

CAP MEETING – 14 DECEMBER 2022**ITEM 8.1**

DEVELOPMENT NO.:	21030135
APPLICANT:	Beyond Ink
ADDRESS:	10B DRUMMOND RD WOODSIDE SA 5244
NATURE OF DEVELOPMENT:	Change of use from farm building to private depot for the parking & storage of vehicles and associated equipment
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 - Medium 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:	13 Oct 2021
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	2021.14
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Doug Samardzija Senior Statutory Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Council Engineering Department

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DETAILED DESCRIPTION OF PROPOSAL:

This proposal is for a change of use of an existing farm building and an area immediately surrounding the building to a private depot for parking & storage of vehicles and associated equipment. The key features of this proposal are:

- Change of use of an existing 600m² farm building for a depot for storage of vehicles and equipment;
- Change the use of approximately 1600m² of outdoor area immediately surrounding the building to be used as part of the depot including vehicle parking and equipment storage;

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- Storage of 3 trucks weighing 15.5 tonnes each or approximately 42.5 tonnes with a trailer when fully loaded, a loader, mini excavator, bobcat and grader roller;
- Creation of new access point;
- Employee vehicle parking on the hardstand area immediately surrounding the building;
- No signage is proposed;
- Operating hours are 7am to 5pm Monday to Friday and vehicle start up no earlier than 6:30am.

BACKGROUND:

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
27/06/1983	563/4-186/1983	Dwelling
09/08/1985	563/4-245/1985	Dwelling addition
18/01/96	563/DK/00225/1995	Dwelling addition, verandah and deck
13/10/2003	473/972/2003	Implement shed
04/05/2005	473/399/2005	Domestic outbuilding-garage
24/10/2016	473/421/2016	Farm building, 1 x 50,000 litre water storage tank, demolition of existing sheds & associated earthworks
21/12/2016	473/520/2016	Decommissioning of dwelling, replacement single storey dwelling, 97,250L water storage tank & associated earthworks
15/09/2017	473/147/2017	Variation to development authorisation 16/520/473 - change the floor layout & increase the floor area

SUBJECT LAND & LOCALITY:

Location reference: 10B Drummond Road, WOODSIDE SA 5244

Title ref.: CT 6216/452

Plan Parcel: F156572 AL37

Council: Adelaide Hills Council

Site Description:

The subject land is a relatively regular shaped allotment of 8.1 hectares currently used for rural living purposes. The allotment has direct frontage to Drummond Rd as well as Nairne Rd. The property is accessed from an existing access point and compacted gravel driveway from Drummond Rd via a right of way over the adjoining land at 10A Drummond Rd. The allotment has a frontage of approximately 200m and a depth of 400m. The front portion of the allotment remains relatively undeveloped whilst the rear portion of the allotment contains a large single storey dwelling, large farm building, other small associated domestic structures and old dwelling which was decommissioned and turned into an outbuilding as part of the new dwelling application 473/520/2016. Other site features include internal driveways, a water course and scattered vegetation. Land west of the dwelling is used for hay making and contains sheep and cows.

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Locality

The locality is characterised by a mixture of allotments sizes and land uses all located in a Productive Rural Landscape Zone. To the west of the subject land is the Crest Land Division used for residential purposes whilst further west is the nearby Department of Defence lands also known as Woodside Barracks. The allotments to the north and east of the subject land are predominantly large rural land holdings used for a variety of primary production related activities with the exception of the immediate property to the north. To the south of the subject land are a group of allotments similar in size and configuration to the subject land, all facing Nairne Rd. The allotment immediately to the south of the subject land is a rural allotment containing a farm building and is used for horse keeping purposes. Further to the south is an allotment used for primary production and as a store and light industry within the large building on the land.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Commercial Other Change of Use (Depot): Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**
Proposed development is not listed in Table 5 as a form of development exempt from notification. It is also not a kind of development which the relevant authority was able to consider to be minor in nature and as such it was notified.

Public Notification period – 01 September 2022 to 21 September 2022

• LIST OF REPRESENTATIONS

Three (3) representations were received during the notification period opposing the proposed development and one (1) representation was received outside the notification period in support of the proposed development. One (1) representor is an adjacent landowners/occupier whilst the remaining two representors are from the wider Adelaide Hills Council area namely Oakbank and Balhannah. Two of the representors indicates that they wish to be heard in support of their representations.

