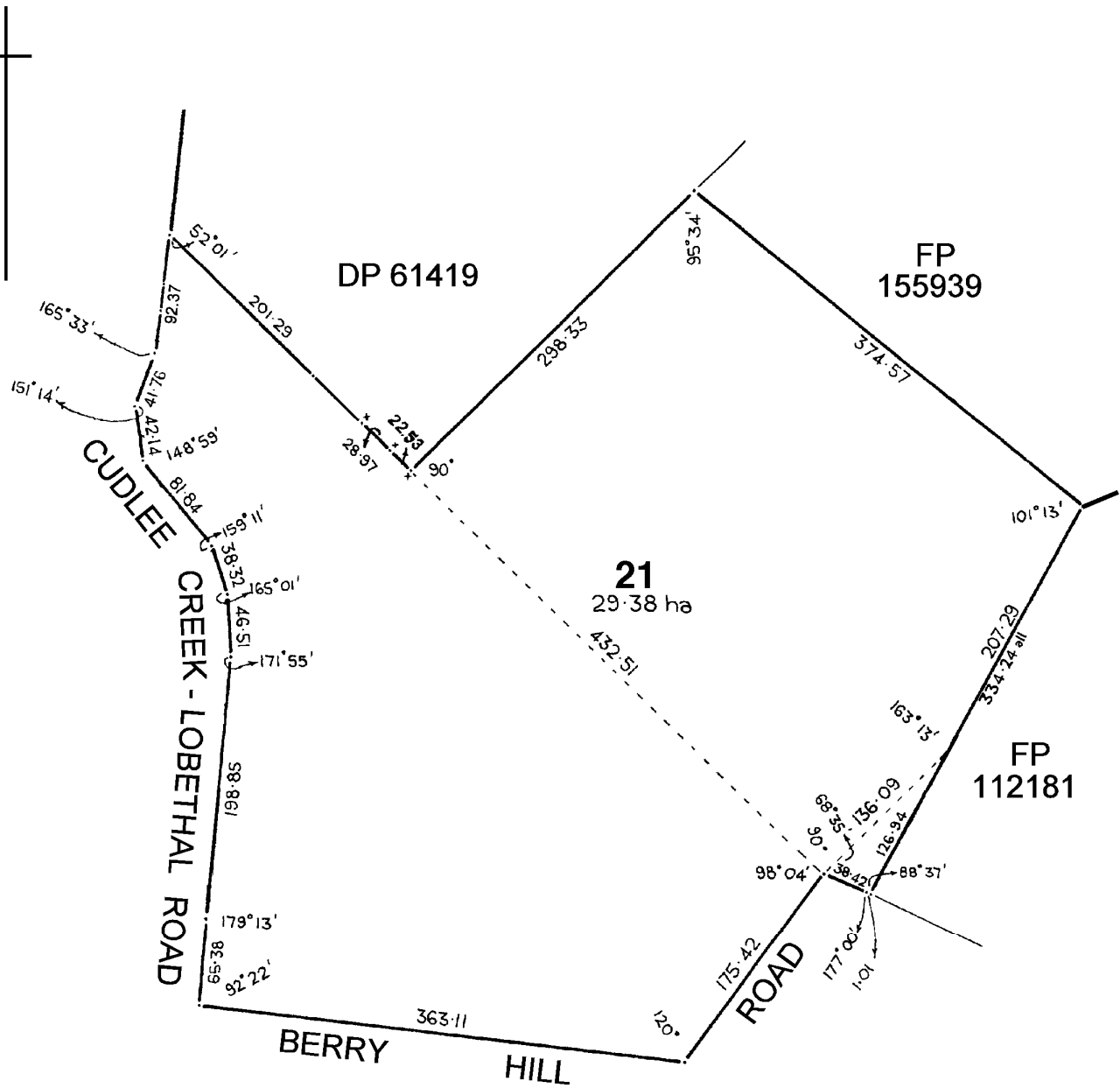
NIL

Schedule of Dealings

NIL

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



Certificate of Title

Title Reference: CT 5946/767
Status: CURRENT
Parent Title(s): CT 5528/445, CT 5532/721
Dealing(s) Creating Title: VE 10195124
Title Issued: 18/08/2005
Edition: 2

Dealings

Lodgement Date	Completion Date	Dealing Number	Dealing Type	Dealing Status	Details
02/05/2018	16/05/2018	12917575	TRANSFER	REGISTERED	DAVID NICHOLAS BOWLEY
02/05/2018	16/05/2018	12917574	DISCHARGE OF MORTGAGE	REGISTERED	9808728
21/11/2012	28/11/2012	11855170	VESTING (GLOBAL UPDATE)	REGISTERED	RURAL BANK LTD. 9808728
19/03/2004	02/04/2004	9808728	MORTGAGE	REGISTERED	ELDERS RURAL BANK LTD.



APPENDIX B

Architectural Drawings

Detail Studio

Project No. 210006 Drawing series PL01 – PL06

1 December 2021

Ref: App ID 2102 7668 AHC RFI response

Mr A Aitken
Chief Executive Officer
Adelaide Hills Council
PO Box 44
WOODSIDE SA 5244

*By electronic lodgement
PlanSA portal*

Attention: Ms Marie Molinaro
Statutory Planner
Strategy & Development

**RE: Development Application ID 2102 7668
Vinteloper Cellar Door
589 Cudlee Creek Road, Cudlee Creek**

Planning Studio continues to act for Mr David Bowley of Vinteloper, the owner of land located at 589 Cudlee Creek Road Cudlee Creek.

I refer to your letter dated 10 November 2021 whereby you have requested additional information and clarification regarding some elements of the proposal.

I note this letter replicates those matters contained in an email dated 28 October 2021, to which a response was provided, by email, on the same day. It is considered that many of the points contained within the request have been sufficiently addressed, but are included below for completeness.

I also take this opportunity to note the two representations received during the prescribed notification period and advise that a separate response will be provided in due course. The response below is not affected by the issues raised by representors.

The following is provided for your consideration and is numbered consistent with the formal request.

1) *Detail of any proposed functions/events. Please specify:*

- *Number of functions/events per calendar year*
- *Capacity of each function/event*
- *Hours of operation of functions/events*
- *Will the individual components operate together – i.e. cellar door and functions at the same time to different patrons.*

Where functions require additional carparking and/or structures to be erected (e.g. stage, marquees, toilets etc) a site plan will be required showing the location of these areas.

Appreciate the information on page 28 of the planning report re functions, but some more specific detail re the regional events would be helpful.

We reiterate that the express purpose of the application is a cellar door, not a function centre or restaurant, with no intent for any additional activities that would exceed the proposed capacity or opening hours outlined within the current application. The space is limited



physically for large events in any case and there are no kitchen facilities. The proposed cellar door is a modest building with very limited floor space capacity.

Any intent to vary the use, operating hours or capacity of the cellar door would be subject to a subsequent application, with procedural matters determined at that time.

Reference to 'one off' and 'regional events' on page 28 of the Planning Assessment Report seeks to ensure that the Applicant is able to apply for one off Limited Licence should it be desired to participate in regional wine related events such as, but not limited to, those organised by the 'Adelaide Hills Wine Region' such as Crush, Winter Reds, Chardonnay May and others should they arise.

Regional events are unpredictable and ever changing as the Adelaide Hills Wine Region, as the peak industry body, continues to work through their annual program whilst facing the challenges of Covid restrictions, bushfires and increasingly challenging weather conditions both in summer and winter.

We reiterate that our client is unsure of a desire to participate and/or the frequency at this stage. The express purpose of limited licences for such events allows for the adaptability and flexibility associated with regional events as they arise. Many other facilities within the Adelaide Hills operate on this basis and has been regularly supported by Council.

2) Will there be entertainment? If so, will it be live music/concert/band/signers/amplified/acoustic If amplified please provide a plan showing the location of the stage and direction of the speakers

There is no entertainment proposed as part of this proposal.

While there is significant emphasis within the information request regarding functions, we reaffirm that there is no intent as part of the current application to operate beyond the proposed capacity or operating hours which have been outlined in the planning report. The request for details of concerts, stage location, speakers etc is well outside the scope of the application and is not necessary.

The express intent of the application is to aide in the post bushfire recovery of Vinteloper, pay homage to the site and its recent history, its continued association with primary production, and to facilitate the sale and consumption of produce coming directly from the land.

The application is for an architecturally designed, modest scale, cellar door with associated parking and landscaping.

3) Confirmation that the maximum capacity will be 40 persons both inside and outside the building at any one time during regular trading hour

That is correct. Capacity refers to a total proposed capacity on site at any one time.

4) Detail re the copper roof cladding. PO11.1 of the Zone seeks for in part large buildings to reduce impacts on scenic and rural vistas by using low reflective materials and finishes that blend with the surrounding landscape.

Being unfamiliar with copper cladding I am not clear if this material will be low reflective and blend with the surrounding landscape. I would appreciate your thoughts on this, a material sample may be useful.

You will note that the external material previously referred to as copper cladding has been refined to a zinc material in 'Pigmento Red'. A sample of the material was left for you at the Woodside office of the Council on Wednesday 24 November 2021.

You will note from the sample that the selected cladding is a natural zinc material that is non reflective in nature. We consider the material to be an appropriate design response to the



environment and surrounding landscape, whilst remaining an suitable design response to the remnant dwelling form.

This material has been used on the Adelaide Convention Centre building on North Terrace should you wish to view it in larger scale.

5) *Site plan showing:*

- *Carparking for bus/coach parking and movement areas (if applicable).*
- *Dimensions of the parking spaces, aisle width and parking space delineation method. Please also detail the surface treatment of the parking area. If gravel surface treatment please detail how the parking area will be maintained to avoid dust nuisance etc.*
- *Setback of the access point to Berry Hill Road, as per your offer re point 4 below – thank you*
- *Licensed area plan. Appreciate the advice re licensed areas, but can the licensed areas please be plotted on the site plan.*

Please find **enclosed** updated drawings PL 02 – PL 04 which respond to the above request.

As noted on the updated plans, the carpark and driveway area will be constructed of compacted gravel with the 26 car parking spaces delineated with wheel stops. The access to the site occurs at the cessation of a sealed portion of Berry Hill Road.

While the landowner may consider sealing of the carpark and access driveway in future, it is considered an appropriate response at this time given the limited capacity and operating hours (4 days per week) and ability to ensure passive and environmentally responsible stormwater management on the site.

The proposed access and carpark is consistent with other similar facilities within the broader locality such as Golding Wines, Anderson Hill, Pike & Joyce and Mount Lofty Ranges Vineyard, all of which are accessed via unsealed roads and/or compacted gravel surfaced parking areas.

We advise that buses and coaches will not attend the site. The proposed cellar door does not have sufficient capacity to accept large groups that would be likely to arrive by bus or coach. Should a small mini bus attend the site unexpectedly, sufficient area is available adjoining existing agriculture buildings on the site, with opportunity to utilise existing driveways to ensure forward entry and exit from the site. Notwithstanding, such attendances would be discouraged and approaches from wine tour bus companies and large group bookings declined.

We note that you have undertaken referral to Council's Engineering department for advice re access, carparking and stormwater management. Given there may be some cross over with matters raised by representors, we request urgent advice regarding the outcome of this referral. I will contact you to discuss, but also advise that we are likely to engage MFY Pty Ltd traffic consultants to provide further advice following receipt of representations.

We trust the above, in addition to the forthcoming response to representations will assist you in continuing with your assessment of the proposal.

Should you wish to discuss any aspects of this proposal further, please do not hesitate to contact me on 0431 527 636 or emma@planningstudio.com.au.

Yours sincerely

Emma Barnes | MPIA | **Director**

Enc.

CC: D Bowley, Vinteloper

EXISTING SITE

- ① EXISTING RUINS - DEMOLITION EXTENT SHOWN DASHED RED
- ② EXISTING VERANDAH SLAB
- ③ EXISTING SHED TO BE DEMOLISHED
- ④ EXISTING SHEDS
- ⑤ EXISTING GRAVEL TRACK
- ⑥ EXISTING STORE
- ⑦ PROPERTY VINEYARD



VINTELOPER- REBUILD - EXISTING SITE & DEMOLITION PLAN

589 CUDLEE CREEK ROAD, LOBETHAL

ISSUED FOR PLANNING CONSENT 09/09/21

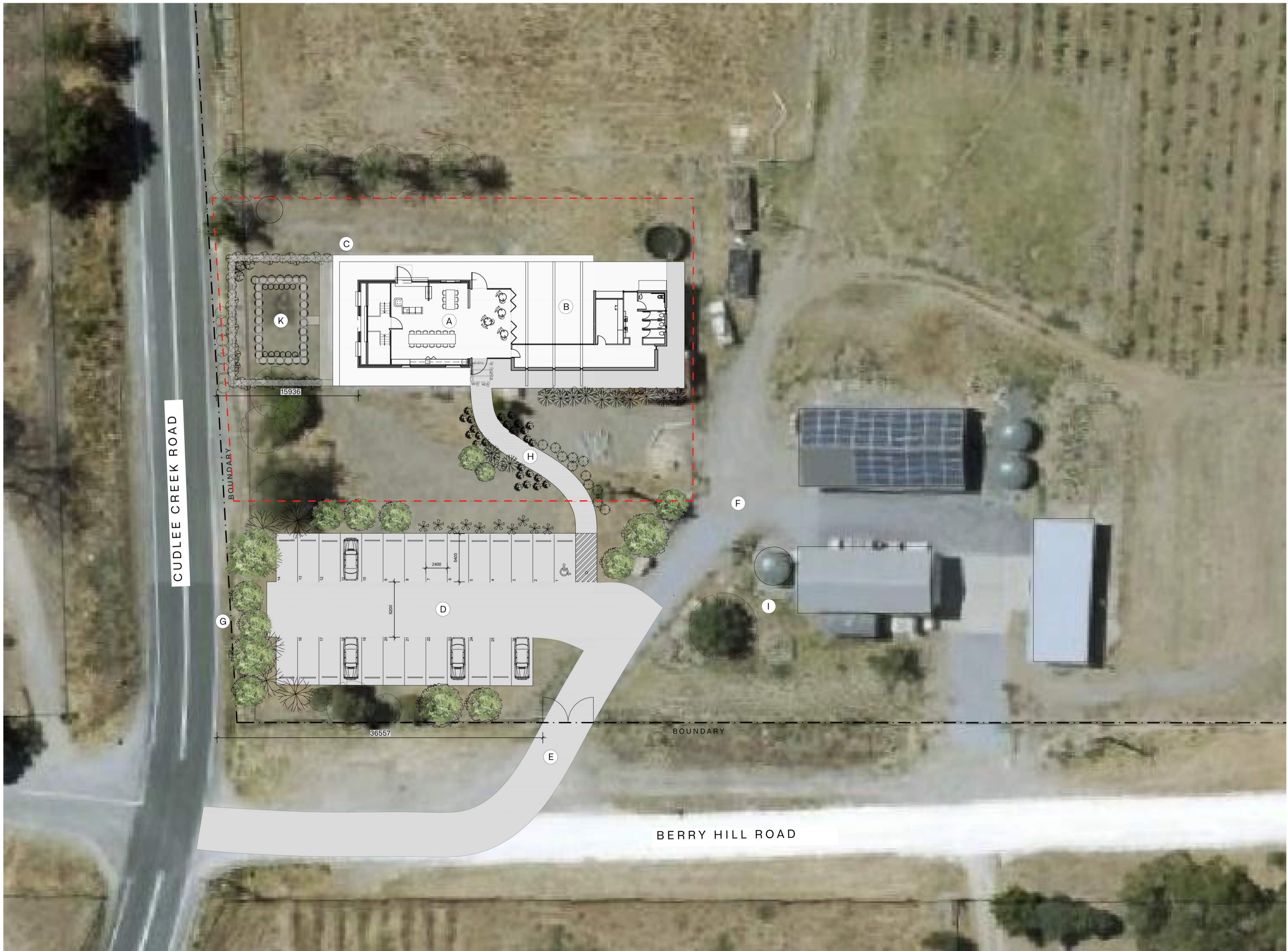
PL01
1:200 @A1

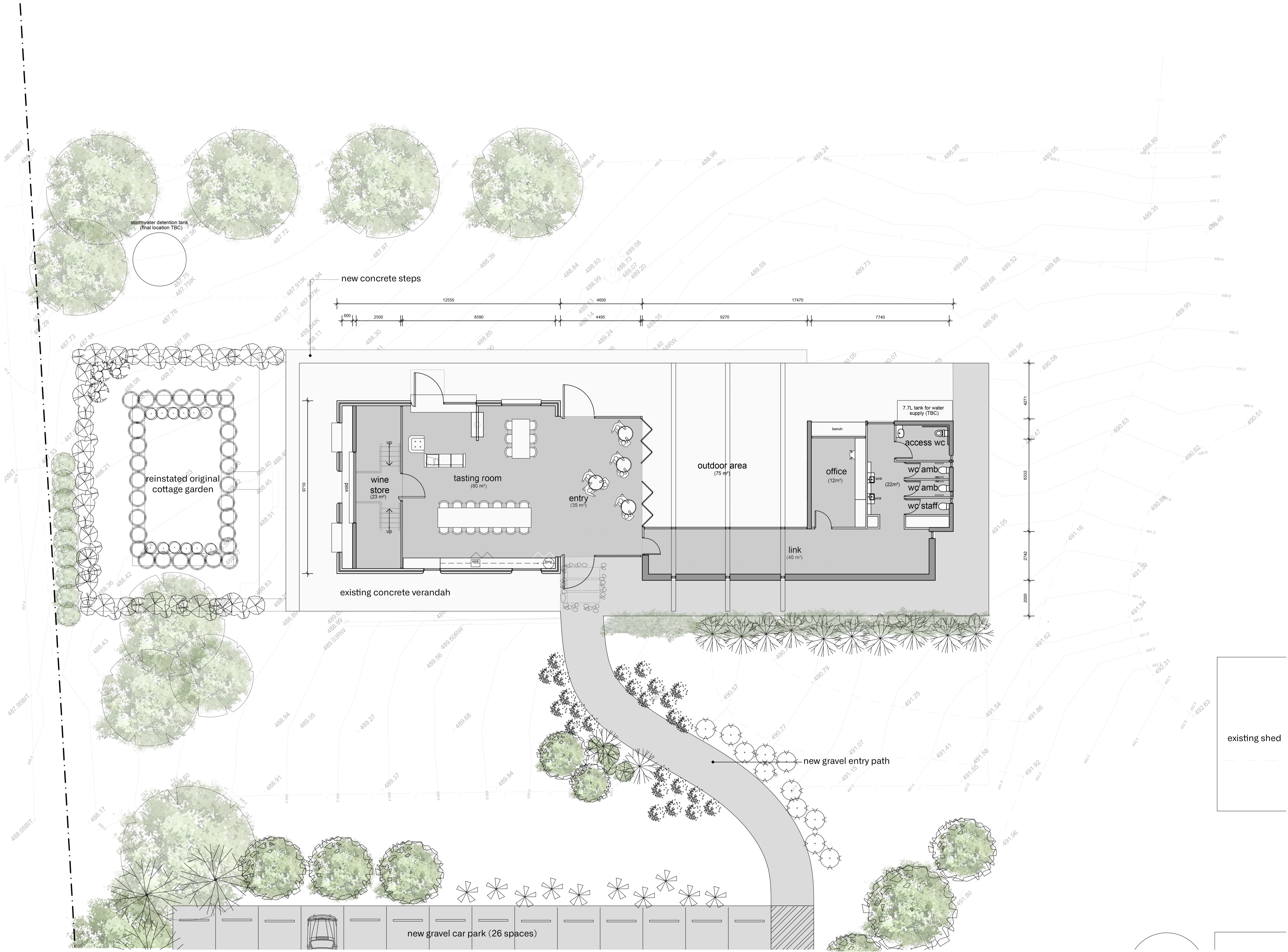
PROJECT NO. 210006
REVISION B
DATE SEPT 2021

PROPOSED

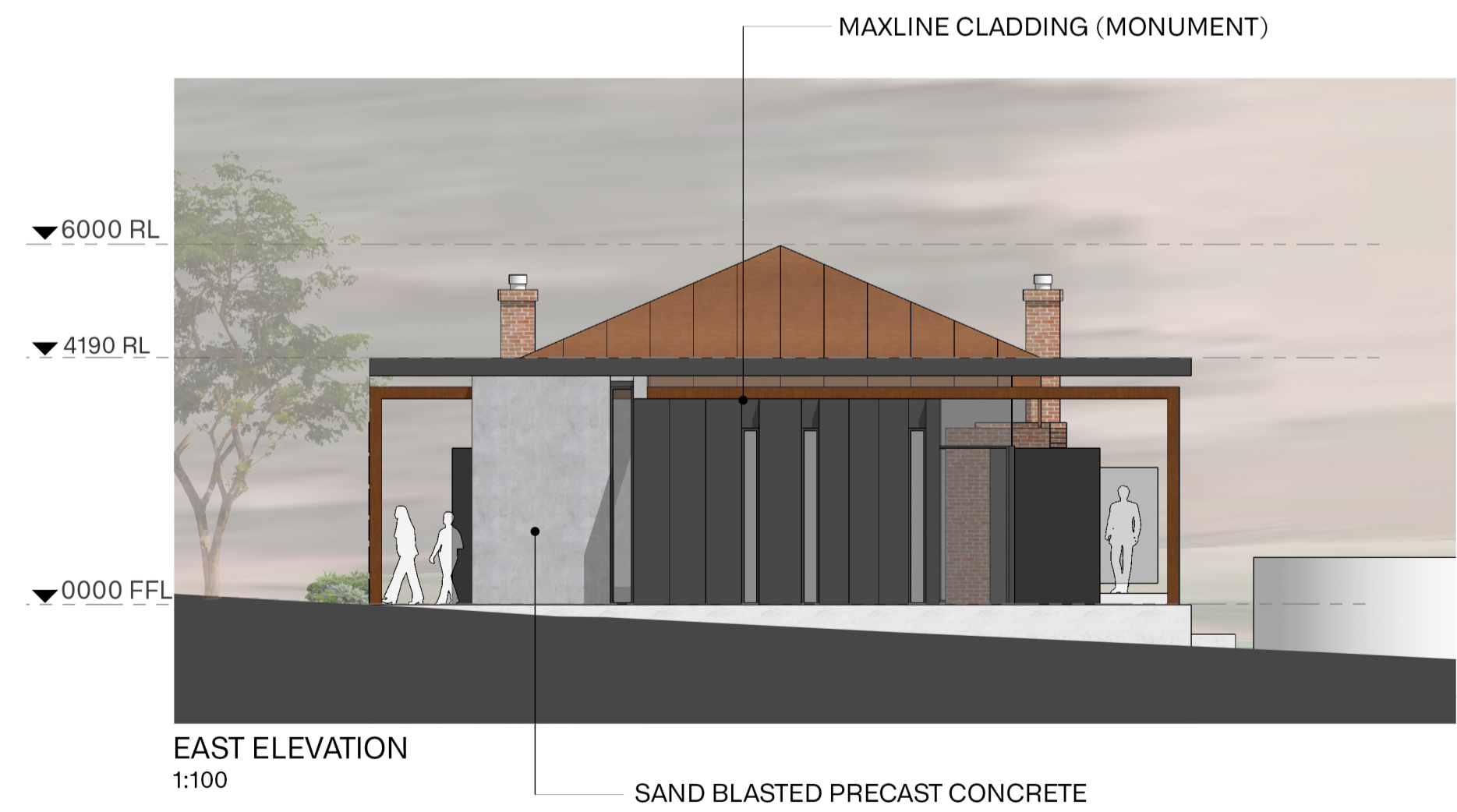
- (A) TASTING ROOM & WINE DISPLAY
- (B) OUTDOOR COURTYARD
- (C) OUTDOOR SEATING / LANDSCAPE
- (D) GRAVEL CARPARK - 26 CAR CAPACITY
- (E) NEW GRAVEL ENTRY DRIVEWAY
- (F) EXISTING DRIVEWAY
- (G) NEW TREES / LANDSCAPING
- (H) NEW GRAVEL ENTRY PATHWAY
- (I) NEW 25 k/L RAINWATER TANK
- (J) REINSTATE ORIGINAL COTTAGE GARDEN LAYOUT & PLANTING