Representor Name	Representor's Property Address	Wishes to be heard (Y/N)	Nominated Speaker (if relevant)
Sarah Keatley	66 Monkhouse Rd, Oakbank	No	-
Greg Vincent on behalf of E N Harrison & M J Penny	353 Nairne Rd, Woodside	Yes	Greg Vincent
DeeAnne Hunt	9 Grasby Rd, Balhannah	Yes	DeeAnne Hunt

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• SUMMARY

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

- Use is too close to houses
- Noise issues
- Hours of operation
- Intrusion and incompatible land use in the locality
- Proposal not consistent with the Zone intent
- Deficiencies in acoustic report
- Business operating beyond what is specified in the application

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

AGENCY REFERRALS

Nil

INTERNAL REFERRALS

• Engineering Department:

Council Engineering has reviewed the original proposal and advised that it did not support the use of the existing access point for the depot use. As an alternative a new access point was suggested where the existing farm gate is located which would then link up with the right of way. An amended plan was provided showing the location of the new access point and an internal track linking up with the existing right of way. The amended proposal has been supported subject to two conditions listed as recommended condition 6 and 7.

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**.

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Zones:

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	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) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 2.1, 4.1, 4.2 and 4.3	
DPFs: 1.1, 2.1, 4.1 and 4.3	

The Performance Outcomes (POs) and Designated Performance Features (DPFs) of the Zone are relatively silent on this type of development and as such generally do not provide specific guidance to the assessment of this application. That being said, some of the above POs and DPFs selected are in reference to developments of similar nature and as such could be relied upon to determine the appropriateness of this proposal.

Desired Outcomes (DO) 1 and 2 of the Zone promotes a diverse range of land uses which are predominantly linked with primary production activities and associated value adding uses which maintain the natural and rural character whilst promoting regional identity. This is further reinforced by PO 1.1 which seeks retention of rural land for a range of primary production and horticultural activities associated value adding of primary produce whilst restricting proliferation of land uses which may be sensitive to those activities. The proposed application for a change of use to a private depot including parking of trucks and vehicles/equipment used for civil works is not considered to be consistent with the Desired Outcomes of the Zone nor is it consistent with the first part of the PO 1.1 seeking primary production and value adding use. That being said, the primary production uses as well as some value adding activities also include the use of large machinery as well as large trucks not too dissimilar with the trucks associated with the proposed use and as such the use and parking of trucks is considered to be part of the rural landscape.

Despite the above, the proposal is still considered to be acceptable because it is proposed to occur in a small section of the land and within an existing building that is not used for primary production purposes, it is not proposed over an area of land which could be used for future primary production and value adding purposes and is also being limited to a maximum of 3 trucks and as such on balance is considered to be of small scale. Whilst the land is not currently used for primary production, the proposed activity would not prejudice the land from being used in the future for primary production purposes. Additionally, this proposal is consistent with second part of PO 1.1 as it is not contributing to proliferation of sensitive land uses which could be impacted by adjoining primary production activities. Corresponding DPF 1.1 has a list of land uses which it deems as appropriate for the zone and amongst the list is a warehouse and transport distribution. Both of these uses have very similar characteristics to the proposed development dependent on their scale as they would both rely on the use of large vehicles including trucks as a means of transporting the goods and may include associated parking.

Desired Outcome 3 supports development with new and continued investment while promoting co-existence with adjoining activities and minimising conflict. POs 4.1, 4.2 and 4.3 which are considered to be most relevant in reference to the proposed use. The provisions seek the establishment or expansion of industry,

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warehousing, storage and transport distribution activities which provide opportunities for diversification and value adding to primary production. The provisions seek such activities to be of a scale appropriate for the allotment whilst also maintaining character, rural function and landscape amenity. As mentioned earlier in the report, these POs are not directly linked with the proposed use given that the zoning is silent on these types of developments. That being said, some of the impacts associated with envisaged uses such as noise and heavy vehicle movements are not that dissimilar with the proposed activity. As such, whilst the proposed use is not directly linked with primary production related activities, it is considered acceptable given the small-scale nature of the activity, and setbacks from adjoining sensitive receivers. With with exception of 1 immediate neighbour to the north who did not raise concerns with the proposal the second closest existing sensitive receiver is approximately 428m west of the nominated depot area whilst the future dwelling on the neighbouring allotment to the south is going to be approximately 280m away. The noise impacts associated with the proposed use when measured in relation to the sensitive receivers are within the daytime and night-time criterion of the *Environment Protection (Noise) Policy 2007*. The activity is also confined to the existing building originally approved as farm building and its immediate surrounding area located in the north/east corner of the allotment which is well screened from public realm whilst the views from neighbouring properties are both distant and also screened by existing vegetation found along the boundaries as well as within the properties. As such whilst the use is not in association with primary production related activity it is none the less of scale which will maintain the rural function, character and landscape amenity of the locality.

The applicant has provided an acoustic report prepared by Sonus which confirms that noise associated with the described activities has been determined to achieve the noise criteria derived in accordance with the *Environment Protection (Noise) Policy 2007* at surrounding sensitive receivers for both day and night-time hours. This assessment also factored in the closest sensitive receiver immediately to the north who did not raise objections against the proposal. The use is also consistent with DO 3 because it supports new and continued investment whilst being of a scale which is able to co-exist with adjoining activities and mitigate land use conflicts.

Overlays

Hazards (Bushfire- Medium Risk) Overlay:

Desired Outcomes	
DO2	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 2.2, 5.1 and 5.3	
DPFs: 2.2 and 5.1	

The existing farm building is located in the area that is clear of any hazardous vegetation on the subject land as well as the surrounding allotments and has been constructed of materials which meet the relevant building code standards. Further modification under the building code may be required as a result of the change in use from farm building to a depot in order to bring the building to the required building code standards if it requires new building classification. As such this proposal is considered to be consistent with POs 1.1 and 2.2.

A new access point is being created just south of the existing and is then being linked into the existing right of way and there is ample space is available on site for large vehicles including CFS trucks to enter and exit in forward motion. Proposal is therefore consistent with POs 5.1 and 5.3.

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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 (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 1.2, 2.5, 3.2, 3.3 and 4.1	
DPFs: 1.2, and 2.5	

Desired Outcome 1 of the Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay is to ensure that the protection of public water supply in the Watershed area which is done by ensuring activities that have potential to generate wastewater or which could pollute the stormwater system are undertaken in a manner that prevents this. All of the vehicles and equipment associated with the proposed development are either going to be stored in the building or on the standing area immediately surrounding the building as identified on the site plan. The applicant has advised that vehicles and machinery are not serviced on site and wash-downs are completed off site when required. A condition is recommended in relation to servicing and washing of machinery should the development be granted consent (refer condition 4). All stormwater from the hardstand area will be directed to a stormwater system with a gross pollutant trap before further discharge on the allotment. This proposal is therefore not going to result in any negative impacts on the water quality or the catchment area. It is therefore considered to be consistent with the relevant POs in the Mount Lofty Ranges Water Supply Catchment (Area 2) 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, ecosystem services, carbon storage and amenity values.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1	
DPFs: 1.1	

This proposal does not include removal of any native vegetation and all of the activities associated with the depot use are confined to an area immediately around the existing farm building. The applicant has also provided a Native Vegetation Declaration advising that the proposal will not impact on vegetation. The proposal is therefore consistent with DO 1 and PO 1.1.

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.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 1.2 and 1.3	
DPFs: 1.2 and 1.3	

The traffic Generating Development Overlay is predominantly focused on direct access from urban transport routes or major transport routes with access obtained directly from a State Maintained Road. The subject land is however not directly accessed from State Maintained Road (Nairne Road) and is instead accessed from Council owned Drummond Road via a new access point. This new access is located more than 25m from the

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junction with a State Maintained Road. Whilst this Overlay might not directly be relevant to the proposed development some regard was given to it considering proximity to the State Maintained Road the relevant POs referencing the need for development to minimise potential impact on State Maintained Road, that the access is designed to accommodate the type and volume of traffic and to allow for sufficient on-site queuing. The proposed access point is located in the area clear of any roadside vegetation and will also be sealed from the edge of the carriageway to the property boundary. Furthermore, it will incorporate a road indent into the property to ensure that vehicles are able to be kept off the road when opening gates to ensure that traffic flows along Drummond Road are not disturbed. The frequency of vehicle movements associated with the proposed use is considered to be minimal with the applicant anticipating 4 truck movements per day and maximum of 4 employee vehicle movements per day. Given the nature of the business this would equate two truck and employee vehicles movements in the morning at the start of the day and two in the afternoon at the end of the day. Considering the nature of traffic movement and the frequency of vehicle movements this access point is considered to be acceptable to ensure that it does not impact on the operations of the State Maintained Road.