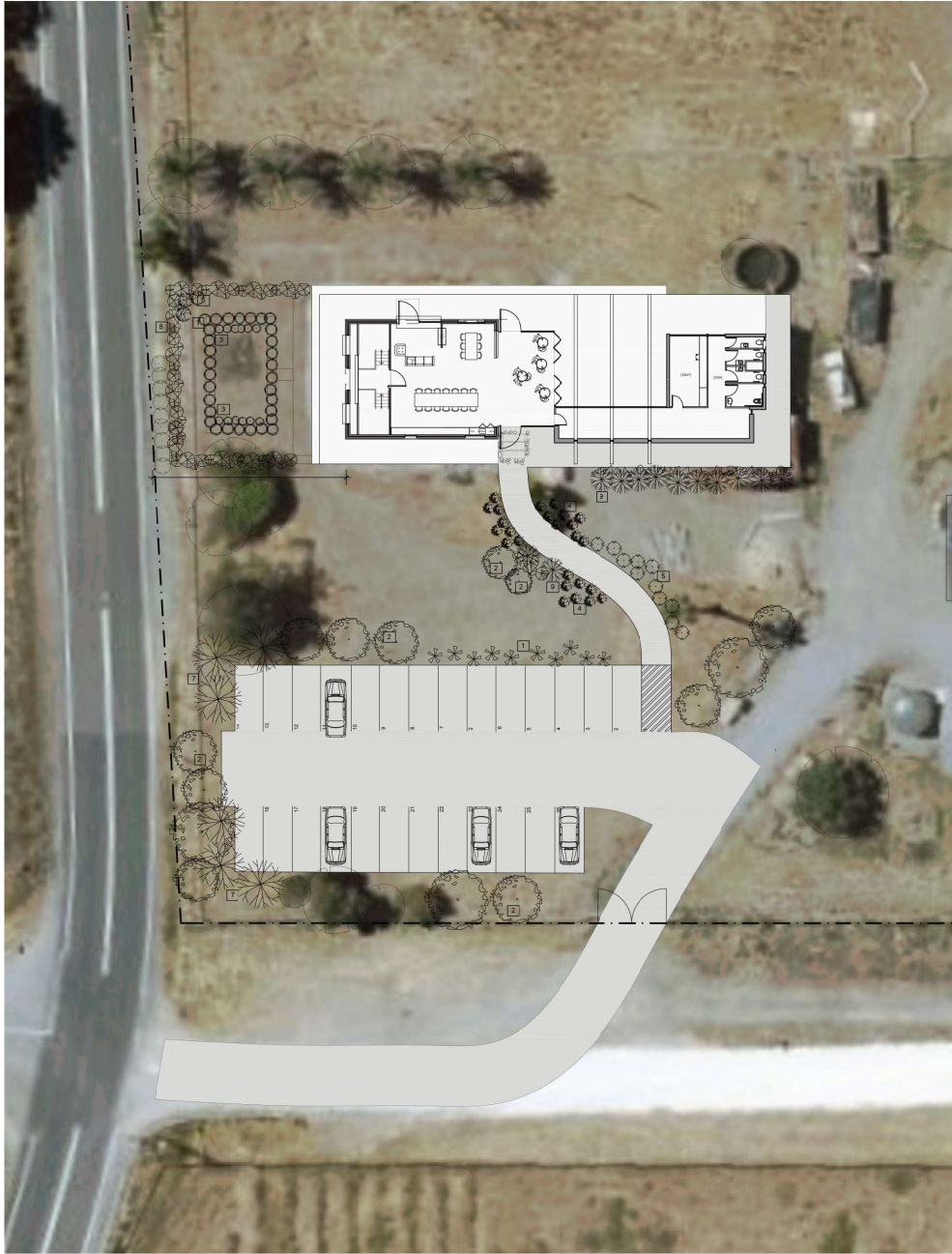
--- LIQUOR LICENCING BOUNDARY





VINTELOPER- REBUILD - PROPOSED FLOOR PLAN
589 CUDLEE CREEK ROAD, LOBETHAL





PRELIMINARY PLANTING SCHEDULE:

- | | | | |
|--|---------------------------------------------------------------------------------|--|---------------------------------------------------------------------------|
| | 1 <i>Scaevola albica</i>
White carpet
(ground cover) | | 6 <i>Acanthus mollis</i>
Century plant
(approx. 1m mature height) |
| | 2 <i>Ulmus parvifolia</i>
Chinese Elm
(approx. 6m mature height) | | 7 <i>Atriplex cineria</i>
Coast saltbush
(approx. 1m mature height) |
| | 3 <i>Lavandula derata</i>
Lavender
(to 60cm tall) | | 8 <i>Coleonema alba white</i>
Dosma
(approx. 1m mature height) |
| | 4 <i>Myoporum parvifolium</i>
Creeping bootalia
(ground cover) | | 9 <i>Danella revoluta</i>
Flax Lilly
(under 1m mature height) |
| | 5 <i>Diochondra "Silver Falls"</i>
Silver Falls Diochondra
(ground cover) | | 10 <i>Hibbertia scandens</i>
Snake vine
(ground cover) |

STORMWATER REPORT

SITE: Vinteloper Cellar door
589 Cudlee Creek Road
Lobethal

DATE OF ISSUE: 10.09.2021

PROJECT #: 22584

CLIENT: David Bowley and Sharon Hong

Scope of Works

In preparation of the Stormwater Management Plan the following items require consideration and comment by this office:

- Effect of the proposed development on the existing stormwater infrastructure.
- Preparation of a preliminary stormwater drainage plan incorporating the proposed method of disposing stormwater run-off from the site due to the proposed development.

Proposed Development

The proposed development is located at 589 Cudlee Creek Road, Lobethal. The development involves the reconstruction of a building damaged in recent bushfire and a car park with perimeter landscaping.

The site for the proposed works is currently occupied by rural buildings and the remains of the original building.

There is no existing Council stormwater infrastructure abutting the boundary of this site to support the proposed stormwater run-off.

Council Requirements

The following items are based on previous projects undertaken in the Adelaide Hills Council and will be adopted for this site;

- The site is not located within a flood zone.
- Measures shall be incorporated to ensure no stormwater borne pollutants are discharged into Council's drainage system.
- Post-development stormwater discharge rates shall not exceed pre-development stormwater discharge rates.

Stormwater Management Recommendations

It is the recommendation of this office that the items requested by Council be undertaken for the proposed development.

The site is to be separated into two portions, with the run-off generated from each of these areas to be managed as below.

1. Run-off generated off the rebuild and external paved adjacent the building is to be captured in a detention tank and slowly released to a soakage trench at a controlled rate, equivalent to a 1 in 10 year ARI predevelopment flow.
2. The proposed carpark runoff is to be discharged via a bioswale to remove contaminants before being piped to a soakage trench.

The total run-off generated from each of these areas is proposed to be retained on site to lessen any impact on Council infrastructure.

Stormwater treatment has been considered for this project. As the proposed development involves 26 car park spaces, the addition of a bioswale been included.

Refer to the marked-up stormwater proposal and attached calculations for further details.

Report Summary

It is the opinion of this office that the implementation of the above recommendations will allow the proposed development to comply with these Stormwater Management Objectives once detailed design has been completed.

Further information will be required to finalise the detailed stormwater design. This includes finalised architectural plans, detailing features such as roof structure and final downpipe locations.

Please contact the undersigned if you wish to discuss any aspect of this report.

PT Design PTY LTD

A handwritten signature in black ink, appearing to read 'S. Case', with a long horizontal line extending to the right.

Samuel Case
Director

Project:	Vineteloper Winery	Project #	22584
	Lobethal	Date	10/09/2021
Design By:	SC	Page	1

CRITICAL 1 IN 100 YEAR DETENTION VOLUME

New Build

PRE DEVELOPMENT FLOW

Time of Concentration	5 mins
Rainfall Intensity	94.2 mm/hr

Catchment Area	C	Area (m ²)	
Roof	0.9	224	5.3
Impervious	0.75	0	0.0
Pervious	0.2	0	0.0
Total			5.3 L/sec

POST DEVELOPMENT FLOW

Time of Concentration	t mins (critical TBC)
Rainfall Intensity	¹⁰⁰ _t mm/hr

Catchment Area	C	Area (m ²)	
Roof	0.9	549	0.14
Impervious	0.75	0	0.00
Pervious	0.2	0	0.00
Total			0.14 ¹⁰⁰ _t

Project: Vineteloper Winery

Project # 22584

Lobethal

Date 10/09/2021

Design By: SC

Page 2

CRITICAL STORAGE VOLUME

Q in

0.14 ¹⁰⁰I_t

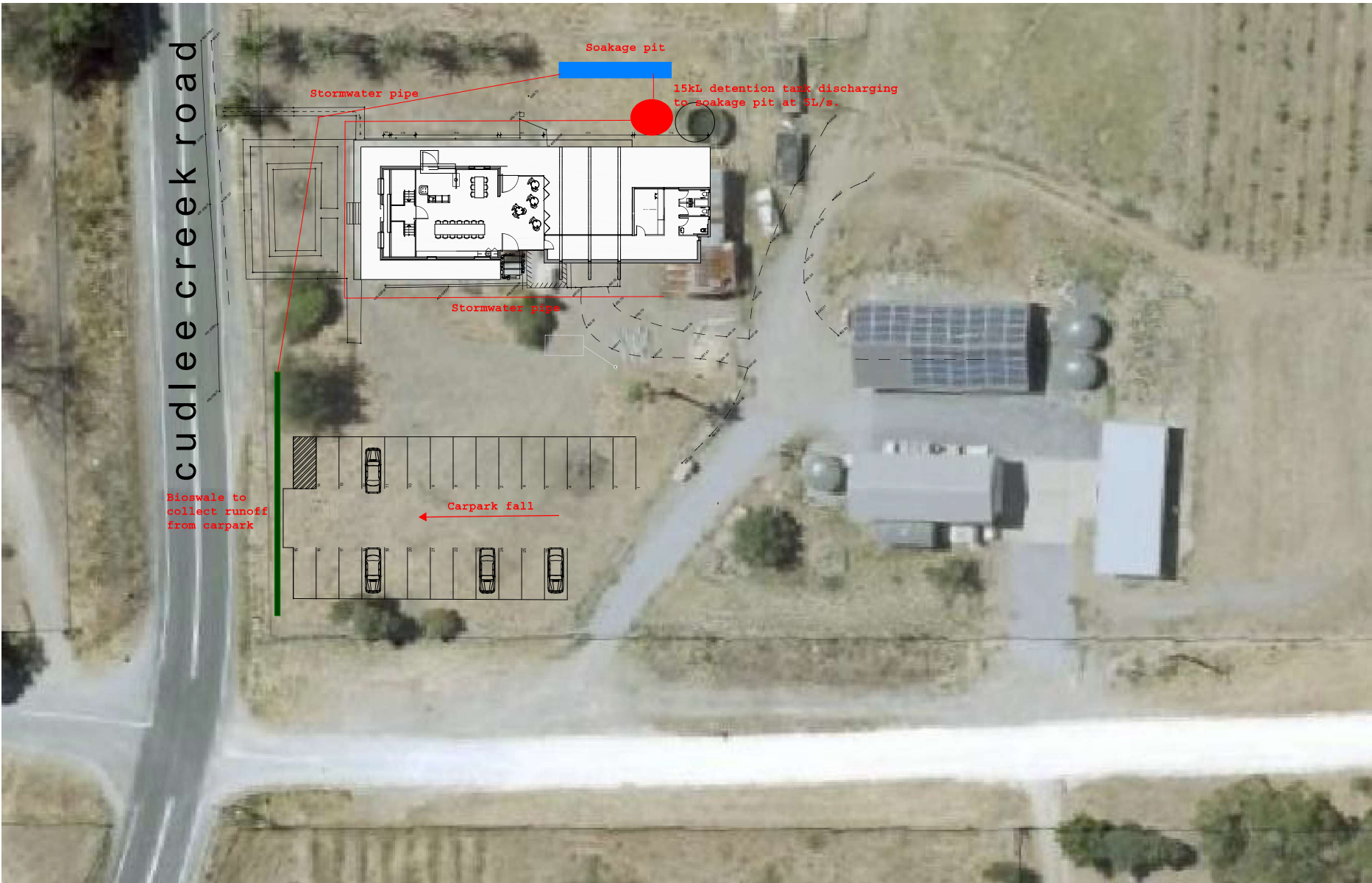
Q out

5.3 L/sec

Tc (mins)	Intensity, I (mm/hr)	Q in (L/sec)	Q out (L/sec)	V in (L ³)	V out (L ³)	V total (L ³)
5	185	25.4	5.3	7617	1583	6034.815
6	171	23.5	5.3	8449	1741	6708
10	135	18.5	5.3	11117	2374	8743
20	92.8	12.7	5.3	15284	3956	11328
30	72.7	10.0	5.3	17961	5539	12422
60	46.4	6.4	5.3	22926	10287	12640
120	29.0	4.0	5.3	28658	19782	8875.8
180	21.9	3.0	5.3	32462	29277	3185
360	13.6	1.9	5.3	40319	57763	-17444.9
720	8.42	1.2	5.3	49924	114736	-64811.7
1440	5.11	0.7	5.3	60596	228680	-168083

PEAK STORAGE REQUIRED

12640 L³



cudlee creek road

Soakage pit

Stormwater pipe

15kL detention tank discharging to soakage pit at 5L/s.

Stormwater pipe

Bioswale to collect runoff from carpark

Carpark fall

PT DESIGN
10/08/2021
Job No. 22584

19 October 2021

Vinterloper
David Bowley
589 Cudlee Creek Road
CUDLEE CREEK, SA 5232

SITE AND SOIL ASSESSMENT– 589 CUDLEE CREEK ROAD, CUDLEE CREEK, SOUTH AUSTRALIA 5232

Dear David,

INTRODUCTION

RFE Consulting Pty Ltd ('RFE') were engaged to undertake a site and soil assessment for the purpose of determining the suitability of the proposed on-site wastewater management system to facilitate the proposed cellar door development at the site located at 589 Cudlee Creek Road, Cudlee Creek, South Australia ('the site').

It is understood a dwelling was destroyed at the site in the recent Adelaide Hills fires and a cellar door development is now proposed for the site. This wastewater application forms part of a larger Development Application.

The assessment was completed in accordance with the Government of South Australia DHA *On-site Wastewater Management Systems Code (the Code)*.

Site summary information is provided in Table 1.

Table 1 Site summary information

Item	Detail
Subject Land	F155936, A21, Certificate of Title Volume 5946 Folio 767, Hundred of Talunga
Postal Address	589 Cudlee Creek Rd, Cudlee Creek, South Australia 5232
Municipality	Adelaide Hills Council
Current Land Use	Vineyard
Proposed Land Use	Cellar Door
Design Flow (Commercial)	8 L/p/d (Cellar Door with 40% loading as required for secondary)
Anticipated Wastewater Load (Commercial)	320 L/d (based on a maximum of 40 patrons)
Organic Load	11.2 g BOD ₅ /p/d (Cellar Door with 40% loading as required for raw sewage to aerobic treatment)
Anticipated Organic Load (Commercial)	448 g BOD ₅ /d (based on a maximum of 40 patrons)
Treatment System Required	1kL balance tank and Ozzi Kleen RP10 AWTS
Disposal System Required	Surface irrigation land application
Design Irrigation Rate Adopted	4.5 L/m ² /d
Surface irrigation area required	72m ²

Surface Irrigation area provided	184 m ² (conservative approach and to optimise beneficial reuse of the secondary treated wastewater on the moderate slope with an approximate north westerly aspect).
----------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

AIM

The aim of this assessment is to determine the suitability of the proposed on-site wastewater management system comprising an SA Health approved Aerated Wastewater Treatment System (AWTS) with minimum 1kL balance tank to surface irrigation land application.

METHODOLOGY

The key features summarised in Table 2 are based on the desktop review of readily available information as well as an intrusive soil assessment.

The initial intrusive assessment was completed by JR Soil Sampling using portable push tube drilling methods on 25 August 2021.

SITE FEATURES

A summary of the key site features is provided in Table 2.

Table 2 Key site land features

Feature	Description	Recommendations
Landscape Elements		
Soil	<p>The approximate locations of the soil investigation locations targeting the proposed surface irrigation land application area for primary treated water is illustrated in Attachment 2.</p> <p>Drilling at both borehole locations refused, BH1 at 1.9m below ground level (bgl) and BH2 at 1.5m bgl, both on inferred weathered rock.</p> <p>The materials encountered in the intrusive site assessment can be summarised as follows:</p> <ul style="list-style-type: none"> - Surface soil horizon comprised a brown silty clayey SAND, fine to medium grained, trace roots extending to a depth of 0.1m bgl in both boreholes. - Subsurface horizon in both boreholes comprising a low plasticity, dark brown silty CLAY, extending to 0.6m bgl in BH1 and to 0.4m bgl in BH2 - Underlain by high plasticity dark grey-brown silty CLAY extending to 0.9m bgl in BH1 and 0.8m bgl in BH2. - Underlain by various layers of gravelly silty clay, sand and gravel, inferred to be extremely weathered rock to the termination of both boreholes, at 1.9m bgl in BH1 and 1.4m bgl in BH2. <p>Soil borehole logs are attached to this report in Attachment 2.</p>	<p>Based on the soil assessment completed at the site, the proposed surface irrigation area will be located in poor soakage soils over practically impermeable soils.</p> <p>Based on the soil encountered as well as the proposed design improvements including:</p> <ul style="list-style-type: none"> - Planting out the designated surface irrigation area - Ripping the top 200mm - Emplacing and maintaining a cover of mulch across the designated surface irrigation area <p>A Design Irrigation Rate (DIR) of 4.5 L/m²/d has been adopted.</p>
Slope	<p>The proposed surface irrigation land application area is positioned in an area which has a moderate slope with an approximate north westerly aspect.</p>	<p>A diversion swale shall direct surface water flows around the proposed irrigation area.</p> <p>An earthen retention bund shall be constructed at the down gradient</p>

Feature	Description	Recommendations
		boundary of the designated irrigation area to retain secondary treated wastewater within the designated irrigation area.
Hydrogeology	Groundwater was not intercepted in any of the boreholes installed to a maximum depth of 1.9 m bgl The proposed land application area is positioned greater than 50m to the closest registered bore.	None
Surface Water	The proposed surface irrigation land application area is located greater than 50m from the nearest registered water body.	None
Water Table	Groundwater was not intercepted in either borehole installed to a maximum depth of 1.9m bgl.	None
Bedrock	Portable drilling refusal was met at depth on inferred weathered rock in boreholes BH1 (at 1.9m bgl) and BH2 (at 1.5m bgl).	None – surface irrigation proposed.
Rainfall	Annual rainfall of 712.3 mm.	Based on data between 1994 to present from the Bureau of Meteorology Cudlee Creek (Odea Road) Weather station (ID: 023879).
Recommended Separation Distances	The location of the proposed infrastructure is in accordance with prescribed separation distances from structures and allotment boundaries in accordance with the Code.	As per Attachment 1
Infrastructure		
Water Supply.	This site is serviced by roof capture and storage.	In accordance with the Code, 8 L/p/d for the cellar door which has adopted loading parameters in accordance with Appendix E of the Code for a <i>Wine Tasting No Meals</i> operation (only platters and similar will be offered, a commercial scale kitchen is not proposed).

SYSTEM SIZING

The area proposed for the land application area has been calculated in accordance with *the Code*. The permeability class and corresponding Design Irrigation Rate (DIR) is based on the encountered soil conditions at the site and the permeability assessment completed at the site.

The results are summarised in Table 3.

Table 3 Summary of DIR for soils at the site

Parameter	Rating	Reasoning
Design Irrigation Rate (DIR) for Surface Irrigation Land Application	4.5 L/m ² /day	<p>Based on the soil assessment completed at the site, the proposed surface irrigation area will be located in poor soakage soils over practically impermeable soils.</p> <p>Based on the soil encountered as well as the proposed design improvements including:</p> <ul style="list-style-type: none"> - Planting out the designated surface irrigation area - Ripping the top 200mm - Emplacing and maintaining a cover of mulch across the designated surface irrigation area <p>A Design Irrigation Rate (DIR) of 4.5 L/m²/d has been adopted.</p>

CONCLUSION & RECOMMENDATIONS

Based on the above Site and Soil assessment, we consider the proposed on-site wastewater management system comprising a Ozzi Kleen RP10 AWTS (or SA Health Approved alternative) with a minimum 1kL SA Health approved balance tank to surface irrigation with a minimum contact area of 72m² to be appropriate for the site. The system should be installed in the area denoted on the attached Figure (Attachment 1).

The dwelling at the site was destroyed in the recent Adelaide Hills bush fires and a cellar door has now been proposed for the site. The cellar door is based on a peak occupancy of 40 persons. The Cellar Door will provide light food but a commercial scale kitchen is not proposed and therefore the appropriate Scenario for the cellar door – *Wine Tasting, No Meals* in accordance with the Code has been adopted.

Based on a total daily flow of 320 L/d, the required surface irrigation land application area required is 72m². Adopting a more conservative approach and to optimise the beneficial reuse of the secondary treated wastewater at the site an irrigation area of 184m² is provided.

Secondary treated wastewater will be distributed via a two-port indexing valve to the designated irrigation area.

The plumber installing the system shall ensure all wastewater at the site is directed to the proposed on-site wastewater management system and ensure signs are provided adequately to indicate secondary treated wastewater is being utilised for surface irrigation.

The proposed on-site wastewater management system shall be installed by an appropriately qualified Plumber in accordance with Legislative requirements (including AS3500, the Code and the Plumbing Code of Australia) and the manufacturer’s specifications.

The proposed on-site wastewater management system shall be serviced quarterly and reported to the Council.



CLOSURE

We trust this assessment is suitable for your purposes. Please contact me on 0439 034 900 should you have any queries.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ross Fitzgerald', is positioned below the text 'Yours sincerely'.

Ross Fitzgerald BEng Civil/Environmental MIEAust NER
Principal Environmental Engineer

Attachments:

Attachment 1 –Figure

Attachment 2 – Lithological Logs

Attachment 3 – Photographs



Attachment 1 – Figure



Attachment 2 – Lithological Logs



BOREHOLE LOG

Project No:	RFE0379	Drilling Method:	Hand Auger	Date:	25 August 2021
Client:	Vinteloper, David Bowley	Logged by:	RF, RFE Consulting		
Site Address:	589 Cudlee Creek Road, Cudlee Creek				
Soil Horizon Depth (m)		Soil Description	Soil Colour	Unified Soil Classification Symbol (USCS)	Moisture Content
BH1	BH2				
0.0 – 0.1	0.0 – 0.1	Silty Clayey SAND, fine to medium grained, trace roots	Brown	SM	Dry
0.1 – 0.6	0.1 – 0.4	Silty CLAY, low plasticity with some fine to medium grained sand	Dark brown	CL	<PL
0.6 – 0.9	0.4 – 0.8	Silty CLAY, high plasticity, very stiff	Dark grey-brown	CH	<PL
0.9 – 1.4	-	Gravelly Silty CLAY, low plasticity, fine to medium grained gravel.	Orange-brown mottled cream-grey	CL	<PL
1.4 – 1.8	-	Clayey Silty SAND, fine to medium grained, low plasticity fines	Dark brown mottled orange-brown mottled grey	SC	Dry
1.8 – 1.9	0.8 – 1.5	Silty Clayey GRAVEL, fine to medium gravel, medium plasticity fines, inferred extremely weathered rock.	Grey mottled orange grey brown	-	Dry
Comments:	Borehole BH1 refused at 1.9m bgl and BH2 at 1.5m bgl.				



JR SOIL SAMPLING

Box 178, Echunga 5153

Telephone/Fax: 8388 8431

Mobile: 0408 814 329

DATE 25.8.21

ENGINEER RFE

ENGINEER'S JOB No. 0379

LOCATION 589 WOLFE CREEK RD, LOBETHAL

TRAY No.	97	97							
No. OF BORES	1	2							
DEPTH	1.9	1.5							
WATER TABLE LEVELS	-	-							

SITE SURFACE CONDITIONS MOIST, FIRM

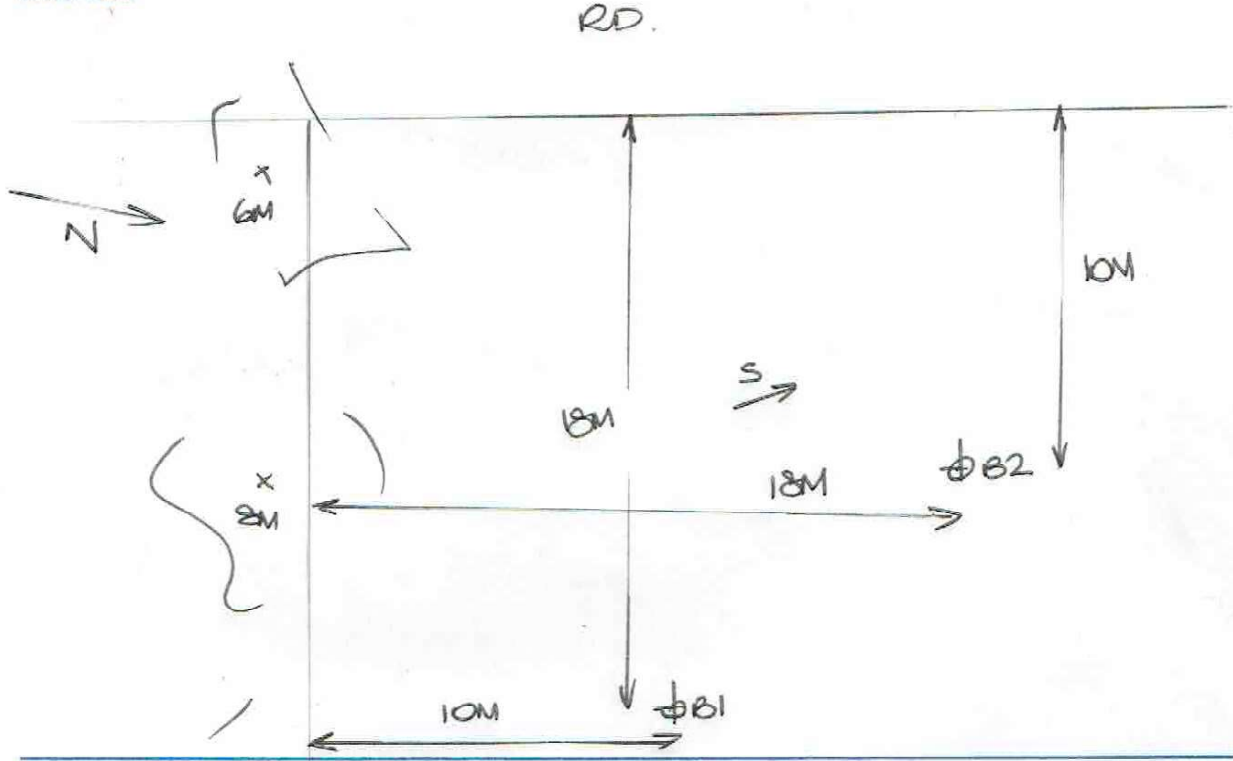
SLOPE 1:10

DIRECTION SEE PLAN

EXCAVATIONS AND DRAINS -

VEGETATION GRASS, TREES.

SITE PLAN



COMMENTS DRILL MED TO HIGH WITH REF.

(x BM) PORTABLE

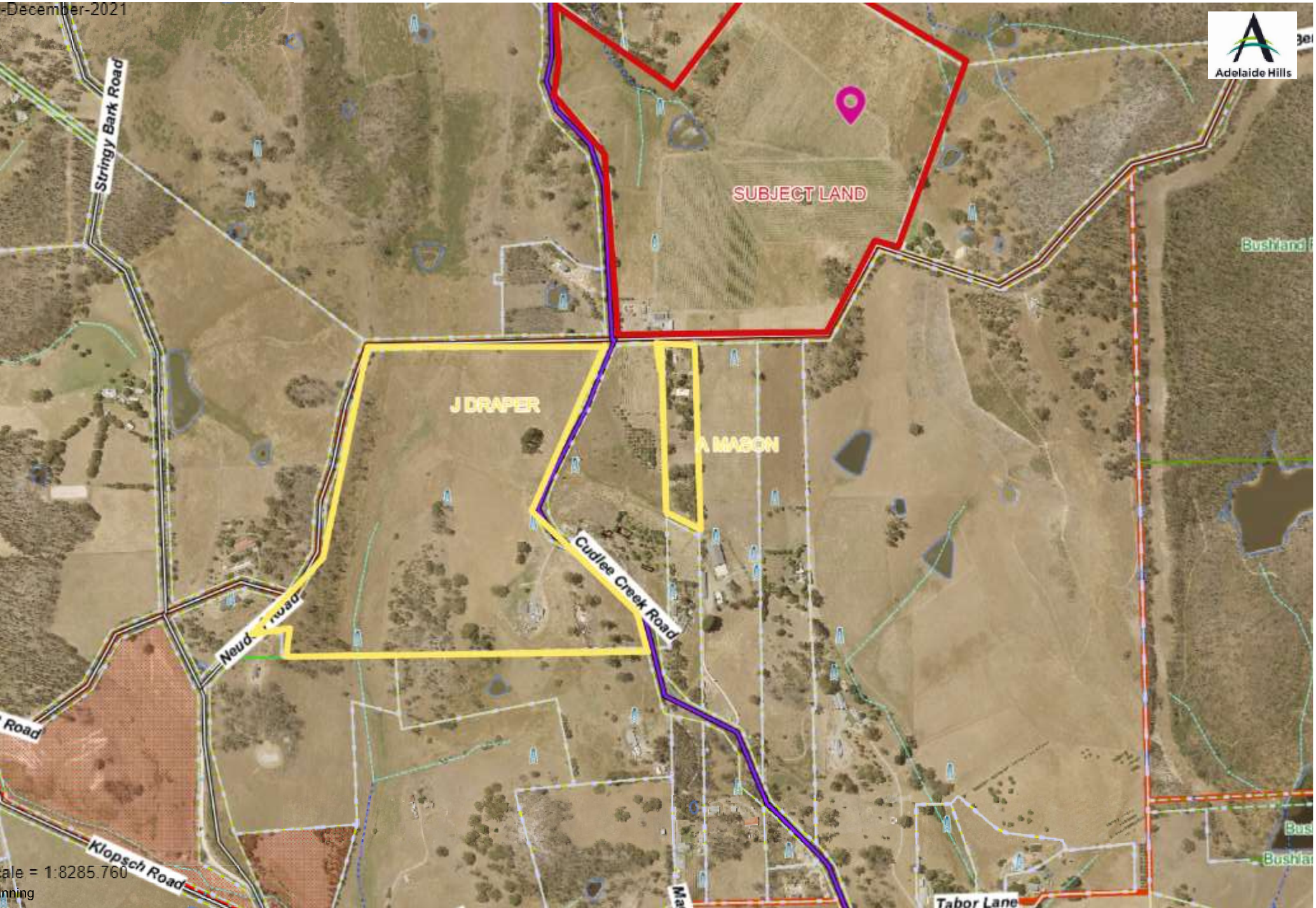
Attachment 3 – Photographs

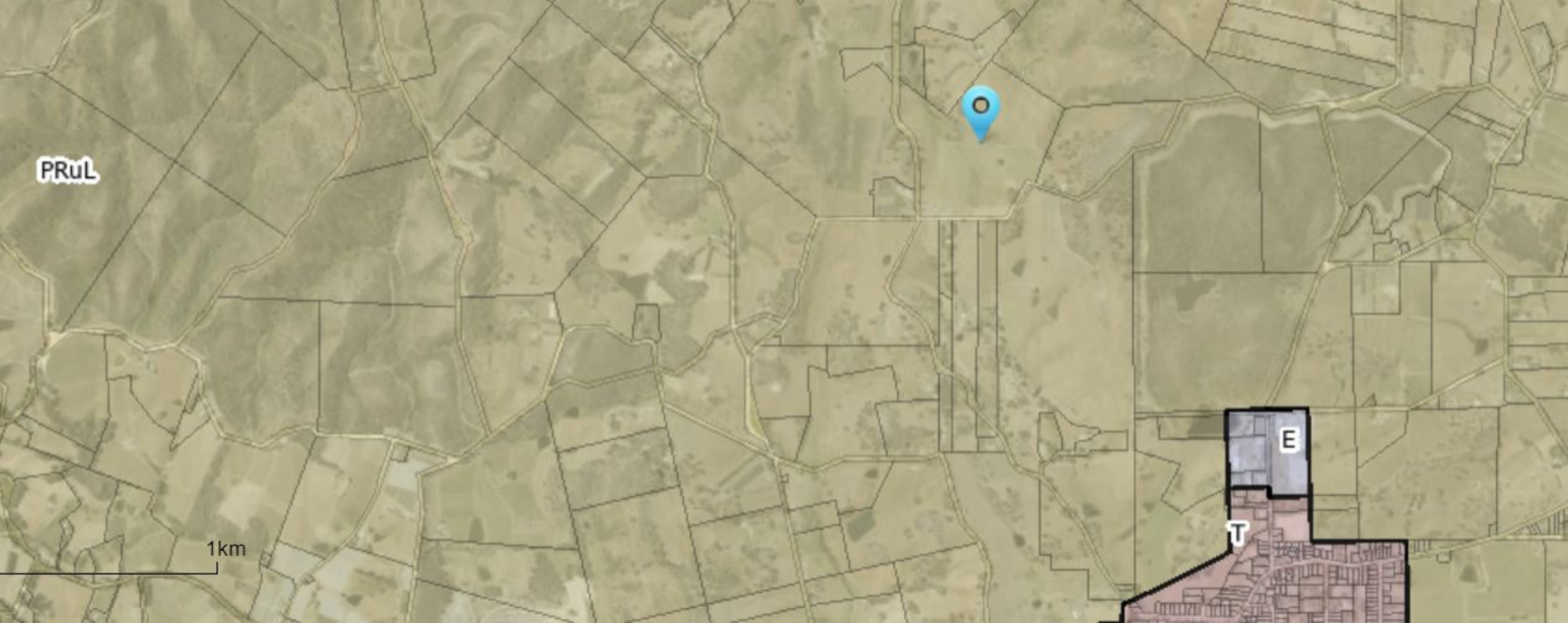


Photograph A – Representative soil core retrieved from site drilling



Photograph B – Proposed surface irrigation land application area





PRuL

1km

E

T

Details of Representations

Application Summary

Application ID	21027668
Proposal	Convert former dwelling to shop for the sale and tasting of wine with associated building alterations & additions, associated car-parking and landscaping
Location	589 CUDLEE CREEK RD CUDLEE CREEK SA 5232

Representations

Representor 1 - Annette Mason

Name	Annette Mason
Address	
Phone Number	
Email Address	
Submission Date	09/11/2021 12:08 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons	<p>Submission updated 25/11/2021 as per the attached document to Not Support the Proposal I support the application but have the following concerns. Berry Hill Road is an unsealed road after turning from Cudlee Creek Road and already causes dust nuisance over my property with the few vehicles currently using the road. Whilst the entrance to the proposed development is planned for the small sealed section of Berry Hill Road off Cudlee Creek Road, I believe some visitors/customers will be either tempted to drive up towards Bushland Park, or, accidentally miss the entrance and continue up the road adding to the dust nuisance. Erecting signs alerting regarding dust nuisance or local traffic only will have negligible effect. To completely negate the issue, the road should be sealed past my property which is the only property likely to be impacted. My only other concern is the corner itself that I believe poses increased accident risk to visitors to the area. There is very limited visibility for vehicles turning right onto Berry Hill Road and additionally, turning either direction from Berry Hill onto Cudlee Creek Road. Weekends in particular, when the cellar door will be operating, Cudlee Creek Road is frequented by speeding cars and motorbikes</p>

that pay no regard to either speed limits or safe speed bend indicators. I don't see a solution for this issue.

Attached Documents

Representation-AnnetteMason-1722928.pdf

Dear Marie,

Re Application ID 21027668 proposed at 589 CUDLEE CREEK RD CUDLEE CREEK SA 5232 .

I now formally object to this proposal on the grounds that it will both devalue and, impact on my peace, comfort and enjoyment of my own property.

Whilst I originally did not object to the proposal other than the increased traffic on Berry Hill Road, and associated dust nuisance on the dirt road that will directly impact me. As well as the dangerous entry exit point that the Berry Hill Road/Cudlee Creek Road intersection presents, I have re-read this proposal several times now and, in an effort to gain some further perspective on likely impact, I have visited some currently operating cellar doors. Those visits have raised several concerns outlined below.

1) Patron behaviour.

As a retired police officer who served in the Licensing and Gaming Section, I am well aware of the requirement to have approved employees (Responsible Service of Alcohol) and the onus on them regarding serving intoxicated persons. Regardless of having approved RSA persons and the presence of managers/owners, I witnessed, first-hand, the following behaviour by venue patrons:-

- Using the roadside verges as an overflow carpark or turnaround area. The verges here are NOT maintained by council but by me and other property owners impacted by this proposal. This is made difficult when vehicles use the verge outside my property as a turnaround area during wet weather creating deep ruts that make mowing both a roll over risk or cause damage to my mower.
- Intoxicated persons seated at tables being provided alcohol by other members of their party/group.
- Using the toilet facilities for the purpose of consuming drugs - unbeknown to management.
- Patrons (majority but not exclusively male) urinating and vomiting within the grounds and, more importantly to me, outside the premises on roadsides.
- Patrons wandering off the licensed premises consuming alcohol (both opened bottles and glasses). Some were witnessed to attempt to enter neighbouring properties with animals/livestock and in some instances left broken glass in their wake. I have a friend who agists horses near a cellar door who found patrons from the venue in the paddock with the horses and throwing alcohol at them. This deeply concerns me as I have animals here that would attract interest.
- Patron behaviour on leaving the licensed premises that includes yelling and cars doing "burnouts".
- Discarded rubbish from departing patrons including mandatory face masks and, of grave concern, live cigarette butts that pose an untenable risk to the entire area that suffered catastrophic results from the 2019 fires referred to in the application.

Most of this behaviour is outside the control of the venue management but is a direct result of the presence of such a venue and, as such, I strongly object to such this proposal.

I purchased this property for the rural/semi rural lifestyle it presented. Surrounded by farmland and on a no through road. Had a cellar door existed across the road I would not have purchased it.

I refer to the proposal.

Pages 22 & 23

*To minimise the threat of impact to life, the cellar door would not operate on any day declared catastrophic nor when there is a known fire within the local area. In the event Planning Studio | Vinteloper | Page 23 that there is danger posed by an approaching fire, every effort would be made to ensure the safe and timely evacuation of visitors. The site has the benefit of **direct access to Berry Hill and Cudlee Creek Roads**, with entry to the Lobethal township 2 kilometres to the south.*

Direct access to Berry Hill Road achieves nothing as it is a no through road and the only exit from the area is via Cudlee Creek Road.

Page 28

*The proposal is for the operation of a cellar door for the sale and consumption of wine. The proposal does not include a restaurant, nor does it include a function centre. While **the licencee may look to secure future Short Term Licences for one off or regional events**, there are insufficient facilities to host large groups or special events on a regular basis. While PO 2.1 appears to exclude nominated hours for a cellar door operating within the Productive Rural Landscape Zone, the proposed operating hours of Friday Monday (plus Public Holidays) 11:00 5:00pm is well within the limitations imposed for a shop (other than a cellar door). **This would anticipate longer hours are acceptable for the proposed use, however this is not sought at this time.***

These provisions obviously leave the door wide open to extending both numbers of patrons and trading hours and would then lend themselves to an application to permanently increase both, further impacting negatively on my property value and enjoyment.

For your consideration and rejection of the application as unsuitable.

Regards,

Annette Mason

10 Berry Hill Road,

Lobethal.

Mob: 0403 890 662

Representations

Representor 2 - Jason Draper

Name	Jason Draper
Address	
Phone Number	
Email Address	
Submission Date	29/11/2021 09:48 AM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons	See attached

Attached Documents

Representation-JasonDraper-1739426.pdf

From: Jason Draper
Sent: Thursday, 25 November 2021 11:53 PM
To: Development Admin
Subject: Vinteloper proposed development

Categories: Sarah

[EXTERNAL]

To whom it may concern,

I write expressing my concerns in relation to the proposed Cellar Door development at 589 Berry Hill Rd, Cudlee Creek.

My concerns are as follows:

~ I believe the intersection between Cudlee Creek Road and Berry Hill Road would need a significant upgrade in the event of a Cellar Door at that location. It is currently a “blind corner” and will eventually result in a serious collision if the proposal was to go ahead.

~ As stated in the application, the property is in a high bushfire risk area and burned as a result of the Cudlee Creek Bushfire in 2019, As did a significant proportion of my property. I fear that an errant cigarette but thrown into the surrounding dry grass at anytime in the warmer months from a patron departing the venue could potentially recreate this situation.

~ I purchased my property in 2014 to enjoy the peace and quiet of country life. Although this proposal doesn't include a kitchen or restaurant at this time. I fear it will only be a matter of time before events, functions, Christmas shows and the like will become a regular occurrence, destroying the relaxing nature of unwinding on my property on the weekends.

~ I have cattle and sheep in close proximity to the proposed venue and understand that the inquisitive nature of people will be to attempt to pat the Cattle or feed them resulting in injuries to either patrons of the venue or the cattle and sheep.

~ I believe there will be a significant increase in rubbish on the roadside left by patrons of the venue and this could include broken wine glasses and bottles causing possible further injuries to the livestock but also contributing to the fire risk during summer.

~ I currently enjoy a relatively private lifestyle on my property and am not happy to have that changed by having in excess of 40 people directly opposite my property.

For your consideration

Kind regards,

Jason Draper

7 December 2021

Ref: App ID 2102 7668 Applicant's Response to Representations

Mr A Aitken
Chief Executive Officer
Adelaide Hills Council
PO Box 44
WOODSIDE SA 5244

*By electronic lodgement
PlanSA portal*

Attention: Ms Marie Molinaro
Statutory Planner
Strategy & Development

**RE: Development Application ID 2102 7668
Vinteloper Cellar Door
589 Cudlee Creek Road, Cudlee Creek**

Applicant's Response to Representations

Planning Studio continues to act for Mr David Bowley of Vinteloper, the owner of land located at 589 Cudlee Creek Road, Cudlee Creek and Applicant in relation to the above development application for a cellar door to be established at 589 Cudlee Creek in association with an existing vineyard.