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 (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 2.1, 3.1 and 5.1	
DPFs: 1.1, 2.1, 3.1 and 5.1	

Originally the proposal included utilising existing access point on adjacent land which serves as a right of way for 10B Drummond Road. After being reviewed by Council's Engineering Department it was determined that this access point was not satisfactory due to the road load limit and also the issues associated with the turning radius around the existing large Gum tree on the Council road reserve. As such, this aspect of the proposal was not considered to be consistent with PO 3.1. As a result, an alternative access point was recommended by Council and accepted by the applicant.

The new access point is proposed south of the existing access closer to the Nairne Rd intersection which currently acts as a farm gate for the front paddock. Internally the access track will cut across a section of the paddock and link in with the existing track (right of way). Entry to the road has been limited to the left turn out only and entry has been limited to the right turn only to ensure that the vehicles only enter and exit the site via the Narine Road end as per the recommended condition 7. The reason for restricting the vehicles movements by allow them to only enter and exit via Narine Road is because Drummond Road north of the of the new access point is a gravel road with a load limit of 15 tonnes. The access point also incorporates a road indent to allow the truck to pull in off the road whilst the gate is being opened to ensure that there is no restriction in vehicles movements along Drummond Rd. The new access proposed is therefore consistent with POs 1.1, 2.1 and 5.1.

Water Resources Overlay

Desired Outcomes	
DO1	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.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 1.2, 1.5 and 1.7	
DPFs: 1.5	

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The subject land contains a water course that runs between the dwelling on site and the area of the proposed development as identified in the image below. This water course is not being altered or affected by the proposed development in any way. The site plan provided indicates that the area of development including the gross pollutant trap is positioned 50m away from the water course. PO 1.5 seeks that development which increases water run-off includes a suitably sized strip of vegetated land to filter runoff with the corresponding DPF outlining a 20m land strip measured from the top of existing bank should be free of development. Whilst it is not considered that the proposed development is of type that will increase surface water runoff, it none-the-less meets the requirements of PO 1.5. The applicant has also advised that the standing area is constructed of ballast (rock) to allow for stormwater percolation to avoid pooling of surface water.

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 (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1	
DPFs: 1.1	

This application does not include any new building work as such there are no issues as far as building within proximity to powerlines. The applicant has also provided a declaration stating that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996. As such this proposal is consistent with DO 1 as well as PO 1.1.

Design

Desired Outcomes	
DO1	<p>Development is:</p> <ul style="list-style-type: none"> a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area b) durable - fit for purpose, adaptable and long lasting 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 c) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.5, 5.1, 7.2, 7.6, 7.7, 31.1, 31.2, 32.1	
DPFs: 1.1	

As mentioned earlier in the report, the area nominated to be used as a depot is located in the north/east portion of the allotment set over 340m from the front boundary. The building as well as the associated outdoor area which is used for storage of equipment as well as some machinery is not visible from public realm and is also well screened from adjoining residential properties. Some minor views are available from the immediate neighbouring property to the north whilst all other would be distant and indirect. As such this proposal is consistent with POs 1.5, 7.2 and 7.6 because it will not result in any negative visual impacts from outdoor storage and vehicle parking when viewed from adjoining sensitive receivers as well as public realm.

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Stormwater management will be undertaken in a way that ensures it does not negatively impact on the quality and quantity of surface water and ground water. Stormwater from the standing area will be directed to a number of pipe inlets which will then be directed into the gross pollutant trap prior to being managed on site. This will ensure that stormwater management is undertaken in a way which is consistent with POs 5.1, 31.1 and 31.2. In terms of issues associated with washdowns and other potential contaminating activities, the applicant has advised that all washdowns of vehicles if required would not occur on site but rather as part of the contracted works off-site. Similar to washdowns, the applicant has advised that vehicles will not be serviced on site and would instead be taken off site to a local mechanic. As such the proposal is considered to be consistent with PO 32.1. The standing area is going to be used predominantly for pick up and drop off and storage of some minor equipment and tools used in association with civil works. It is going to be constructed with a ballast (rock) surface which will not only limit dust but allow for stormwater percolation. This ensures that the proposal is consistent with PO 7.7.