Council has received two (2) representations during the prescribed notification period which occurred between 5 – 25 November 2021. Copies of the representations were provided to Planning Studio, as the Applicant's representative, via the PlanSA portal on 29 November 2021.

The Applicant has requested Planning Studio prepare a response to representations in accordance with section 107(3)(c) of the *Planning, Development and Infrastructure (PDI) Act 2016* and Regulation 51 of the *PDI (General) Regulations 2017*.

Overview and Background

Both representations have expressed opposition to the development, raising similar issues and indicating a desire to be heard.

Representations have been received from the following:

Table 1 | Representation Summary

Representor	Address	Opposed/Support	Desire to be heard
Ms A Mason	10 Berry Hill Road, Lobethal	Opposed	Yes
Mr J Draper	No street address provided Understood to be 632 Cudlee Creek Road	Opposed	Yes



In essence, there is similarity between representors insofar as both have indicated concerns in relation to traffic and the safety/condition of the existing intersection of Berry Hill and Cuddle Creek Roads, driver and patron behaviour in terms of speed, littering and anti-social behaviour, general amenity considerations, bushfire risk and a hypothetical forecasting of future usage of the cellar door.

We note that many of the issues raised, particularly by Ms Mason, are well beyond the scope of the project and relate to broader road user considerations which are outside the control of my client, and alleged patron behaviours that are facility management considerations rather than planning matters anticipated by the Planning & Design Code. Legitimate planning matters raised within representations will be discussed in the following submission.

Considerations

Concerns identified by representors will be addressed under general headings rather than by specific reference to the individual representor or representation order.

These include:

- Upgrade of Berry Hill / Cudlee Creek Road intersection;
- Road user behaviour (eg speeding and littering, including inappropriate disposal of glass and cigarettes with resultant fire risk);
- Future increase in functions and events;
- General amenity impact on quiet and private lifestyle;
- Access to private property and livestock;
- Dust nuisance;
- Comparative review of unnamed cellar doors in terms of patron behaviour;
- Overflow parking on roadside verges; and
- Bushfire risk management.

1. Upgrade of Berry Hill / Cudlee Creek Road intersection

We understand Council's engineering department have raised no issues with access. While both representors have raised concerns about the Berry Hill/Cudlee Creek Road intersection, Council's engineers have indicated that the existing Department for Infrastructure and Transport (DIT) signage on the approach to the intersection is sufficient warning, and that it remains the road users responsibility to proceed with caution.

Notwithstanding, in response to the representations, MFY traffic consultants have been engaged to assess the proposal in regard to access, and to provide advice with respect to any implications on traffic and road safety.

MFY have, in conclusion, advised that while the cellar door will generate additional traffic volumes, such volumes will be low and will not change the nature or function of the road or existing intersection.

The development does not trigger an upgrade of the intersection.

MFY have also reviewed the access for the site and have recommended minor changes to the car park access design to ensure compliance with AS/NZ 2890.1:2004.

Recommendations of MFY will be adopted and reflected in final drawings. The advice of MFY now forms part of proposal documentation.



A copy of the MFY report is **attached**.

2. Road user behaviour

Similar to above, road user behaviour is beyond the scope of the project and outside of my client's control. Despite this, the assessment undertaken by both Council's engineering department and MFY traffic and parking specialists confirms that there is no requirement to upgrade the intersection as a result of the proposed development. Minor realignment of the existing site access will ensure the site access conforms with the relevant Australian Standard.

3. Future increase in functions and events

We reiterate that the express purpose of the application is a cellar door, not a function centre or restaurant, with no intent for any additional activities that would exceed the proposed capacity or opening hours outlined within the current application. The space is limited physically for large events in any case and there are no kitchen facilities. The proposed cellar door is a modest building with very limited floor space capacity.

Any intent to vary the use, operating hours or capacity of the cellar door would be subject to a subsequent application, with procedural matters determined at that time.

Reference to 'one off' and 'regional events' on page 28 of the Planning Assessment Report seeks to ensure that the Applicant is able to apply for one off Limited Licence should it be desired to participate in regional wine related events such as, but not limited to, those organised by the 'Adelaide Hills Wine Region' such as Crush, Winter Reds, Chardonnay May and others should they arise.

The Council is required to determine the proposal as described in the application, operational details of which are likely to be confirmed by imposition of condition. Hypothesising about future use or increase in capacity would be inappropriate.

4. General amenity and impact on quiet and private lifestyle

The representor's dwellings are located 154 metres (direct line) south east and 530 metres south west respectively of the proposed cellar door. Mr Draper's dwelling is located on the opposite side of Cudlee Creek Road, which is an arterial road with a daily traffic volume in the order of 2,200 vehicles. Land within the locality is actively used in the pursuit of intensive primary production and is located approximately 2 kilometres from the township of Lobethal. The locality is not considered to be 'quiet' nor 'tranquil' in nature given the existing activities and land uses. While it does exhibit a pleasant rural character, the locality is very much an active rural environment that accommodates a variety of land uses and activities.

The land is located within the **Productive Rural Landscape Zone ('the Zone')** of the Code, where Desired Outcome ('DO') D01 seeks

DO1 A diverse range of land uses at an appropriate scale and intensity that capitalise on the region's proximity to the metropolitan area and the tourist and lifestyle opportunities this presents while also conserving the natural and rural character, identity, biodiversity and sensitive environmental areas and scenic qualities of the landscape.

The Zone anticipates a wide variety of primary production pursuits, with DO2 actively promoting 'agriculture, horticulture, value adding opportunities, farm gate businesses, the sale and consumption of agricultural based products, tourist development and accommodation that expands the economic base and promotes its regional identity'. (my emphasis)

DO3 further looks to *'Create local conditions that support new and continuing investment while seeking to promote co-existence with adjoining activities and mitigate land use conflicts.'*



As a 'shop' that will facilitate the consumption and sale of value-add products that are sourced from the subject land, the cellar door proposal demonstrates perfect alignment and symmetry with the Desired Outcomes of the Zone.

The proposed use is overtly anticipated and encouraged within the Zone.

The site of the proposal is adjoining an arterial road within an active primary production area. It is a most appropriate location, with substantial setbacks to adjoining residential dwellings, where an appropriately scaled cellar door, with a modest capacity of 40 persons, opening 4 days per week between the hours of 11am and 5pm, can successfully co-locate with rural and rural-residential land uses.

It is considered that the scale of the development is appropriate within this context, and will not result in any undue or adverse impacts on the amenity of the locality.

5. Access to private property and livestock

We understand that Mr Draper resides at 632 Cudlee Creek Road, which is located on the opposite side of Cudlee Creek Road with the closest boundary some 50 metres from the subject land.

It would be most unusual for a cellar door patron to cross Cudlee Creek Road and travel between 50 and 380 metres to access Mr Draper's land and/or livestock. It is also understood that Mr Draper's land is secured by fencing, ensuring the safety of his livestock. Given this, we very much doubt that even the most curious of patrons would seek out an opportunity to pat or feed, or interfere with in any way, livestock on any of the adjoining properties.

6. Dust nuisance

The cellar door will be accessed via a (slightly modified) existing access. Berry Hill Road is sealed for a distance of approximately 30 metres from the intersection with Cudlee Creek Road, to minimise the transfer of gravel onto the arterial road and to minimise dust nuisance.

As noted on the updated plans provided to Council on 1 December 2021, the carpark and driveway area will be constructed of compacted gravel with the 26 car parking spaces delineated with wheel stops. The access to the site occurs at the cessation of a sealed portion of Berry Hill Road.

While the landowner may consider sealing of the carpark and access driveway in future, it is considered an appropriate response at this time given the limited capacity and operating hours (4 days per week) and ability to ensure passive and environmentally responsible stormwater management on the site.

The proposed access and carpark is consistent with other similar facilities within the broader locality such as Golding Wines, Anderson Hill, Pike & Joyce and Mount Lofty Ranges Vineyard, all of which are accessed via unsealed roads and/or compacted gravel surfaced parking areas.

Given the location and visual legibility of the built form on the site, together with clear visual identification of the carpark forward of the building when viewed from Berry Hill Road and on approach from Cudlee Creek Road, we do not believe that patrons will either 'miss the turn' or be tempted to continue toward Bushland Park to the eastern end of Berry Hill Road. There is limited potential for cellar door visitors to create a dust nuisance for Ms Mason's dwelling which is setback approximately 76 metres from Berry Hill Road, some 154 metres (direct line) from the proposed cellar door.

It is not reasonable to request the Applicant to seal an additional 100 metres of Berry Hill Road beyond the access to the site as per the request of Ms Mason. We also anticipate such works would not be included in Council's capital works budget for the foreseeable future.



7. Comparative review of unnamed cellar doors in terms of patron behaviour

It is not acceptable nor relevant to make statements regarding patron behaviour observed at other apparently similar facilities, particularly without being able to accurately identify if such facilities are consistent in design, capacity, location and management philosophy.

Whilst alleged patron behaviour is not strictly a planning consideration, it is reiterated that the proposed development will have a capacity of only 40 persons at any one time, is open only Friday – Monday and public holidays and will operate only between the hours of 11am – 5pm.

It is highly unlikely that behaviours expressed in Ms Mason's submission would be experienced. However, as is noted in the representation, the facility will be required to have an RSA approved employee on site at all times, which carries significant management responsibilities and substantial penalties for non-compliance.

We reaffirm that the venue will not permit large coaches and bus tours and does not have sufficient floor area to facilitate large groups that may sometimes attract anti-social behaviour.

We consider the purpose of outlining such behaviours defamatory, providing an unreasonable assumption that the proprietor would not adequately manage the facility. These comments should be dismissed as they are not warranted nor relevant planning considerations in relation to the proposed development.

8. Overflow parking on roadside verges

There is no anticipation that there would be a need for overflow parking, nor that patrons would be encouraged or desire to park on the Council verge on Berry Hill Road, which is some 50 metres from the cellar door entrance.

The proposal generates a theoretical demand for 12 carparking spaces to accommodate the proposed capacity of 40 persons. A dedicated 26 space carpark will be constructed, ensuring there is sufficient parking available to staff and patrons at all times.

Should there ever be a need, there is sufficient area on the site adjoining the cellar door to accommodate short term overflow.

9. Bushfire Risk Management

Ms Mason has raised concerns regarding the reference, on pages 22 and 23 of the Planning Assessment Report, to the property having direct access to both Cudlee Creek and Berry Hill Roads. This is a factual reference and is provided to outline the available access and egress options should it be necessary for evacuation purposes. This statement relates to bushfire risk management for patrons. We acknowledge that Berry Hill Road is a no through road, but that it provides direct access to Cudlee Creek Road to the west.

Both representors have raised concerns of increased bushfire risk in relation to the potential for an increase in littering, particularly cigarette butts and glass bottles. While our client is cognizant of the risk bushfires pose to the local area, having experienced complete devastation in 2019, we do not feel it is reasonable to anticipate that bushfire risk will increase as a direct result of the proposed cellar door. We acknowledge that there is an ongoing need for widespread bushfire risk education and management, however do not feel it is appropriate to anticipate that patrons would act in this manner or increase the bushfire risk to the locality.

We do not suggest that the site would not be at risk during a bushfire, but advise that the cellar door will not be open to the public on a day of declared catastrophic risk or if there is a known fire in the local area.



Closing

We remain of the opinion that the proposed development satisfies the intent of the Productive Rural Landscape Zone of the Planning and Design Code as it relates to the proposal and the subject land and locality.

The proposal seeks to reimagine the purpose, utilise the remaining structure and adapt the use of a former dwelling destroyed in the Cudlee Creek bushfire of December 2019 in a manner that explicitly addresses the desires of the Code to promote horticulture and value adding opportunities, including the sale and consumption of agricultural based products, that expands the economic base and promotes its regional identity, and create local conditions that support new and continuing investment while seeking to promote co-existence with adjoining activities and mitigate land use conflicts. The proposal exemplifies a desire for the adaptive reuse of existing buildings for small-scale shops.

The development is entirely consistent with the established existing use of the site for the purpose of primary production and is most acceptable within the Productive Rural Landscape Zone of the Planning and Design Code.

The proposed land use will be contained wholly within a zone where a range of non-residential and primary production land uses are envisaged and encouraged.

The proposal will be a catalyst in the continued recovery of the site and Vinteloper, providing an opportunity to showcase the site and the wines produced from produce sourced from the land.

The proposal warrants the granting of Planning Consent.

Should the Council Assessment Panel provide an opportunity for representors to be heard in person at its meeting, it is requested that the Applicant, and/or his representative also be afforded such opportunity. The project architect and traffic engineer may also be in attendance should it be deemed necessary.

It is requested that Council staff advise the date, time and location of the Council Assessment Panel meeting as soon as possible.

Should you wish to discuss any aspects of this correspondence or the proposal further, please do not hesitate to contact me on 0431 527 636 or emma@planningstudio.com.au.

Yours sincerely

Emma Barnes | MPA | **Director**

Enc.

CC: D Bowley, Vinteloper

MLM/21-0303

6 December 2021

Ms Emma Barnes
Planning Studio
PO Box 32
BRIDGEWATER SA 5155



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MFY Pty Ltd

ABN 79 102 630 759

Dear Emma,

VINTELOPER CELLAR DOOR

I refer to your request to provide advice in respect to the implications associated with the access for the proposed cellar door at Vinteloper as it relates to traffic engineering requirements and road safety. I understand that the query has been raised by adjacent property holders who have submitted representations in relation to the proposal.

The proposed cellar door, which is in effect the adaption and reuse of a dwelling irreparably damaged by bushfire, is located on the north-east corner of the intersection of Berry Hill Road and Cudlee Creek Road near Lobethal. The development will include construction of the cellar door which will accommodate 40 seats plus the provision of on-site car parking. The parking will be accessed via Berry Hill Road at the existing access location.

Berry Hill Road is an unsealed road which is within the care and control of the Adelaide Hills Council. There are no traffic volumes available on this road but based on existing access provision to adjacent properties and the connectivity of the road, I estimate it to be less than 100 vehicles per day (vpd).

Cudlee Creek Road is an arterial road within the care and control of the Minister for Transport. The road has a daily traffic volume in the order of 2200 vehicles, which is more akin to what would be expected on a lower order collector road. The road is subject to a speed limit of 80 km/h adjacent the subject site, albeit immediately north of the site a speed advisory sign recommends a speed of 65 km/hour for southbound drivers.

Cudlee Creek Road intersects with Berry Hill Road and Neudorf Road to create a four-way intersection. Both Neudorf Road and Berry Hill Road are sealed for a short distance (approximately 30m in the case of Berry Hill Road) to avoid gravel being dragged onto the arterial road. There are sight distance constraints towards the north at this intersection, created by a crest in Cudlee Creek Road. This is reinforced to drivers by the provision of double barrier lines along this section of Cudlee Creek Road.



The proposal will result in a minor increase in traffic volume on the road network. However, the question as to whether a review of the intersection is required (given the existing sight distance limitations) relates to whether the proposal will change the nature and function of Berry Hill Road. I have therefore completed a forecast assessment of potential traffic volumes on the road as a result of the proposal.

The most accurate method to assess the traffic demand for an existing cellar door is to complete an assessment on-site of the actual volume being generated. However, as there is not such facility operating on the site, a comparative assessment with a restaurant will provide a conservative assessment of the potential traffic volume (given that a restaurant will generate a higher traffic volume than a cellar door).

The *Guide to Traffic Generating Developments* identifies a peak traffic generation rate of five trips per 100m² for a restaurant. On this basis, the proposed cellar door, which will be approximately 190m² (including the outdoor seating area and foyer area where there could potentially be seating) could generate approximately ten trips during the peak hour. The peak hour for a cellar door will occur during the day on a weekend and would not coincide with the peak weekday commuter period on the adjacent road network (or more particularly Cudlee Creek Road).

Based on the peak hour being approximately ten per cent of the daily traffic volume, the daily traffic volume which could be generated by the proposal could be 100 trips (50 to and 50 from the site). This would mean the traffic volume on Berry Hill Road could increase to approximately 200 vpd. Such an increase would not result in a change in nature or function of Berry Hill Road and therefore would not trigger a requirement to upgrade the intersection. Of note is that the site would have generated traffic prior to being damaged in the fire and hence the effective increase when compared to the previous situation would be even lower.

I have also reviewed the proposed access for the site. The current proposal uses an existing driveway and gate to access the site. However, the angle of the driveway does not conform with the recommendations in *Australian/New Zealand Standard Parking Facilities, Part 1 Off-Street Parking (AS/NZS2890.1:2004)* in that the driveway should intersect with the road at an angle of no greater than 70°. Further, it would be desirable for the driveway to be at least 5.5m in width to accommodate two-way traffic movements to and from the car park (the balance of the driveway can remain at the existing width). Figure 1 illustrates a minor recommended modification to the access design.

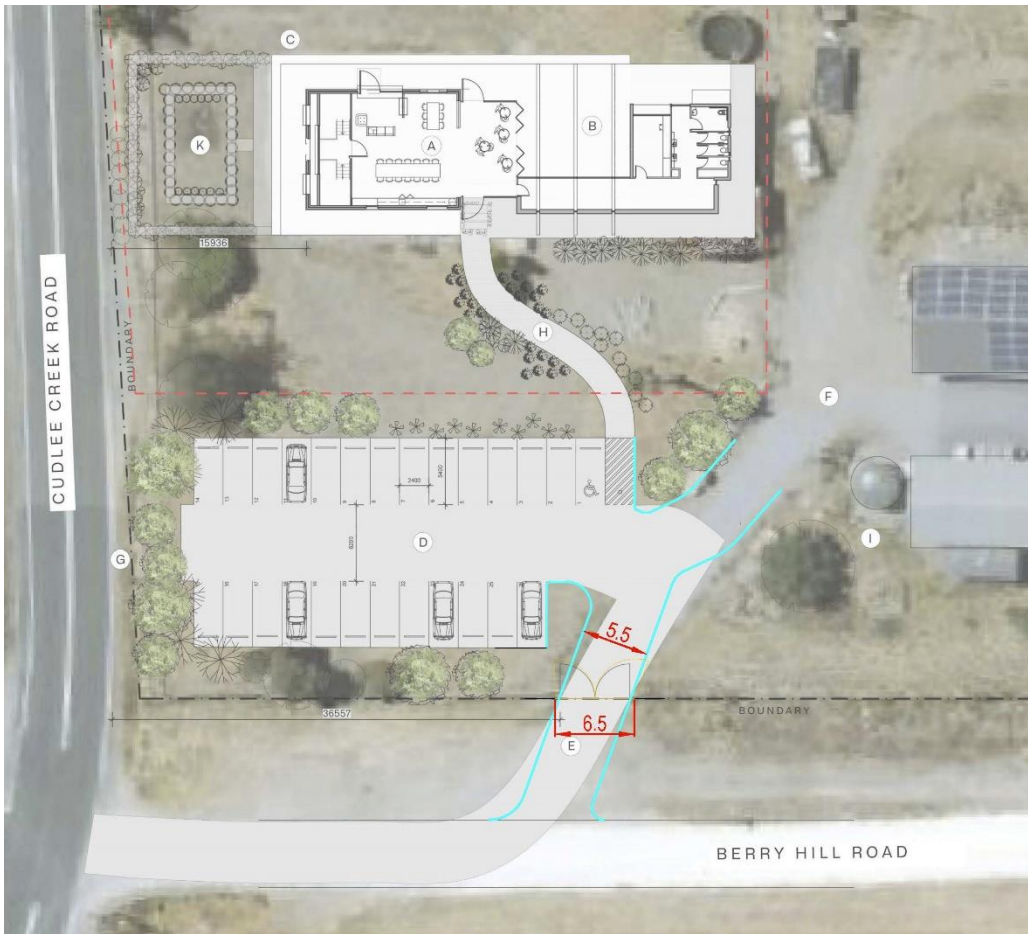


Figure 1: Recommended minor alternation to car park access

In summary, while the proposal for the cellar door will generate additional traffic volumes, such volumes will be low and will not change the nature or function of the road or the existing intersection. Minor changes to the car park access design will be beneficial to achieve compliance with AS/NZS2890.1:2004.

Yours sincerely,
MFY PTY LTD

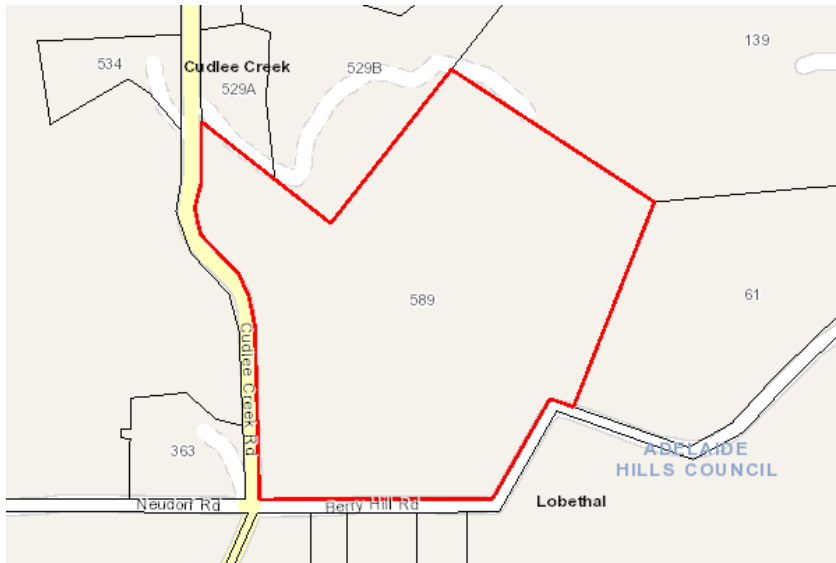
MELISSA MELLEN
Director

589 CUDLEE CREEK RD CUDLEE CREEK SA 5232

Address:

Click to view a detailed interactive [SAILIS](#) in [SAILIS](#)

To view a detailed interactive property map in SAPPA click on the map below



Property Zoning Details

Overlay

- Environment and Food Production Area
- Hazards (Bushfire - High Risk)
- Hazards (Flooding - Evidence Required)
- Limited Land Division
- Mount Lofty Ranges Water Supply Catchment (Area 2)
- Native Vegetation
- Prescribed Water Resources Area
- Traffic Generating Development
- Urban Transport Routes
- Water Resources

Zone

- Productive Rural Landscape

Selected Development(s)

Shop

This development may be subject to multiple assessment pathways. Please review the document below to determine which pathway may be applicable based on the proposed development compliances to standards.
If no assessment pathway is shown this mean the proposed development will default to performance assessed. Please contact your local council in this instance. Refer to Part 1 - Rules of Interpretation - Determination of Classes of Development

Property Policy Information for above selection

Shop - Code Assessed - Performance Assessed

Part 2 - Zones and Sub Zones

Productive Rural Landscape Zone

Assessment Provisions (AP)

Desired Outcome	
DO 1	A diverse range of land uses at an appropriate scale and intensity that capitalise on the region's proximity to the metropolitan area and the tourist and lifestyle opportunities this presents while also conserving the natural and rural character, identity, biodiversity and sensitive environmental areas and scenic qualities of the landscape.
DO 2	A zone that promotes agriculture, horticulture, value adding opportunities, farm gate businesses, the sale and consumption of agricultural based products, tourist development and accommodation that expands the economic base and promotes its regional identity.
DO 3	Create local conditions that support new and continuing investment while seeking to promote co-existence with adjoining activities and mitigate land use conflicts.

Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use and Intensity	
<p>PO 1.1</p> <p>The productive value of rural land for a range of primary production and horticultural activities and associated value adding of primary produce (such as beverage production), retailing and tourism is supported, protected and maintained. The proliferation of land uses that may be sensitive to those activities is avoided.</p>	<p>DTS/DPF 1.1</p> <p>Development comprises one or more of the following:</p> <ul style="list-style-type: none"> (a) Advertisement (b) Agricultural building (c) Brewery (d) Carport (e) Cidery (f) Distillery (g) Dwelling (h) Dwelling addition (i) Farming (j) Function centre (k) Horse keeping (l) Horticulture (m) Industry (n) Low intensity animal husbandry (o) Outbuilding (p) Shop (q) Small-scale ground mounted solar power facility (r) Tourist accommodation (s) Transport distribution (t) Verandah (u) Warehouse (v) Winery (w) Workers' accommodation
Siting and Design	
PO 2.1	DTS/DPF 2.1

<p>Development is provided with suitable vehicle access.</p>	<p>Development is serviced by an all-weather trafficable public road.</p>
<p>PO 2.2 Buildings are generally located on flat land to minimise cut and fill and the associated visual impacts.</p>	<p>DTS/DPF 2.2 Buildings: (a) are located on a site with a slope not greater than 10% (1-in-10) (b) do not result excavation and/or filling of land that is greater than 1.5m from natural ground level.</p>
<p>Shops, Tourism and Function Centres</p>	
<p>PO 6.1 Shops are associated with an existing primary production or primary production related value adding industry to support diversification of employment, provide services to visitors and showcase local and regional products.</p>	<p>DTS/DPF 6.1 Shops, other than where located in The Cedars Subzone: (a) are ancillary to and located on the same allotment or adjoining allotment used for primary production or primary production related value adding industries (b) offer for sale or consumption produce or goods that are primarily sourced, produced or manufactured on the same allotment or adjoining allotments (c) have a gross leasable floor area not exceeding 100m² or 250m² in the case of a cellar door (d) have an area for the display of produce or goods external to a building not exceeding 25m² (e) do not result in more than 75 seats for customer dining purposes in a restaurant.</p>
<p>PO 6.2 Shops that are proposed in new buildings are sited, designed and of a scale that maintains a pleasant rural character and amenity.</p>	<p>DTS/DPF 6.2 Shops in new buildings: (a) are setback from all property boundaries by at least 20m (b) are not sited within 100m of a sensitive receiver in other ownership (c) have a building height that does not exceed 9m above natural ground level.</p>
<p>Adaptive Reuse of Existing Buildings</p>	
<p>PO 8.1 Adaptive reuse of existing buildings for small-scale shops, offices, tourist accommodation or ancillary rural activities.</p>	<p>DTS/DPF 8.1 Development within an existing building is for any of the following: (a) a shop (b) office (c) tourist accommodation.</p>
<p>Built Form and Character</p>	
<p>PO 11.1 Large buildings designed and sited to reduce impacts on scenic and rural vistas by: (a) having substantial setbacks from boundaries and adjacent public roads (b) using low reflective materials and finishes that blend with the surrounding landscape (c) being located below ridgelines.</p>	<p>DTS/DPF 11.1 None are applicable.</p>

Concept Plans	
<p>PO 15.1</p> <p>Development is compatible with the outcomes sought by any relevant Concept Plan contained within Part 12 - Concept Plans of the Planning and Design Code to support the orderly development of land through staging of development and provision of infrastructure.</p>	<p>DTS/DPF 15.1</p> <p>The site of the development is wholly located outside any relevant Concept Plan boundary. The following Concept Plans are relevant:</p> <p>In relation to DTS/DPF 15.1, in instances where:</p> <ul style="list-style-type: none"> (a) one or more Concept Plan is returned, refer to Part 12 - Concept Plans in the Planning and Design Code to determine if a Concept Plan is relevant to the site of the proposed development. Note: multiple concept plans may be relevant. (b) in instances where 'no value' is returned, there is no relevant concept plan and DTS/DPF 15.1 is met.

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

A class of development listed in Column A is excluded from notification provided that it does not fall within a corresponding exclusion prescribed in Column B. In instances where development falls within multiple classes within Column A, each clause is to be read independently such that if a development is excluded from notification by any clause, it is, for the purposes of notification excluded irrespective of any other clause.

Class of Development (Column A)	Exceptions (Column B)
<p>1. A kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.</p>	<p>None specified.</p>
<p>2. Any development involving any of the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> (a) advertisement (b) agricultural building (c) air handling unit, air conditioning system or exhaust fan (d) ancillary accommodation (e) building work on railway land (f) carport (g) demolition (h) dwelling (i) dwelling addition (j) farming (k) horse keeping (l) internal building work (m) land division (n) outbuilding (o) private bushfire shelter (p) protective tree netting structure 	<p>None specified.</p>

<ul style="list-style-type: none"> (q) replacement building (r) retaining wall (s) solar photovoltaic panels (roof mounted) (t) shade sail (u) swimming pool or spa pool (v) temporary accommodation in an area affected by bushfire (w) tree damaging activity (x) verandah (y) water tank. 	
<p>3. Any development involving any of the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> (a) industry (b) store (c) warehouse. 	<p>Except development that does not satisfy any of the following:</p> <ol style="list-style-type: none"> 1. Productive Rural Landscape Zone DTS/DPF 4.1 2. Productive Rural Landscape Zone DTS/DPF 4.3.
<p>4. Demolition.</p>	<p>Except any of the following:</p> <ol style="list-style-type: none"> 1. the demolition of a State or Local Heritage Place 2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.
<p>5. Function centre within The Cedars Subzone.</p>	<p>None specified.</p>
<p>6. Function centre.</p>	<p>Except function centre that does not satisfy Productive Rural Landscape Zone DTS/DPF 6.6.</p>
<p>7. Horticulture.</p>	<p>Except horticulture that does not satisfy any of the following:</p> <ol style="list-style-type: none"> 1. Productive Rural Landscape Zone DTS/DPF 3.1(d) 2. Productive Rural Landscape Zone DTS/DPF 3.1(e).
<p>8. Shop within The Cedars Subzone.</p>	<p>None specified.</p>
<p>9. Shop.</p>	<p>Except shop that does not satisfy any of the following:</p> <ol style="list-style-type: none"> 1. Productive Rural Landscape Zone DTS/DPF 6.1 2. Productive Rural Landscape Zone DTS/DPF 6.2.
<p>10. Tourist accommodation within The Cedars Subzone.</p>	<p>None specified.</p>
<p>11. Tourist accommodation.</p>	<p>Except tourist accommodation that does not to satisfy any of the following:</p> <ol style="list-style-type: none"> 1. Productive Rural Landscape Zone DTS/DPF 6.3 2. Productive Rural Landscape Zone DTS/DPF 6.4.

None specified.

Placement of Notices - Exemptions for Restricted Development

None specified.

Part 3 - Overlays

Hazards (Bushfire - High Risk) Overlay

Assessment Provisions (AP)

Desired Outcome	
DO 1	<p>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:</p> <ul style="list-style-type: none"> (a) potential for uncontrolled bushfire events taking into account the increased frequency and intensity of bushfires as a result of climate change (b) high levels and exposure to ember attack (c) impact from burning debris (d) radiant heat (e) likelihood and direct exposure to flames from a fire front.
DO 2	<p>Activities that increase the number of people living and working in the area or where evacuation would be difficult is sited away from areas of unacceptable bushfire risk.</p>
DO 3	<p>To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.</p>

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use	
<p>PO 1.1</p> <p>Development that significantly increases the potential for fire outbreak as a result of the spontaneous combustion of materials, spark generation or through the magnification and reflection of light is not located in areas of unacceptable bushfire risk.</p>	<p>DTS/DPF 1.1</p> <p>None are applicable.</p>
Siting	
<p>PO 2.1</p> <p>Buildings and structures are located away from areas that pose an unacceptable bushfire risk as a result of vegetation cover and type, and terrain.</p>	<p>DTS/DPF 2.1</p> <p>None are applicable.</p>
Built Form	
<p>PO 3.1</p>	<p>DTS/DPF 3.1</p>

<p>Buildings and structures are designed and configured to reduce the impact of bushfire through using designs that reduce the potential for trapping burning debris against or underneath the building or structure, or between the ground and building floor level in the case of transportable buildings and buildings on stilts.</p>	<p>None are applicable.</p>
<p>PO 3.2</p> <p>Extensions to buildings, outbuildings and other ancillary structures are sited and constructed using materials to minimise the threat of fire spread to residential and tourist accommodation (including boarding houses, hostels, dormitory style accommodation, student accommodation and Workers' accommodation) in the event of bushfire.</p>	<p>DTS/DPF 3.2</p> <p>Outbuildings and other ancillary structures are sited no closer than 6m from the habitable building.</p>
<p>Vehicle Access –Roads, Driveways and Fire Tracks</p>	
<p>PO 6.1</p> <p>Roads are designed and constructed to facilitate the safe and effective:</p> <ul style="list-style-type: none"> (a) access, operation and evacuation of fire-fighting vehicles and emergency personnel (b) evacuation of residents, occupants and visitors. 	<p>DTS/DPF 6.1</p> <p>Roads:</p> <ul style="list-style-type: none"> (a) are constructed with a formed, all-weather surface (b) have a gradient of not more than 16 degrees (1-in-3.5) at any point along the road (c) have a cross fall of not more than 6 degrees (1-in-9.5) at any point along the road (d) have a minimum formed road width of 6m (e) provide overhead clearance of not less than 4.0m between the road surface and overhanging branches or other obstructions including buildings and/or structures (Figure 1) (f) allow fire-fighting services (personnel and vehicles) to travel in a continuous forward movement around road curves by constructing the curves with a minimum external radius of 12.5m (Figure 2) (g) incorporating cul-de-sac endings or dead end roads are provided within an alternative evacuation route and do not exceed 200m in length and the end of the road has either: <ul style="list-style-type: none"> (i) a turning area with a minimum formed surface radius of 12.5m (Figure 3) or (ii) a 'T' or 'Y' shaped turning area with a minimum formed surface length of 11m and minimum internal radii of 9.5m (Figure 4) (h) incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.
<p>PO 6.2</p> <p>Access to habitable buildings is designed and constructed to facilitate the safe and effective:</p> <ul style="list-style-type: none"> (a) use, operation and evacuation of fire-fighting and emergency personnel (b) evacuation of residents, occupants and visitors. 	<p>DTS/DPF 6.2</p> <p>Access is in accordance with (a) or (b):</p> <ul style="list-style-type: none"> (a) a clear and unobstructed vehicle or pedestrian pathway of not greater than 60 metres in length is available between the most distant part of the habitable building and the nearest part of a formed public access road (b) driveways: <ul style="list-style-type: none"> (i) do not exceed 600m in length (ii) are constructed with a formed, all-weather surface (iii) are connected to a formed, all-weather public

	<p>road with the transition area between the road and driveway having a gradient of not more than 7 degrees (1-in-8)</p> <ul style="list-style-type: none"> (iv) have a gradient of not more than 16 degrees (1-in-3.5) at any point along the driveway (v) have a crossfall of not more than 6 degrees (1-in-9.5) at any point along the driveway (vi) have a minimum formed width of 3m (4m where the gradient of the driveway is steeper than 12 degrees (1-in-4.5)) plus 0.5 metres clearance either side of the driveway from overhanging branches or other obstructions, including buildings and/or structures (Figure 1) (vii) incorporate passing bays with a minimum width of 6m and length of 17m every 200m (Figure 5) (viii) provide overhead clearance of not less than 4.0m between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures (Figure 1) (ix) allow fire-fighting services (personnel and vehicles) to travel in a continuous forward movement around driveway curves by constructing the curves with a minimum external radius of 12.5m (Figure 2) (x) allow fire-fighting vehicles to safely enter and exit an allotment in a forward direction by using a 'U' shaped drive through design or by incorporating at the end of the driveway either: <ul style="list-style-type: none"> A. a loop road around the building or B. a turning area with a minimum radius of 12.5m (Figure 3) or C. a 'T' or 'Y' shaped turning area with a minimum formed length of 11m and minimum internal radii of 9.5m (Figure 4) (xi) incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.
<p>PO 6.3</p> <p>Development does not rely on fire tracks as means of evacuation or access for fire-fighting purposes unless there are no safe alternatives available.</p>	<p>DTS/DPF 6.3</p> <p>None are applicable.</p>

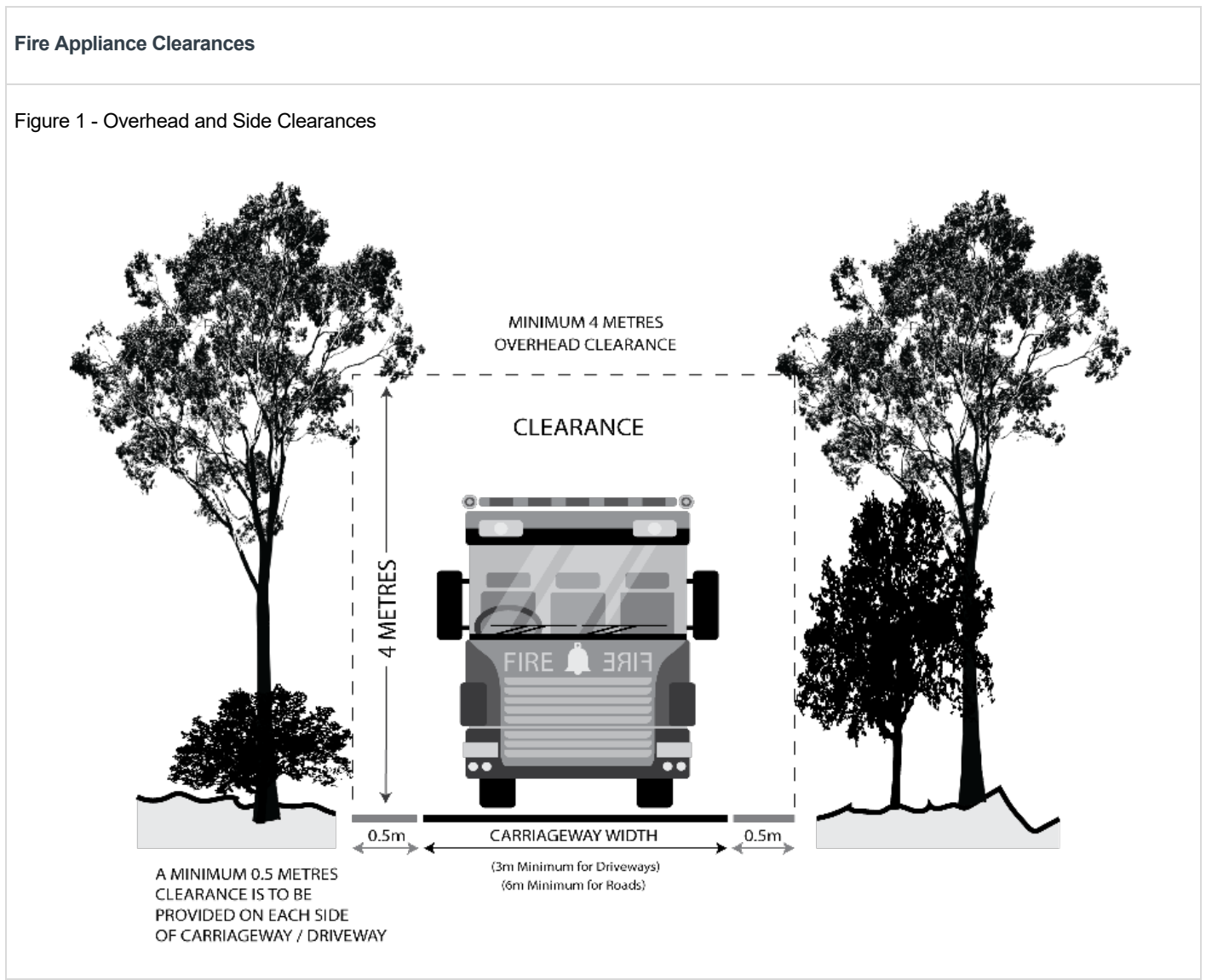
Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
<p>Except if a relevant certificate accompanies the application for planning consent in respect of the development, any of the following classes of development</p>	<p>South Australian Country Fire Service.</p>	<p>To provide expert assessment and direction to the relevant</p>	<p>Development of a class to which Schedule 9</p>

<p>(including alterations and additions which increase the floor area of such buildings by 10% or more):</p> <ul style="list-style-type: none"> (a) land division creating one or more additional allotments (b) dwelling (c) ancillary accommodation (d) residential flat building (e) tourist accommodation (f) boarding home (g) dormitory style accommodation (h) workers' accommodation (i) student accommodation (j) pre-school (k) educational establishment (l) retirement village (m) supported accommodation (n) residential park (o) hospital (p) camp ground. 		<p>authority on the potential impacts of bushfire on the development.</p>	<p>clause 3 item 2 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.</p>
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Figures and Diagrams