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 (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.2, 2.1, 4.1, 4.2 and 6.1	
DPFs: 2.1 and 4.1	

Interface between land uses is primarily focused on minimising the impacts of development on sensitive land receivers or for the sensitive land receivers to be designed in a way to protect them land uses desired for the zone. In one of the representations there was an objection made in relation to the inadequacy of the acoustic report because it did not take into account the location of the dwelling recently approved on the adjoining allotment. Considering that this dwelling has not been built nor has the work commenced on site at the time of the report being commissioned it is not reasonable to expect that the Acoustic Engineer would know of the future dwelling nor its location. That being said, the acoustic report does consider the impacts on the sensitive receivers with the immediate neighbouring dwelling to the north being the closest sensitive receiver and also does factor in a building on the neighbouring property to the south as being a residence. The acoustic report considered the outbuilding on the neighbouring property to the south as the dwelling which is located only 20m south of the recently approved dwelling on this allotment. The applicant in their response to the representation has also confirmed that any future dwelling on the neighbouring allotment to the south is going to be further away than existing dwelling on the adjacent allotment to the north.

As such, currently on the ground there is only one immediate sensitive receiver on an adjoining allotment being a dwelling at 10A Drummond Rd, Woodside which is immediately to the north of the site of development. Taking into account the future dwelling on the adjoining allotment to the site, there would be two sensitive receivers with the second being approximately 290m away from the site of development. As part of the assessment process, the applicant was asked to prepare an acoustic report which considered the impacts of the proposed activities on the nearby sensitive receivers. The report considered truck start-up, idle and movement from site at around 6:30 and 7am, it considered truck movement into the site and shut down at around 4pm and also considered skid-steer movements in the vicinity of the building. All of the measurements determined that the noise levels associated with the activity fall within the daytime criterion during which time the activity occur, but it also met the night-time criterion. The report also concluded that no acoustic treatment measures was required. The proposal is therefore considered to accord with POs 1.2, 4.1 and 4.2.

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PO 2.1 seeks that non-residential development does not unreasonably impact the amenity of the sensitive receivers through the hours of operation by having regard to the nature of development, measures to mitigate off-site impacts and the extent to which development is desired in the zone. The applicant has indicated that the hours and days of operation are Monday to Friday 7am to 5pm. These hours of operation are considered to be acceptable and generally consistent with standard day time operating hours. The submitted acoustic report did consider the noise impacts from 6:30am with vehicles starting up at that time and returning at around 4pm and has determined that the noise levels are within the daytime and night-time criterion of the *Environment Protection (Noise) Policy 2007*. Considering that the applicant has indicated the operating hours commence at 7am condition 5 has been recommended limiting the days and hours to Monday to Friday between 7am and 5pm. Whilst this specific use is not listed in the Zone as desired it is also not specifically excluded and can be argued that its impacts would be very similar to some of the uses that are specifically listed such as a warehouse or a transport distribution. As such this proposal is consistent with PO 2.1 when taking into the hours of operation, the impacts of the activity and the likeness of the activity to some other uses specifically listed as envisaged for the zone.

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 (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 1.2, 1.3, 2.1, 3.1, 3.4, 3.5, 3.8, 5.1, 6.2 and 6.6	
DPFs: 2.1, 3.1, 3.5, 5.1, 6.1 and 6.6	

As mentioned earlier in the report, changes were made the access arrangement because the existing access point was deemed as inappropriate for the proposed use and as such a new access point has been proposed south of the existing access point. Further limitations were also put restricting left turn out and right turn in which would ensure that the trucks only enter and exit the property via Nairne Rd end. This arrangement provides for a better and safer vehicle access away from Councils roadside vegetation, it ensures that the compacted gravel section of Drummond Rd is not used whilst also ensuring that it does not impact on neighbouring properties. Proposal is therefore considered to be consistent with POs 1.1, 2.1, 3.1, 3.4, 3.5 and 3.8.