Roads and Driveway Design

Figure 2 - Road and Driveway Curves

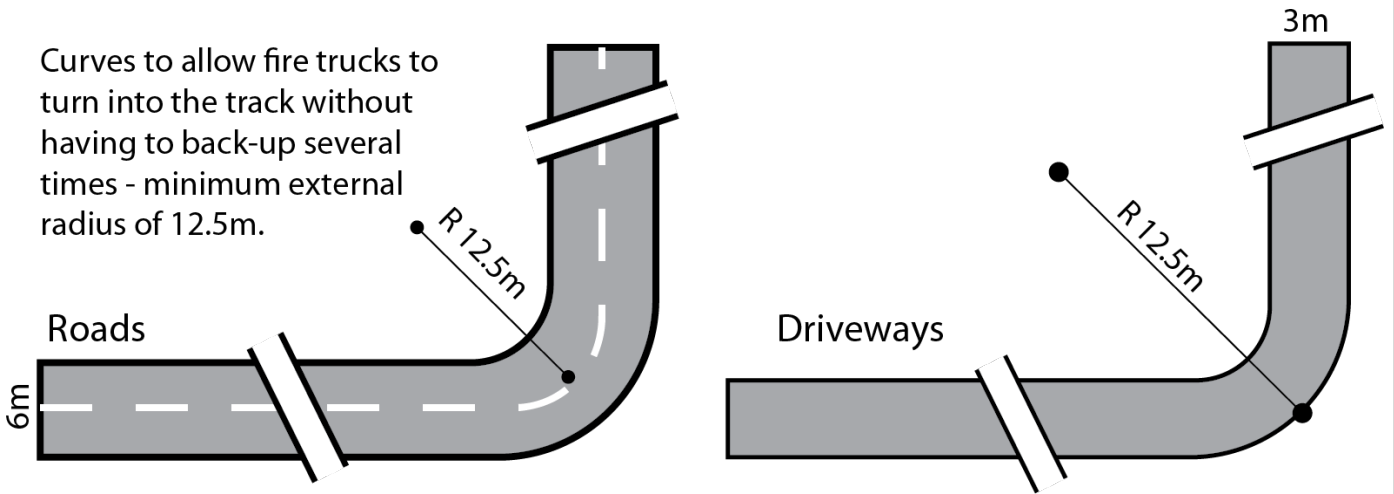


Figure 3 - Full Circle Turning Area

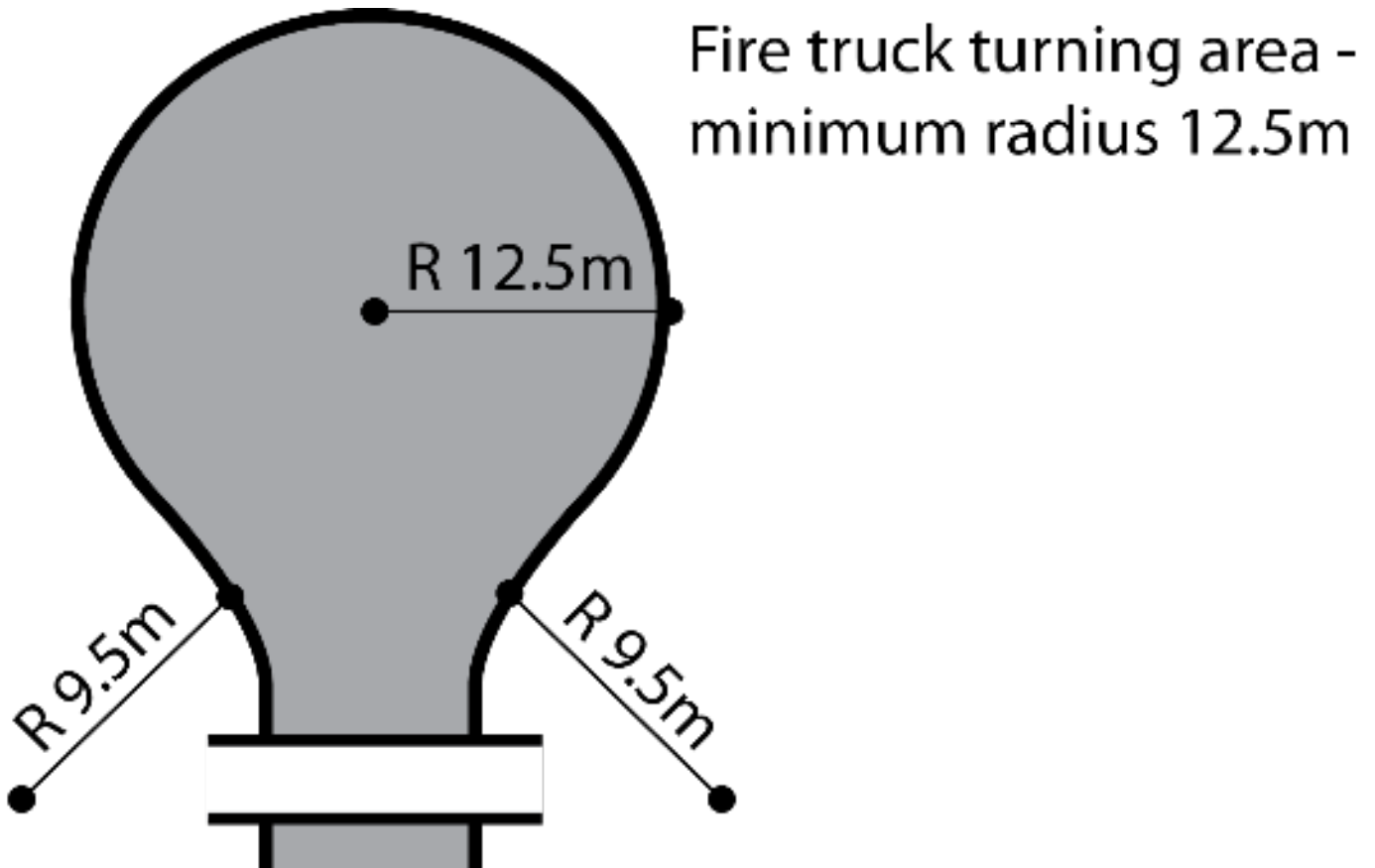
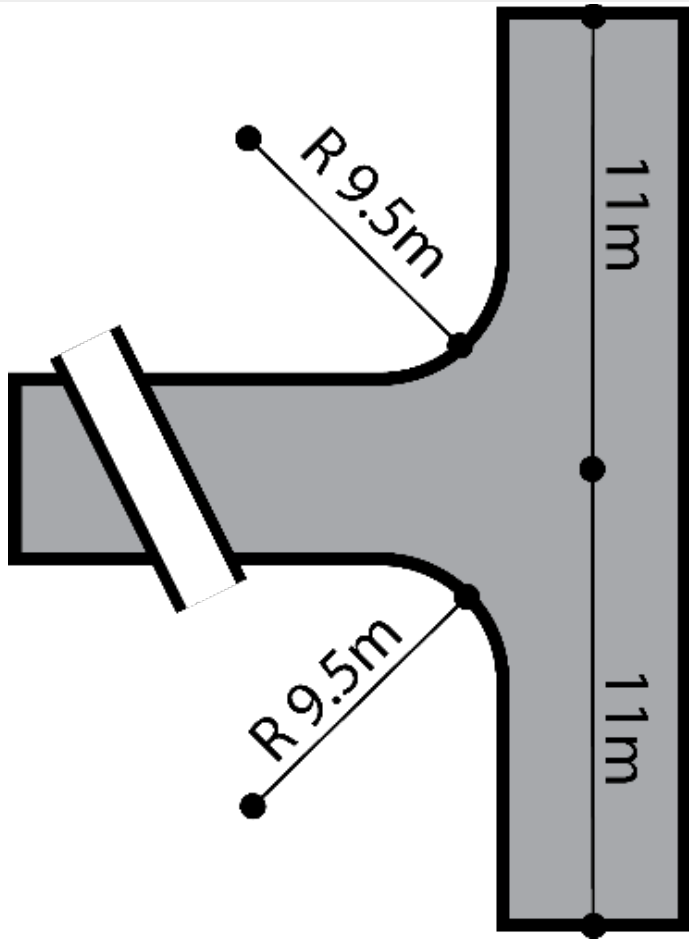
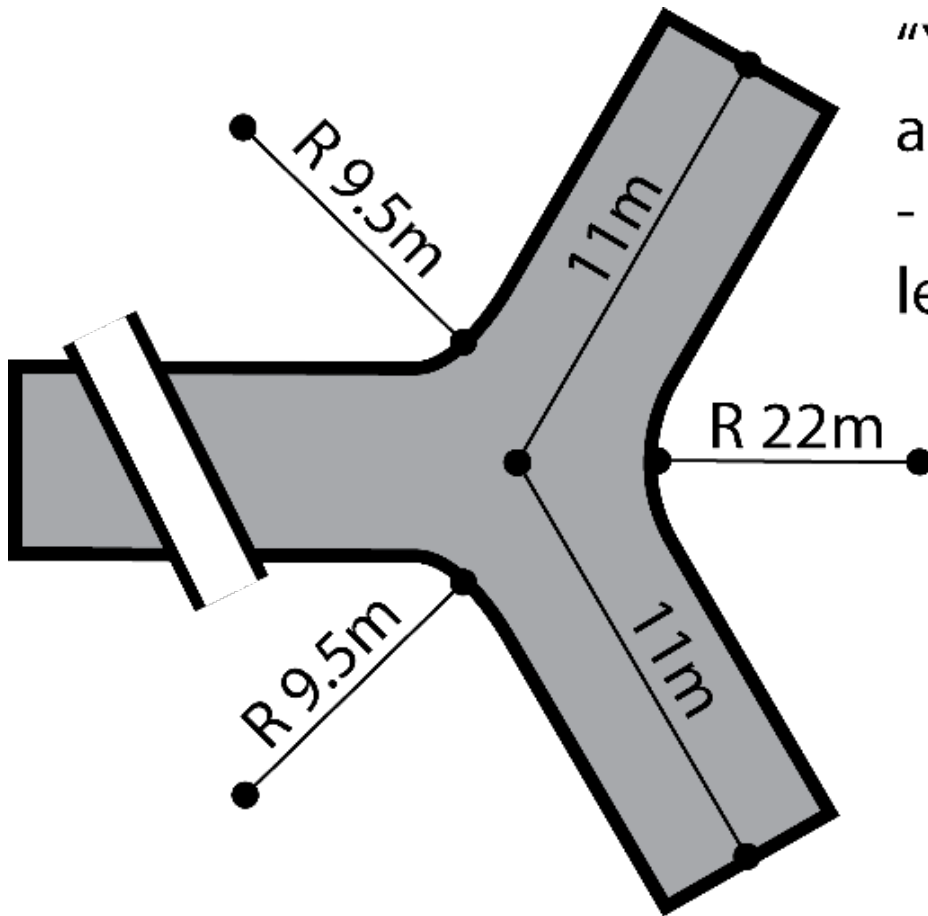


Figure 4 - 'T' or 'Y' Shaped Turning Head



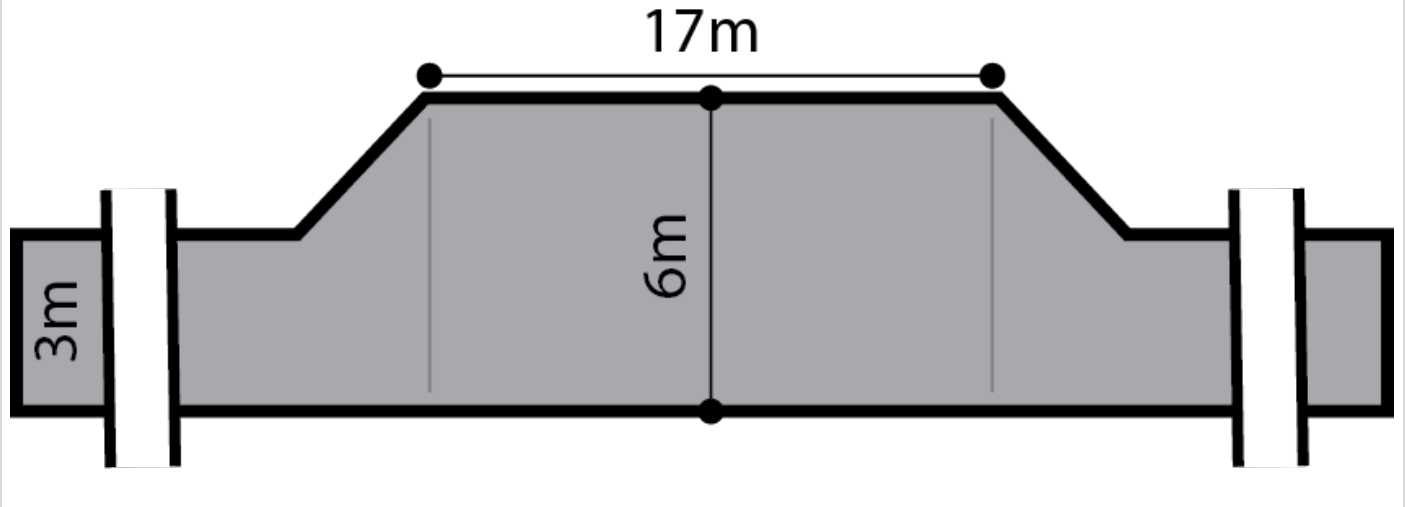
“T” shaped turning area for fire trucks to reverse into so they can turn around
- minimum length 11 m.



“Y” shaped turn around area
- minimum length 11 metres.

Figure 5 - Driveway Passing Bays

Passing bay for fire trucks - minimum width 6 metres, minimum length 17 metres.



Hazards (Flooding - Evidence Required) Overlay

Assessment Provisions (AP)

Desired Outcome	
DO 1	Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Flood Resilience	
PO 1.1 Development is sited, designed and constructed to minimise the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.	DTS/DPF 1.1 Habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished floor level at least 300mm above: <ul style="list-style-type: none"> (a) the highest point of top of kerb of the primary street or (b) the highest point of natural ground level at the primary street boundary where there is no kerb

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference

None	None	None	None
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Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay

Assessment Provisions (AP)

Desired Outcome	
DO 1	Safeguard Greater Adelaide's public water supply by ensuring development has a neutral or beneficial effect on the quality of water harvested from secondary reservoirs or diversion weir catchments from the Mount Lofty Ranges.

Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Water Quality	
PO 1.1 Development results in a neutral or beneficial effect on the quality of water draining from the site to maintain and enhance the role of the catchment as a water supply.	DTS/DPF 1.1 None are applicable.
Wastewater	
PO 2.1 Development that generates human wastewater, including alterations and additions, are established at an intensity and in a manner to minimise potential adverse impact on water quality within secondary reservoir and weir catchment areas.	DTS/DPF 2.1 Development including alterations and additions, in combination with existing built form and activities within an allotment: <ul style="list-style-type: none"> (a) do not generate a combined total of more than 1500 litres of wastewater per day and (b) will be connected to the same on-site wastewater system that is compliant with relevant South Australian standards or is otherwise connected to a sewer or community wastewater management system.
PO 2.3 Development that generates trade or industrial wastewater is of a scale and design to ensure wastewater is managed to avoid adverse water quality impacts is of a scale and design that will avoid adverse water quality impacts.	DTS/DPF 2.3 Development that generates trade or industrial wastewater with a peak biological oxygen demand (BOD) of greater than 100 milligrams per litre satisfies the following: <ul style="list-style-type: none"> (a) disposes of all wastewater to a sewerage or community wastewater management system, or (b) operates at a scale that generates less than 5 million litres of wastewater per year, and <ul style="list-style-type: none"> (i) is located greater than 300 metres from a watercourse, dam, bore or well, except where a spill retention basin is constructed, in which case, the minimum setback to a watercourse, dam, bore or well is 50 metres, and (ii) a development that incorporates a spill retention

	<p>basin(s) for the purpose of reducing the setback to a watercourse, dam, bore or well, has basins designed and located:</p> <ul style="list-style-type: none"> A. to minimise the risk of spills entering a downgradient watercourse, dam, bore of well B. in close proximity to wine making, wine storage and wastewater treatment facilities C. to capture 120% of the maximum aggregate volume of liquid raw materials, product and untreated wastewater which can be contained or produced at any one time during the peak of operation D. to be impervious; and E. to minimise the interception of any natural or artificial stormwater flow.
<p>PO 2.4</p> <p>Wastewater management systems result in a neutral or beneficial effect on the quality of water draining from the site.</p>	<p>DTS/DPF 2.4</p> <p>Development results in:</p> <ul style="list-style-type: none"> (a) a building or land use that is currently connected to an existing on-site wastewater system that is non-compliant with relevant South Australian standards being connected to a new or upgraded system that complies with such standards or (b) an existing on-site wastewater system being decommissioned and wastewater being disposed of to a sewer or community wastewater management system that complies with relevant South Australian standards.
<p>PO 2.5</p> <p>Surface and groundwater protected from wastewater discharge pollution.</p>	<p>DTS/DPF 2.5</p> <p>All components of an effluent disposal area are:</p> <ul style="list-style-type: none"> (a) setback 50 metres or more from a watercourse (b) setback 100 metres or more from a public water supply reservoir (c) located on land with a slope no greater than 1-in-5 (20%) (d) located on land with 1.2m or more depth to bedrock or a seasonal or permanent water table (e) above the 10% AEP flood level.
<p>Stormwater</p>	
<p>PO 3.1</p> <p>Post-development peak stormwater discharge quantities and rates do not exceed pre-development quantities and rates to maintain water quality leaving the site.</p>	<p>DTS/DPF 3.1</p> <p>None are applicable.</p>
<p>PO 3.2</p> <p>Stormwater run-off from areas not likely to be subject to pollution diverted away from areas that could cause pollution.</p>	<p>DTS/DPF 3.2</p> <p>None are applicable.</p>
<p>PO 3.3</p> <p>Polluted stormwater is treated prior to discharge from the site.</p>	<p>DTS/DPF 3.3</p> <p>None are applicable.</p>

<p>PO 3.9</p> <p>Stormwater from excavated and filled areas is managed to protect water quality.</p>	<p>DTS/DPF 3.9</p> <p>Excavation and/or filling satisfy all the following:</p> <ul style="list-style-type: none"> (a) is located 50m or more from watercourses (b) is located 100m or more from public water supply reservoirs and diversion weirs (c) does not involve excavation exceeding a vertical height of 0.75m (d) does not involve filling exceeding a vertical height of 0.75m (e) does not involve a total combined excavation and filling vertical height of 1.5m.
Landscapes and Natural Features	
<p>PO 4.1</p> <p>Development minimises the need to modify landscapes and natural features.</p>	<p>DTS/DPF 4.1</p> <p>None are applicable.</p>

Procedural Matters (PM)

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
<p>Any of the following classes of development that are not connected (or not proposed to be connected) to a community wastewater management system or sewerage infrastructure:</p> <ul style="list-style-type: none"> (a) land division creating one or more additional allotments, either partly or wholly within the area of the overlay (b) function centre with more than 75 seats for customer dining purposes (c) restaurant with more than 40 seats for customer dining purposes (d) restaurant with more than 30 seats for customer dining purposes in association with a cellar door (e) dwelling where a habitable dwelling or tourist accommodation already exists on the same allotment (including where a valid planning authorisation exists to erect a dwelling or tourist accommodation on the same allotment) (f) tourist accommodation where a habitable dwelling or tourist accommodation already exists on the same allotment (including where a valid planning authorisation exists to erect a habitable dwelling or tourist accommodation on the same allotment) (g) workers' accommodation where a habitable dwelling or tourist accommodation already exists on the same allotment (including where a valid planning authorisation exists to 	<p>Environment Protection Authority.</p>	<p>To provide expert technical assessment and direction to the relevant authority on whether a proposed development will have a neutral or beneficial impact on water quality.</p>	<p>Development of a class to which Schedule 9 clause 3 item 9 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.</p>

<p>erect a habitable dwelling or tourist accommodation on the same allotment)</p> <p>(h) any other development that generates human wastewater from a peak loading capacity of more than 40 persons (or more than 6,000 litres/day)</p>	
<p>Composting works (excluding a prescribed approved activity) - being a depot, facility or works with the capacity to treat, during a 12 month period more than 200 tonnes of organic waste or matter (EPA Licence)</p>	
<p>Wastewater treatment works - being sewage treatment works, a community wastewater management system, winery wastewater treatment works or any other wastewater treatment works with the capacity to treat, during a 12 month period more than 2.5 ML of wastewater (EPA Licence required at more than 5ML)</p>	
<p>Feedlots - being carrying on an operation for holding in confined yard or area and feeding principally by mechanical means or by hand not less than an average of 200 cattle (EPA Licence) or 1,600 sheep or goats per day over any period of 12 months, but excluding any such operation carried on at an abattoir, slaughterhouse or saleyard or for the purpose only of drought or other emergency feeding</p>	
<p>Piggeries - being the conduct of a piggery (being premises having confined or roofed structures for keeping pigs) with a capacity of 130 or more standard pig units (EPA Licence required at 650 or more standard pig units)</p>	
<p>Dairies - carrying on of a dairy with a total processing capacity exceeding 100 milking animals at any one time.</p>	

Native Vegetation Overlay

Assessment Provisions (AP)

Desired Outcome	
DO 1	Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria /
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		Designated Performance Feature	
Environmental Protection			
PO 1.1 Development avoids, or where it cannot be practically avoided, minimises the clearance of native vegetation taking into account the siting of buildings, access points, bushfire protection measures and building maintenance.	DTS/DPF 1.1 An application is accompanied by:	<p>(a) a declaration stating that the proposal will not, or would not, involve clearance of native vegetation under the Native Vegetation Act 1991, including any clearance that may occur:</p> <ul style="list-style-type: none"> (i) in connection with a relevant access point and / or driveway (ii) within 10m of a building (other than a residential building or tourist accommodation) (iii) within 20m of a dwelling or addition to an existing dwelling for fire prevention and control (iv) within 50m of residential or tourist accommodation in connection with a requirement under a relevant overlay to establish an asset protection zone in a bushfire prone area <p>or</p> <p>(b) a report prepared in accordance with Regulation 18(2)(a) of the Native Vegetation Regulations 2017 that establishes that the clearance is categorised as 'Level 1 clearance'.</p>	
PO 1.2 Native vegetation clearance in association with development avoids the following:	DTS/DPF 1.2 None are applicable.	<ul style="list-style-type: none"> (a) significant wildlife habitat and movement corridors (b) rare, vulnerable or endangered plants species (c) native vegetation that is significant because it is located in an area which has been extensively cleared (d) native vegetation that is growing in, or in association with, a wetland environment. 	
PO 1.4 Development restores and enhances biodiversity and habitat values through revegetation using locally indigenous plant species.	DTS/DPF 1.4 None are applicable.		

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Development that is the subject of a report prepared in accordance with Regulation 18(2)(a) of the <i>Native Vegetation Regulations 2017</i> that categorises the clearance, or potential clearance,	Native Vegetation Council	To provide expert assessment and direction to the relevant authority on the potential impacts of development on native vegetation.	Development of a class to which Schedule 9

as 'Level 3 clearance' or 'Level 4 clearance'.			clause 3 item 11 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.
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Traffic Generating Development Overlay

Assessment Provisions (AP)

Desired Outcome	
DO 1	Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users.
DO 2	Provision of safe and efficient access to and from urban transport routes and major urban transport routes.

Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Traffic Generating Development	
<p>PO 1.1</p> <p>Development designed to minimise its potential impact on the safety, efficiency and functional performance of the State Maintained Road network.</p>	<p>DTS/DPF 1.1</p> <p>Access is obtained directly from a State Maintained Road where it involves any of the following types of development:</p> <ul style="list-style-type: none"> (a) land division creating 50 or more additional allotments (b) commercial development with a gross floor area of 10,000m² or more (c) retail development with a gross floor area of 2,000m² or more (d) a warehouse or transport depot with a gross leasable floor area of 8,000m² or more (e) industry with a gross floor area of 20,000m² or more (f) educational facilities with a capacity of 250 students or more.
<p>PO 1.2</p> <p>Access points sited and designed to accommodate the type and volume of traffic likely to be generated by development.</p>	<p>DTS/DPF 1.2</p> <p>Access is obtained directly from a State Maintained Road where it involves any of the following types of development:</p> <ul style="list-style-type: none"> (a) land division creating 50 or more additional allotments (b) commercial development with a gross floor area of 10,000m² or more (c) retail development with a gross floor area of 2,000m² or more (d) a warehouse or transport depot with a gross leasable floor area of 8,000m² or more

	<ul style="list-style-type: none"> (e) industry with a gross floor area of 20,000m² or more (f) educational facilities with a capacity of 250 students or more.
<p>PO 1.3</p> <p>Sufficient accessible on-site queuing provided to meet the needs of the development so that queues do not impact on the State Maintained Road network.</p>	<p>DTS/DPF 1.3</p> <p>Access is obtained directly from a State Maintained Road where it involves any of the following types of development:</p> <ul style="list-style-type: none"> (a) land division creating 50 or more additional allotments (b) commercial development with a gross floor area of 10,000m² or more (c) retail development with a gross floor area of 2,000m² or more (d) a warehouse or transport depot with a gross leasable floor area of 8,000m² or more (e) industry with a gross floor area of 20,000m² or more (f) educational facilities with a capacity of 250 students or more.

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
<p>Except where all of the relevant deemed-to-satisfy criteria are met, any of the following classes of development that are proposed within 250m of a State Maintained Road:</p> <ul style="list-style-type: none"> (a) land division creating 50 or more additional allotments (b) commercial development with a gross floor area of 10,000m² or more (c) retail development with a gross floor area of 2,000m² or more (d) a warehouse or transport depot with a gross leasable floor area of 8,000m² or more (e) industry with a gross floor area of 20,000m² or more (f) educational facilities with a capacity of 250 students or more. 	Commissioner of Highways.	To provide expert technical assessment and direction to the Relevant Authority on the safe and efficient operation and management of all roads relevant to the Commissioner of Highways as described in the Planning and Design Code.	Development of a class to which Schedule 9 clause 3 item 7 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

Urban Transport Routes Overlay

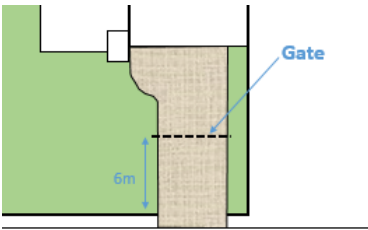
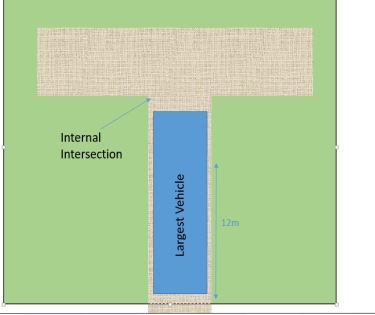
Assessment Provisions (AP)

Desired Outcome	
DO 1	Safe and efficient operation of Urban Transport Routes for all road users.
DO 2	

	Provision of safe and efficient access to and from Urban Transport Routes.
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Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Access - Safe Entry and Exit (Traffic Flow)	
<p>PO 1.1</p> <p>Access is designed to allow safe entry and exit to and from a site to meet the needs of development and minimise traffic flow interference associated with access movements along adjacent State maintained roads.</p>	<p>DTS/DPF 1.1</p> <p>An access point satisfies (a), (b) or (c):</p> <p>(a) where servicing a single (1) dwelling / residential allotment:</p> <ul style="list-style-type: none"> (i) it will not result in more than one access point (ii) vehicles can enter and exit the site in a forward direction (iii) vehicles can cross the property boundary at an angle between 70 degrees and 90 degrees (iv) passenger vehicles (with a length up to 5.2m) can enter and exit the site wholly within the kerbside lane of the road (v) it will have a width of between 3m and 4m (measured at the site boundary) <p>(b) where the development will result in 2 and up to 6 dwellings:</p> <ul style="list-style-type: none"> (i) (i) it will not result in more than one access point servicing the development site (ii) vehicles can enter and exit the site in a forward direction (iii) vehicles can cross the property boundary at an angle between 70 degrees and 90 degrees (iv) passenger vehicles (with a length up to 5.2m) can enter and exit the site wholly within the kerbside lane of the road (v) it will have a width of between 5.8m to 6m (measured at the site boundary) and an access depth of 6m (measured from the site boundary into the site) <p>(c) where the development will result in 7 or more dwellings, or is a non-residential land use:</p> <ul style="list-style-type: none"> (i) it will not result in more than one access point servicing the development site (ii) vehicles can enter and exit the site using left turn only movements (iii) vehicles can enter and exit the site in a forward direction (iv) vehicles can cross the property boundary at an angle between 70 degrees and 90 degrees (v) it will have a width of between 6m and 7m (measured at the site boundary), where the development is expected to accommodate vehicles with a length of 6.4m or less (vi) it will have a width of between 6m and 9m (measured at the site boundary), where the development is expected to accommodate vehicles with a length from 6.4m to 8.8m (vii) it will have a width of between 9m and 12m (measured at the site boundary), where the development is expected to accommodate vehicles with a length from 8.8m to 12.5m (viii) provides for simultaneous two-way vehicle movements at the access: <ul style="list-style-type: none"> A. with entry and exit movements for vehicles with a length up to 5.2m vehicles being fully within the kerbside lane of the road and B. with entry movements of 8.8m vehicles (where relevant) being fully within the kerbside lane of the road and the exit movements of 8.8m vehicles do not cross the centreline of the

	road.
Access - On-Site Queuing	
<p>PO 2.1</p> <p>Sufficient accessible on-site queuing adjacent to access points is provided to meet the needs of development so that all vehicle queues can be contained fully within the boundaries of the development site, to minimise interruption on the functional performance of the road and maintain safe vehicle movements.</p>	<p>DTS/DPF 2.1</p> <p>An access point in accordance with one of the following:</p> <p>(a) will not service, or is not intended to service, more than 6 dwellings and there are no internal driveways, intersections, car parking spaces or gates within 6.0m of the access point (measured from the site boundary into the site) as shown in the following diagram:</p>  <p>(b) will service, or is intended to service, development that will generate less than 60 vehicle movements per day, and:</p> <ul style="list-style-type: none"> (i) is expected to be serviced by vehicles with a length no greater than 6.4m (ii) there are no internal driveways, intersections, parking spaces or gates within 6.0m of the access point (measured from the site boundary into the site) <p>(c) will service, or is intended to service, development that will generate less than 60 vehicle movements per day, and:</p> <ul style="list-style-type: none"> (i) is expected to be serviced by vehicles with a length greater than a 6.4m small rigid vehicle (ii) there are no internal driveways, intersections, parking spaces or gates within 6.0m of the access point (measured from the site boundary into the site) (iii) any termination of or change in priority of movement within the main car park aisle is located far enough into the site so that the largest vehicle expected on-site can store fully within the site before being required to stop (iv) all parking or manoeuvring areas for commercial vehicles are located a minimum of 12m or the length of the longest vehicle expected on site from the access (measured from the site boundary into the site) as shown in the following diagram: 

Access - (Location Spacing) - Existing Access Point	
<p>PO 3.1</p> <p>Existing access points are designed to accommodate the type and volume of traffic likely to be generated by the development.</p>	<p>DTS/DPF 3.1</p> <p>An existing access point satisfies (a), (b) or (c):</p> <ul style="list-style-type: none"> (a) it will not service, or is not intended to service, more than 6 dwellings (b) it is not located on a Controlled Access Road and will not service development that will result in (b) a larger class of vehicle expected to access the site using the existing access (c) is not located on a Controlled Access Road and development constitutes: <ul style="list-style-type: none"> (i) a change of use between an office <500m² gross leasable floor area and a consulting room <500m² gross leasable floor area or vice versa (ii) a change in use from a shop to an office, consulting room or personal or domestic services establishment (iii) a change of use from a consulting room or office <250m² gross leasable floor area to shop <250m² gross leasable floor area (iv) a change of use from a shop <500m² gross leasable floor area to a warehouse <500m² gross leasable floor area (v) an office or consulting room with a <500m² gross leasable floor area.
Access – Location (Spacing) – New Access Points	
<p>PO 4.1</p> <p>New access points are spaced apart from any existing access point or public road junction to manage impediments to traffic flow and maintain safe and efficient operating conditions on the road.</p>	<p>DTS/DPF 4.1</p> <p>A new access point satisfies (a), (b) or (c):</p> <ul style="list-style-type: none"> (a) where a development site is intended to serve between 1 and 6 dwellings and has frontage to a local road (not being a Controlled Access Road) with a speed environment of 60km/h or less, the new access point is provided on the local road and located a minimum of 6.0m from the tangent point as shown in the following diagram: <div style="text-align: center;"> <p>TP = Tangent point</p> </div> <p>NOTE: The points marked X₁ and X are respectively at the median end on a divided road and at the intersection of the main road centre-line and the extensions of the side road property lines shown as dotted lines, on an undivided road. On a divided road, dimension Y-Y extends to Point Y₁.</p> (b) where the development site is intended to serve between 1 and 6 dwellings and access from a local road (being a road that is not a State Maintained Road) is not available, the new access: <ul style="list-style-type: none"> (i) is not located on a Controlled Access Road (ii) is not located on a section of road affected by double barrier lines (iii) will be on a road with a speed environment of 70km/h or less (iv) is located outside of the bold lines on the diagram shown in the diagram following part (a) (v) located minimum of 6m from a median opening or pedestrian crossing

(c) where DTS/DPF 4.1 part (a) and (b) do not apply and access from an alternative local road at least 25m from the State Maintained Road is not available, and the access is not located on a Controlled Access Road, the new access is separated in accordance with the following:

Speed Limit	Separation between access points	Separation from public road junctions and merging/terminating lanes
50 km/h or less	No spacing requirement	20m
60 km/h	30m	73m
70 km/h	40m	92m
80 km/h	50m	114m
90 km/h	65m	139m
100 km/h	80m	165m
110 km/h	100m	193m

Access - Location (Sight Lines)

PO 5.1

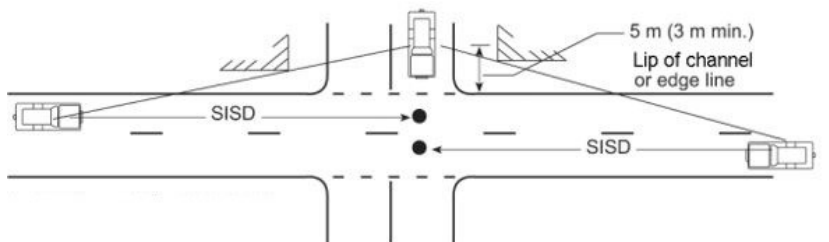
Access points are located and designed to accommodate sight lines that enable drivers and pedestrians to navigate potential conflict points with roads in a controlled and safe manner.

DTS/DPF 5.1

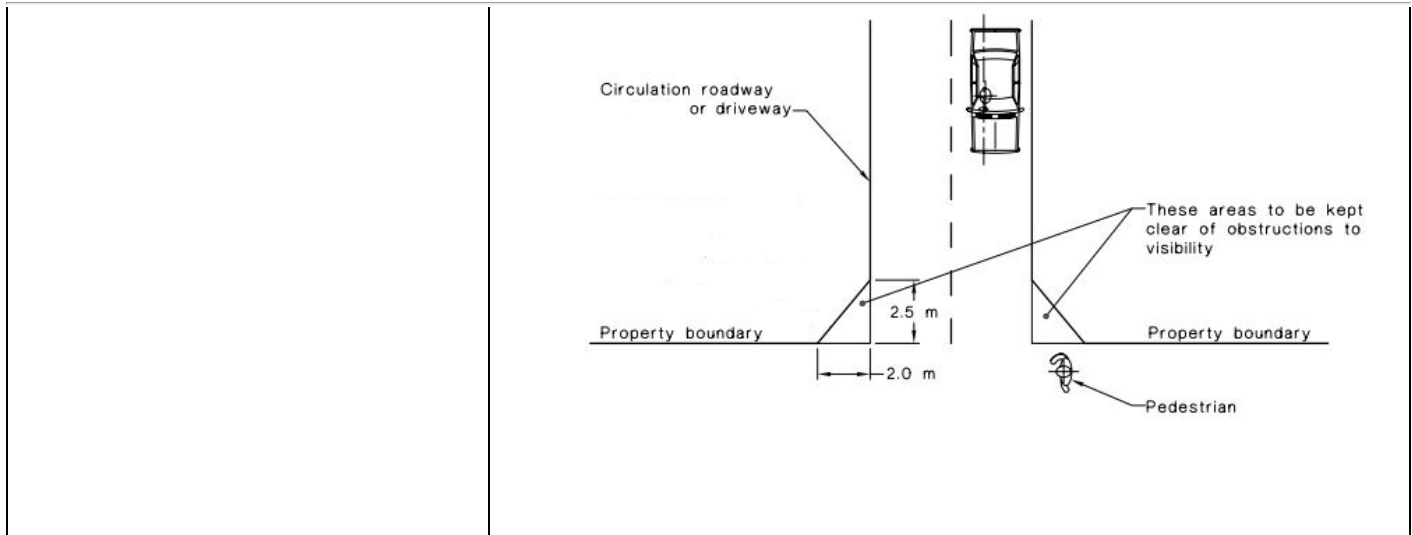
An access point satisfies (a) or (b):

(a) drivers approaching or exiting an access point have an unobstructed line of sight in accordance with the following (measured at a height of 1.1m above the surface of the road):

Speed Limit	Access point serving 1-6 dwellings	Access point serving all other development
40 km/h or less	40m	73m
50 km/h	55m	97m
60 km/h	73m	123m
70 km/h	92m	151m
80 km/h	114m	181m
90 km/h	139m	214m
100 km/h	165m	248m
110km/h	193m	285m



(b) pedestrian sightlines in accordance with the following diagram:



Access – Mud and Debris

<p>PO 6.1</p> <p>Access points constructed to minimise mud or other debris being carried or transferred onto the road to ensure safe road operating conditions.</p>	<p>DTS/DPF 6.1</p> <p>Where the road has an unsealed shoulder and the road is not kerbed, the access way is sealed from the edge of seal on the road for a minimum of 10m or to the property boundary (whichever is closer).</p>
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Access - Stormwater

<p>PO 7.1</p> <p>Access points are designed to minimise negative impact on roadside drainage of water.</p>	<p>DTS/DPF 7.1</p> <p>Development does not:</p> <ul style="list-style-type: none"> (a) decrease the capacity of an existing drainage point (b) restrict or prevent the flow of stormwater through an existing drainage point and system.
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Building on Road Reserve

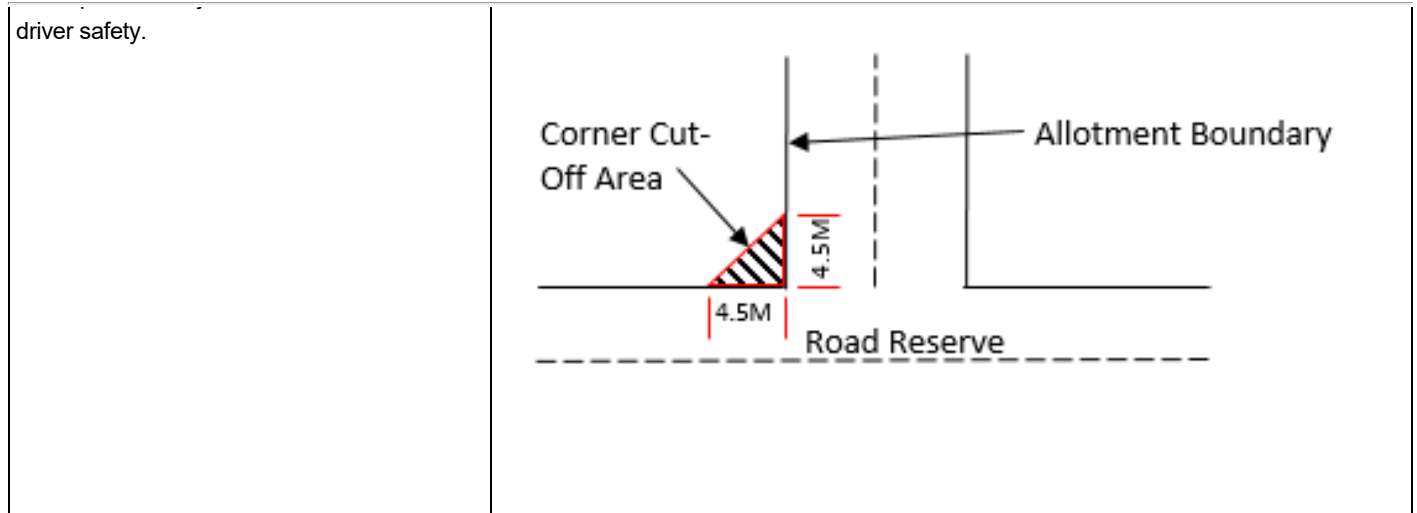
<p>PO 8.1</p> <p>Buildings or structures that encroach onto, above or below road reserves are designed and sited to minimise impact on safe movements by all road users.</p>	<p>DTS/DPF 8.1</p> <p>Buildings or structures are not located on, above or below the road reserve.</p>
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Public Road Junctions

<p>PO 9.1</p> <p>New junctions with a public road (including the opening of unmade public road junctions) or modifications to existing road junctions are located and designed to ensure safe operating conditions are maintained on the State Maintained Road.</p>	<p>DTS/DPF 9.1</p> <p>Development does not comprise any of the following:</p> <ul style="list-style-type: none"> (a) creating a new junction with a public road (b) opening an unmade public road junction (c) modifying an existing public road junction.
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Corner Cut-Offs

<p>PO 10.1</p> <p>Development is located and designed to maintain sightlines for drivers turning into and out of public road junctions to contribute to</p>	<p>DTS/DPF 10.1</p> <p>Development does not involve building work, or building work is located wholly outside the land shown as 'Corner Cut-Off Area' in the following diagram:</p>
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Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
<p>Except where all of the relevant deemed-to-satisfy criteria are met, development (including the division of land) that involves any of the following to/on a State Maintained Road or within 25 metres of an intersection with any such road:</p> <ul style="list-style-type: none"> (a) creation of a new access or junction (b) alterations to an existing access or public road junction (except where deemed to be minor in the opinion of the relevant authority) (c) development that changes the nature of vehicular movements or increase the number or frequency of movements through an existing access (except where deemed to be minor in the opinion of the relevant authority). 	Commissioner of Highways.	To provide expert technical assessment and direction to the Relevant Authority on the safe and efficient operation and management of all roads relevant to the Commissioner of Highways as described in the Planning and Design Code.	Development of a class to which Schedule 9 clause 3 item 7 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

Water Resources Overlay

Assessment Provisions (AP)

Desired Outcome	
DO 1	Protection of the quality of surface waters considering adverse water quality impacts associated with projected reductions in rainfall and warmer air temperatures as a result of climate change.
DO 2	Maintain the conveyance function and natural flow paths of watercourses to assist in the management of flood waters and stormwater runoff.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Water Catchment	
PO 1.1 Watercourses and their beds, banks, wetlands and floodplains (1% AEP flood extent) are not damaged or modified and are retained in their natural state, except where modification is required for essential access or maintenance purposes.	DTS/DPF 1.1 None are applicable.
PO 1.2 Development avoids interfering with the existing hydrology or water regime of swamps and wetlands other than to improve the existing conditions to enhance environmental values.	DTS/DPF 1.2 None are applicable.
PO 1.5 Development that increases surface water run-off includes a suitably sized strip of vegetated land on each side of a watercourse to filter runoff to: <ul style="list-style-type: none"> (a) reduce the impacts on native aquatic ecosystems (b) minimise soil loss eroding into the watercourse. 	DTS/DPF 1.5 A strip of land 20m or more wide measured from the top of existing banks on each side of the watercourse is free from development, livestock use and revegetated with locally indigenous vegetation.
PO 1.6 Development resulting in the depositing or placing of an object or solid material in a watercourse or lake occurs only where it involves any of the following: <ul style="list-style-type: none"> (a) the construction of an erosion control structure (b) devices or structures used to extract or regulate water flowing in a watercourse (c) devices used for scientific purposes (d) the rehabilitation of watercourses. 	DTS/DPF 1.6 None are applicable.
PO 1.7 Watercourses, floodplains (1% AEP flood extent) and wetlands protected and enhanced by retaining and protecting existing native vegetation.	DTS/DPF 1.7 None are applicable.
PO 1.8 Watercourses, floodplains (1% AEP flood extent) and wetlands are protected and enhanced by stabilising watercourse banks and reducing sediments and nutrients entering the watercourse.	DTS/DPF 1.8 None are applicable.

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference

None	None	None	None
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Part 4 - General Development Policies

Clearance from Overhead Powerlines

Assessment Provisions (AP)

Desired Outcome	
DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
<p>PO 1.1</p> <p>Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.</p>	<p>DTS/DPF 1.1</p> <p>One of the following is satisfied:</p> <ul style="list-style-type: none"> (a) a declaration is provided by or on behalf of the applicant to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the <i>Electricity Act 1996</i> (b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.

Design

Assessment Provisions (AP)

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
All development	

External Appearance	
<p>PO 1.4</p> <p>Plant, exhaust and intake vents and other technical equipment is integrated into the building design to minimise visibility from the public realm and negative impacts on residential amenity by:</p> <ul style="list-style-type: none"> (a) positioning plant and equipment in unobtrusive locations viewed from public roads and spaces (b) screening rooftop plant and equipment from view (c) when located on the roof of non-residential development, locating the plant and equipment as far as practicable from adjacent sensitive land uses. 	<p>DTS/DPF 1.4</p> <p>Development does not incorporate any structures that protrude beyond the roofline.</p>
<p>PO 1.5</p> <p>The negative visual impact of outdoor storage, waste management, loading and service areas is minimised by integrating them into the building design and screening them from public view (such as fencing, landscaping and built form) taking into account the form of development contemplated in the relevant zone.</p>	<p>DTS/DPF 1.5</p> <p>None are applicable.</p>
On-site Waste Treatment Systems	
<p>PO 6.1</p> <p>Dedicated on-site effluent disposal areas do not include any areas to be used for, or could be reasonably foreseen to be used for, private open space, driveways or car parking.</p>	<p>DTS/DPF 6.1</p> <p>Effluent disposal drainage areas do not:</p> <ul style="list-style-type: none"> (a) encroach within an area used as private open space or result in less private open space than that specified in Design Table 1 - Private Open Space (b) use an area also used as a driveway (c) encroach within an area used for on-site car parking or result in less on-site car parking than that specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas.
Carparking Appearance	
<p>PO 7.1</p> <p>Development facing the street is designed to minimise the negative impacts of any semi-basement and undercroft car parking on the streetscapes through techniques such as:</p> <ul style="list-style-type: none"> (a) limiting protrusion above finished ground level (b) screening through appropriate planting, fencing and mounding (c) limiting the width of openings and integrating them into the building structure. 	<p>DTS/DPF 7.1</p> <p>None are applicable.</p>
<p>PO 7.2</p> <p>Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced and the like.</p>	<p>DTS/DPF 7.2</p> <p>None are applicable.</p>
<p>PO 7.3</p> <p>Safe, legible, direct and accessible pedestrian connections are provided between parking areas and the development.</p>	<p>DTS/DPF 7.3</p> <p>None are applicable.</p>

PO 7.4 Street level vehicle parking areas incorporate tree planting to provide shade and reduce solar heat absorption and reflection.	DTS/DPF 7.4 None are applicable.
PO 7.5 Street level parking areas incorporate soft landscaping to improve visual appearance when viewed from within the site and from public places.	DTS/DPF 7.5 None are applicable.
PO 7.6 Vehicle parking areas and associated driveways are landscaped to provide shade and positively contribute to amenity.	DTS/DPF 7.6 None are applicable.
PO 7.7 Vehicle parking areas and access ways incorporate integrated stormwater management techniques such as permeable or porous surfaces, infiltration systems, drainage swales or rain gardens that integrate with soft landscaping.	DTS/DPF 7.7 None are applicable.

Infrastructure and Renewable Energy Facilities

Assessment Provisions (AP)

Desired Outcome	
DO 1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Water Supply	
PO 11.1 Development is connected to an appropriate water supply to meet the ongoing requirements of the intended use.	DTS/DPF 11.1 Development is connected, or will be connected, to a reticulated water scheme or mains water supply with the capacity to meet the on-going requirements of the development.
Wastewater Services	
PO 12.1 Development is connected to an approved common wastewater disposal service with the capacity to meet the requirements of the intended use. Where this is not available an appropriate on-site service is provided to meet the ongoing requirements of the intended use in accordance with the following: (a) it is wholly located and contained within the allotment of the	DTS/DPF 12.1 Development is connected, or will be connected, to an approved common wastewater disposal service with the capacity to meet the requirements of the development. Where this is not available it is instead capable of being serviced by an on-site waste water treatment system in accordance with the following: (a) the system is wholly located and contained within the

<p>development it will service</p> <p>(b) in areas where there is a high risk of contamination of surface, ground, or marine water resources from on-site disposal of liquid wastes, disposal systems are included to minimise the risk of pollution to those water resources</p> <p>(c) septic tank effluent drainage fields and other wastewater disposal areas are located away from watercourses and flood prone, sloping, saline or poorly drained land to minimise environmental harm.</p>	<p>allotment of development it will service; and</p> <p>(b) the system will comply with the requirements of the South Australian Public Health Act 2011.</p>
<p>PO 12.2</p> <p>Effluent drainage fields and other wastewater disposal areas are maintained to ensure the effective operation of waste systems and minimise risks to human health and the environment.</p>	<p>DTS/DPF 12.2</p> <p>Development is not built on, or encroaches within, an area that is, or will be, required for a sewerage system or waste control system.</p>

Interface between Land Uses

Assessment Provisions (AP)

Desired Outcome	
DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature								
Hours of Operation									
<p>PO 2.1</p> <p>Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:</p> <p>(a) the nature of the development</p> <p>(b) measures to mitigate off-site impacts</p> <p>(c) the extent to which the development is desired in the zone</p> <p>(d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.</p>	<p>DTS/DPF 2.1</p> <p>Development operating within the following hours:</p> <table border="1" data-bbox="829 1384 1484 2112"> <thead> <tr> <th data-bbox="829 1384 1098 1473">Class of Development</th> <th data-bbox="1098 1384 1484 1473">Hours of operation</th> </tr> </thead> <tbody> <tr> <td data-bbox="829 1473 1098 1624">Consulting room</td> <td data-bbox="1098 1473 1484 1624">7am to 9pm, Monday to Friday 8am to 5pm, Saturday</td> </tr> <tr> <td data-bbox="829 1624 1098 1774">Office</td> <td data-bbox="1098 1624 1484 1774">7am to 9pm, Monday to Friday 8am to 5pm, Saturday</td> </tr> <tr> <td data-bbox="829 1774 1098 2112">Shop, other than any one or combination of the following: (a) restaurant (b) cellar door in the Productive Rural Landscape Zone, Rural</td> <td data-bbox="1098 1774 1484 2112">7am to 9pm, Monday to Friday 8am to 5pm, Saturday and Sunday</td> </tr> </tbody> </table>	Class of Development	Hours of operation	Consulting room	7am to 9pm, Monday to Friday 8am to 5pm, Saturday	Office	7am to 9pm, Monday to Friday 8am to 5pm, Saturday	Shop, other than any one or combination of the following: (a) restaurant (b) cellar door in the Productive Rural Landscape Zone, Rural	7am to 9pm, Monday to Friday 8am to 5pm, Saturday and Sunday
Class of Development	Hours of operation								
Consulting room	7am to 9pm, Monday to Friday 8am to 5pm, Saturday								
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Shop, other than any one or combination of the following: (a) restaurant (b) cellar door in the Productive Rural Landscape Zone, Rural	7am to 9pm, Monday to Friday 8am to 5pm, Saturday and Sunday								

	Zone or Rural Horticulture Zone						
Activities Generating Noise or Vibration							
PO 4.1 Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).	DTS/DPF 4.1 Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria.						
PO 4.2 Areas for the on-site manoeuvring of service and delivery vehicles, plant and equipment, outdoor work spaces (and the like) are designed and sited to not unreasonably impact the amenity of adjacent sensitive receivers (or lawfully approved sensitive receivers) and zones primarily intended to accommodate sensitive receivers due to noise and vibration by adopting techniques including: (a) locating openings of buildings and associated services away from the interface with the adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers (b) when sited outdoors, locating such areas as far as practicable from adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers (c) housing plant and equipment within an enclosed structure or acoustic enclosure (d) providing a suitable acoustic barrier between the plant and / or equipment and the adjacent sensitive receiver boundary or zone.	DTS/DPF 4.2 None are applicable.						
PO 4.5 Outdoor areas associated with licensed premises (such as beer gardens or dining areas) are designed and/or sited to not cause unreasonable noise impact on existing adjacent sensitive receivers (or lawfully approved sensitive receivers).	DTS/DPF 4.5 None are applicable.						
PO 4.6 Development incorporating music achieves suitable acoustic amenity when measured at the boundary of an adjacent sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers.	DTS/DPF 4.6 Development incorporating music includes noise attenuation measures that will achieve the following noise levels: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%; text-align: center;">Assessment location</th> <th style="width: 50%; text-align: center;">Music noise level</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Externally at the nearest existing or envisaged noise sensitive location</td> <td style="text-align: center;">Less than 8dB above the level of background noise (L_{90,15min}) in any octave band of the sound spectrum (LOCT_{10,15} < LOCT_{90,15} + 8dB)</td> </tr> </tbody> </table>			Assessment location	Music noise level	Externally at the nearest existing or envisaged noise sensitive location	Less than 8dB above the level of background noise (L _{90,15min}) in any octave band of the sound spectrum (LOCT _{10,15} < LOCT _{90,15} + 8dB)
Assessment location	Music noise level						
Externally at the nearest existing or envisaged noise sensitive location	Less than 8dB above the level of background noise (L _{90,15min}) in any octave band of the sound spectrum (LOCT _{10,15} < LOCT _{90,15} + 8dB)						
Air Quality							
PO 5.2 Development that includes chimneys or exhaust flues (including cafes, restaurants and fast food outlets) is designed to minimise nuisance or adverse health impacts to sensitive receivers (or	DTS/DPF 5.2 None are applicable.						

<p>lawfully approved sensitive receivers) by:</p> <ul style="list-style-type: none"> (a) incorporating appropriate treatment technology before exhaust emissions are released (b) locating and designing chimneys or exhaust flues to maximise the dispersion of exhaust emissions, taking into account the location of sensitive receivers. 	
Light Spill	
<p>PO 6.1</p> <p>External lighting is positioned and designed to not cause unreasonable light spill impact on adjacent sensitive receivers (or lawfully approved sensitive receivers).</p>	<p>DTS/DPF 6.1</p> <p>None are applicable.</p>

Out of Activity Centre Development

Assessment Provisions (AP)

Desired Outcome	
DO1	The role of Activity Centres in contributing to the form and pattern of development and enabling equitable and convenient access to a range of shopping, administrative, cultural, entertainment and other facilities in a single trip is maintained and reinforced.

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
<p>PO 1.1</p> <p>Non-residential development outside Activity Centres of a scale and type that does not diminish the role of Activity Centres:</p> <ul style="list-style-type: none"> (a) as primary locations for shopping, administrative, cultural, entertainment and community services (b) as a focus for regular social and business gatherings (c) in contributing to or maintaining a pattern of development that supports equitable community access to services and facilities. 	<p>DTS/DPF 1.1</p> <p>None are applicable.</p>
<p>PO 1.2</p> <p>Out-of-activity centre non-residential development complements Activity Centres through the provision of services and facilities:</p> <ul style="list-style-type: none"> (a) that support the needs of local residents and workers, particularly in underserved locations (b) at the edge of Activities Centres where they cannot readily be accommodated within an existing Activity Centre to expand the range of services on offer and support the role of the Activity Centre. 	<p>DTS/DPF 1.2</p> <p>None are applicable.</p>

Transport, Access and Parking

Assessment Provisions (AP)

Desired Outcome	
DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Movement Systems	
PO 1.4 Development is sited and designed so that loading, unloading and turning of all traffic avoids interrupting the operation of and queuing on public roads and pedestrian paths.	DTS/DPF 1.4 All vehicle manoeuvring occurs onsite.
Vehicle Access	
PO 3.1 Safe and convenient access minimises impact or interruption on the operation of public roads.	DTS/DPF 3.1 The access is: <ul style="list-style-type: none"> (a) provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land or (b) not located within 6m of an intersection of 2 or more roads or a pedestrian activated crossing.
PO 3.5 Access points are located so as not to interfere with street trees, existing street furniture (including directional signs, lighting, seating and weather shelters) or infrastructure services to maintain the appearance of the streetscape, preserve local amenity and minimise disruption to utility infrastructure assets.	DTS/DPF 3.5 Vehicle access to designated car parking spaces satisfy (a) or (b): <ul style="list-style-type: none"> (a) is provided via a lawfully existing or authorised access point or an access point for which consent has been granted as part of an application for the division of land (b) where newly proposed, is set back: <ul style="list-style-type: none"> (i) 0.5m or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset owner (ii) 2m or more from the base of the trunk of a street tree unless consent is provided from the tree owner for a lesser distance (iii) 6m or more from the tangent point of an intersection of 2 or more roads (iv) outside of the marked lines or infrastructure dedicating a pedestrian crossing.
Access for People with Disabilities	
PO 4.1 Development is sited and designed to provide safe, dignified and convenient access for people with a disability.	DTS/DPF 4.1 None are applicable.

Vehicle Parking Rates	
<p>PO 5.1</p> <p>Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:</p> <ul style="list-style-type: none"> (a) availability of on-street car parking (b) shared use of other parking areas (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared (d) the adaptive reuse of a State or Local Heritage Place. 	<p>DTS/DPF 5.1</p> <p>Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant:</p> <ul style="list-style-type: none"> (a) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements (b) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas (c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.
Vehicle Parking Areas	
<p>PO 6.1</p> <p>Vehicle parking areas are sited and designed to minimise impact on the operation of public roads by avoiding the use of public roads when moving from one part of a parking area to another.</p>	<p>DTS/DPF 6.1</p> <p>Movement between vehicle parking areas within the site can occur without the need to use a public road.</p>
<p>PO 6.6</p> <p>Loading areas and designated parking spaces for service vehicles are provided within the boundary of the site.</p>	<p>DTS/DPF 6.6</p> <p>Loading areas and designated parking spaces are wholly located within the site.</p>
Corner Cut-Offs	
<p>PO 10.1</p> <p>Development is located and designed to ensure drivers can safely turn into and out of public road junctions.</p>	<p>DTS/DPF 10.1</p> <p>Development does not involve building work, or building work is located wholly outside the land shown as Corner Cut-Off Area in the following diagram:</p>

Table 1 - General Off-Street Car Parking Requirements

The following parking rates apply and if located in an area where a lawfully established carparking fund operates, the number of spaces is reduced by an amount equal to the number of spaces offset by contribution to the fund.

Class of Development	Car Parking Rate (unless varied by Table 2 onwards)
Residential Development	Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.
	Dwelling with 1 bedroom (including rooms capable of being used as a bedroom) - 1

Detached Dwelling	<p>space per dwelling.</p> <p>Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p>
Group Dwelling	<p>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p> <p>0.33 spaces per dwelling for visitor parking where development involves 3 or more dwellings.</p>
Residential Flat Building	<p>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p> <p>0.33 spaces per dwelling for visitor parking where development involves 3 or more dwellings.</p>
Row Dwelling where vehicle access is from the primary street	<p>Dwelling with 1 bedroom (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p>
Row Dwelling where vehicle access is not from the primary street (i.e. rear-loaded)	<p>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p>
Semi-Detached Dwelling	<p>Dwelling with 1 bedroom (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p>
Aged / Supported Accommodation	
Retirement village	<p>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling.</p> <p>0.2 spaces per dwelling for visitor parking.</p>
Supported accommodation	0.3 spaces per bed.
Residential Development (Other)	
Ancillary accommodation	No additional requirements beyond those associated with the main dwelling.
Residential park	<p>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling.</p>

	0.2 spaces per dwelling for visitor parking.
Student accommodation	0.3 spaces per bed.
Workers' accommodation	0.5 spaces per bed plus 0.2 spaces per bed for visitor parking.
Tourist	
Caravan park / tourist park	<p>Parks with 100 sites or less - a minimum of 1 space per 10 sites to be used for accommodation.</p> <p>Parks with more than 100 sites - a minimum of 1 space per 15 sites used for accommodation.</p> <p>A minimum of 1 space for every caravan (permanently fixed to the ground) or cabin.</p>
Tourist accommodation	1 car parking space per accommodation unit / guest room.
Commercial Uses	
Auction room/ depot	1 space per 100m ² of building floor area plus an additional 2 spaces.
Automotive collision repair	3 spaces per service bay.
Call centre	8 spaces per 100m ² of gross leasable floor area.
Motor repair station	3 spaces per service bay.
Office	4 spaces per 100m ² of gross leasable floor area.
Retail fuel outlet	3 spaces per 100m ² gross leasable floor area.
Service trade premises	<p>2.5 spaces per 100m² of gross leasable floor area</p> <p>1 space per 100m² of outdoor area used for display purposes.</p>
Shop (no commercial kitchen)	<p>5.5 spaces per 100m² of gross leasable floor area where not located in an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared.</p> <p>5 spaces per 100m² of gross leasable floor area where located in an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared.</p>
Shop (in the form of a bulky goods outlet)	2.5 spaces per 100m ² of gross leasable floor area.
Shop (in the form of a restaurant or involving a commercial kitchen)	Premises with a dine-in service only (which may include a take-away component with no drive-through) - 0.4 spaces per seat.

	<p>Premises with take-away service but with no seats - 12 spaces per 100m² of total floor area plus a drive-through queue capacity of ten vehicles measured from the pick-up point.</p> <p>Premises with a dine-in and drive-through take-away service - 0.3 spaces per seat plus a drive through queue capacity of 10 vehicles measured from the pick-up point.</p>
Community and Civic Uses	
Childcare centre	0.25 spaces per child
Library	4 spaces per 100m ² of total floor area.
Community facility	10 spaces per 100m ² of total floor area.
Hall / meeting hall	0.2 spaces per seat.
Place of worship	1 space for every 3 visitor seats.
Pre-school	1 per employee plus 0.25 per child (drop off/pick up bays)
Educational establishment	<p>For a primary school - 1.1 space per full time equivalent employee plus 0.25 spaces per student for a pickup/set down area either on-site or on the public realm within 300m of the site.</p> <p>For a secondary school - 1.1 per full time equivalent employee plus 0.1 spaces per student for a pickup/set down area either on-site or on the public realm within 300m of the site.</p> <p>For a tertiary institution - 0.4 per student based on the maximum number of students on the site at any time.</p>
Health Related Uses	
Hospital	<p>4.5 spaces per bed for a public hospital.</p> <p>1.5 spaces per bed for a private hospital.</p>
Consulting room	4 spaces per consulting room excluding ancillary facilities.
Recreational and Entertainment Uses	
Cinema complex	0.2 spaces per seat.
Concert hall / theatre	0.2 spaces per seat.
Hotel	1 space for every 2m ² of total floor area in a public bar plus 1 space for every 6m ² of total floor area available to the public in a lounge, beer garden plus 1 space per 2

	gaming machines, plus 1 space per 3 seats in a restaurant.
Indoor recreation facility	6.5 spaces per 100m ² of total floor area for a Fitness Centre 4.5 spaces per 100m ² of total floor area for all other Indoor recreation facilities.
Industry/Employment Uses	
Fuel depot	1.5 spaces per 100m ² total floor area 1 spaces per 100m ² of outdoor area used for fuel depot activity purposes.
Industry	1.5 spaces per 100m ² of total floor area.
Store	0.5 spaces per 100m ² of total floor area.
Timber yard	1.5 spaces per 100m ² of total floor area 1 space per 100m ² of outdoor area used for display purposes.
Warehouse	0.5 spaces per 100m ² total floor area.
Other Uses	
Funeral Parlour	1 space per 5 seats in the chapel plus 1 space for each vehicle operated by the parlour.
Radio or Television Station	5 spaces per 100m ² of total building floor area.

Table 2 - Off-Street Car Parking Requirements in Designated Areas

The following parking rates apply in any zone, subzone or other area described in the 'Designated Areas' column subject to the following:

- (a) the location of the development is unable to satisfy the requirements of Table 2 – Criteria (other than where a location is exempted from the application of those criteria)
- or
- (b) the development satisfies Table 2 – Criteria (or is exempt from those criteria) and is located in an area where a lawfully established carparking fund operates, in which case the number of spaces are reduced by an amount equal to the number of spaces offset by contribution to the fund.

Class of Development	Car Parking Rate		Designated Areas
	Minimum number of spaces	Maximum number of spaces	
<p>Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.</p>			
Development generally			

<p>All classes of development</p>	<p>No minimum.</p>	<p>No maximum except in the Primary Pedestrian Area identified in the Primary Pedestrian Area Concept Plan, where the maximum is:</p> <p>1 space for each dwelling with a total floor area less than 75 square metres</p> <p>2 spaces for each dwelling with a total floor area between 75 square metres and 150 square metres</p> <p>3 spaces for each dwelling with a total floor area greater than 150 square metres.</p> <p>Residential flat building or Residential component of a multi-storey building: 1 visitor space for each 6 dwellings.</p>	<p>Capital City Zone</p> <p>City Main Street Zone</p> <p>City Riverbank Zone</p> <p>Adelaide Park Lands Zone</p> <p>Business Neighbourhood Zone (within the City of Adelaide)</p> <p>The St Andrews Hospital Precinct Subzone and Women's and Children's Hospital Precinct Subzone of the Community Facilities Zone</p>
<p>Non-residential development</p>			
<p>Non-residential development excluding tourist accommodation</p>	<p>3 spaces per 100m² of gross leasable floor area.</p>	<p>5 spaces per 100m² of gross leasable floor area.</p>	<p>City Living Zone</p> <p>Urban Corridor (Boulevard) Zone</p> <p>Urban Corridor (Business) Zone</p> <p>Urban Corridor (Living) Zone</p> <p>Urban Corridor (Main Street) Zone</p> <p>Urban Neighbourhood Zone</p>
<p>Non-residential development excluding tourist accommodation</p>	<p>3 spaces per 100m² of gross leasable floor area.</p>	<p>6 spaces per 100m² of gross leasable floor area.</p>	<p>Strategic Innovation Zone</p> <p>Suburban Activity Centre Zone</p> <p>Suburban Business Zone</p> <p>Business Neighbourhood Zone</p> <p>Suburban Main Street Zone</p> <p>Urban Activity Centre Zone</p>
<p>Tourist accommodation</p>	<p>1 space for every 4 bedrooms up to 100 bedrooms plus 1 space for every 5 bedrooms over 100 bedrooms</p>	<p>1 space per 2 bedrooms up to 100 bedrooms and 1 space per 4 bedrooms over 100 bedrooms</p>	<p>City Living Zone</p> <p>Urban Activity Centre Zone</p> <p>Urban Corridor (Boulevard) Zone</p> <p>Urban Corridor (Business) Zone</p> <p>Urban Corridor (Living) Zone</p> <p>Urban Corridor (Main Street) Zone</p>

			Urban Neighbourhood Zone
Residential development			
Residential component of a multi-storey building	<p>Dwelling with no separate bedroom -0.25 spaces per dwelling</p> <p>1 bedroom dwelling - 0.75 spaces per dwelling</p> <p>2 bedroom dwelling - 1 space per dwelling</p> <p>3 or more bedroom dwelling - 1.25 spaces per dwelling</p> <p>0.25 spaces per dwelling for visitor parking.</p>	None specified.	<p>City Living Zone</p> <p>Strategic Innovation Zone</p> <p>Urban Activity Centre Zone</p> <p>Urban Corridor (Boulevard) Zone</p> <p>Urban Corridor (Business) Zone</p> <p>Urban Corridor (Living) Zone</p> <p>Urban Corridor (Main Street) Zone</p> <p>Urban Neighbourhood Zone</p>
Residential flat building	<p>Dwelling with no separate bedroom -0.25 spaces per dwelling</p> <p>1 bedroom dwelling - 0.75 spaces per dwelling</p> <p>2 bedroom dwelling - 1 space per dwelling</p> <p>3 or more bedroom dwelling - 1.25 spaces per dwelling</p> <p>0.25 spaces per dwelling for visitor parking.</p>	None specified.	<p>City Living Zone</p> <p>Urban Activity Centre Zone</p> <p>Urban Corridor (Boulevard) Zone</p> <p>Urban Corridor (Business) Zone</p> <p>Urban Corridor (Living) Zone</p> <p>Urban Corridor (Main Street) Zone</p> <p>Urban Neighbourhood Zone</p>

Table 2 - Criteria:

The following criteria are used in conjunction with Table 2. The 'Exception' column identifies locations where the criteria do not apply and the car parking rates in Table 2 are applicable.

Criteria	Exceptions
<p>The designated area is wholly located within Metropolitan Adelaide and any part of the development site satisfies one or more of the following:</p> <p>(a) is within 200 metres of any section of road reserve along which a bus service operates as a high frequency public transit service⁽²⁾</p> <p>(b) is within 400 metres of a bus interchange⁽¹⁾</p> <p>(c) is within 400 metres of an O-Bahn interchange⁽¹⁾</p> <p>(d) is within 400 metres of a passenger rail station⁽¹⁾</p>	<p>(a) All zones in the City of Adelaide</p> <p>(b) Strategic Innovation Zone in the following locations:</p> <ul style="list-style-type: none"> (i) City of Burnside (ii) City of Marion (iii) City of Mitcham <p>(c) Urban Corridor (Boulevard) Zone</p> <p>(d) Urban Corridor (Business) Zone</p> <p>(e) Urban Corridor (Living) Zone</p> <p>(f) Urban Corridor (Main Street) Zone</p> <p>(g) Urban Neighbourhood Zone</p>

<p>(e) is within 400 metres of a passenger tram station⁽¹⁾</p> <p>(f) is within 400 metres of the Adelaide Parklands.</p>	
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[NOTE(S): (1) Measured from an area that contains any platform(s), shelter(s) or stop(s) where people congregate for the purpose waiting to board a bus, tram or train, but does not include areas used for the parking of vehicles. (2) A high frequency public transit service is a route serviced every 15 minutes between 7.30am and 6.30pm Monday to Friday and every 30 minutes at night, Saturday, Sunday and public holidays until 10pm.]