All of the loading and unloading will occur on site within the area nominated as a standing area. This area is also used for other vehicles parking when staff members come to the property in the morning to pick up the trucks and machinery. The proposal is therefore consistent with POs 1.3, 5.1, 6.2 and 6.5.

CONCLUSION

The proposal is for a change of use to include a private depot for the parking & storage of vehicles and associated equipment on an allotment used primarily for rural living purposes with an added small-scale grazing of land. The property is in a Productive Rural Landscape Zone and surrounded by allotments used for variety of land uses ranging from rural living, primary production and industry related purposes.

As mentioned in the body of the report, the zoning as well as the Code in general is relatively silent on this specific type of use and as such there are limited guiding policies. That being said there are a number of guiding policies which reference uses similar in nature to the proposed activity in terms of nature of equipment used and vehicle movements, namely a warehouse or transport distribution. When assessed against these policies it was determined that the impacts associated with the proposed development are not too dissimilar with those uses. In consideration of the small scale of the proposal, the use of an existing building and surrounds, the setbacks of the use from sensitive uses, the preservation of landscape amenity and no signage, it is considered that the development could co-exist with adjoining activities. Ancillary truck use and parking is part of the existing rural landscape, and the proposed use is

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considered to have some similarity to these ancillary activities of primary production and rural industry and other envisaged uses.

The key issues associated with the proposed use and as raised in the representations were the appropriateness of the use in the zone and the impacts on the amenity with the use of the trucks and the noise associated with such use. An acoustic report was prepared which looked at the noise impacts during day-time and night-time criterion of the *Environment Protection (Noise) Policy 2007* and it was established that the noise generated was within the required criterion. Both the hours of operation and the number of vehicle movements are modest and unlikely to significantly impact on the amenity of the locality. In terms of the use, whilst the proposal is not associated with primary production use or promoting valuing adding activity it none-the-less is considered a use that is not going to impact on the remainder of the allotment being used for primary production or on the adjoining primary production uses.

The existing access point was not considered acceptable by Council's Engineering Department and as such an alternative new access point has been proposed just south of the existing access where a current farm gate is located. Furthermore, a restriction was imposed limiting the vehicles entry and exit to the site to be limited to the Nairne Rd side only preventing the use of the northern end of Drummond Road due to the load limit of 15 tonnes for this section of the road.

The proposal whilst not being specifically listed or envisaged in the zone is also not specifically listed as a form of land use which is restricted and needs to be assessed on its merits. As such, when assessed against the relevant zone policies, overlays and general development policies for developments of similar nature, the proposal is considered to generally address those criteria and as such warrants planning consent being granted.

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 21019844, for change of use to include a private depot for the parking & storage of vehicles and associated equipment by Beyond Ink at 10B Drummond Road, Woodside is granted Planning Consent subject to the following conditions:**

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.**
- 2) A maximum of three (3) trucks and four (4) heavy vehicles associated with the approved use shall be kept on site at any one time.**
- 3) All equipment, machinery and employee vehicle parking associated with the depot shall only be stored and parked in the building and the nominated hardstand area on the site plan prepared by Beyond Ink, drawing number PA02 revision C. All materials stored within the hardstand area shall be stored in a tidy manner to the reasonable satisfaction of Council**
- 4) No mechanical maintenance, vehicle refuelling, vehicle servicing or, washing of machinery and equipment associated with the approved use shall occur on site.**

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- 5) No bulk storage of chemicals, oils or lubricants associated with the approved use is to occur on-site.
- 6) Operating days and hours of the depot shall be Monday to Friday 7:00am to 5:00pm. Movement of trucks and heavy vehicles associated with the approved use shall be limited to these hours of operation. Trucks and heavy vehicles must not be started earlier than 6:30am.
- 7) Access to the property shall be constructed in accordance with the following requirements and maintained at all times to the reasonable satisfaction of Council:
 - Bitumen seal shall be laid for a distance of 10 metres from the Drummond Rd carriageway edge to inside the property boundary. Construction shall include 100mm of compacted rubble base and 40mm AC10 bitumen.
 - Maximum access width of 6 metres
 - Driveway to be constructed in accordance with Council Standard Detail drawing for Piped Entrance for rural verge crossover (refer attachment)
 - No root disturbance or other damage to trees on council verge shall be undertaken during the construction of the driveway
- 8) All vehicle movements associated with the depot use are to only occur through the new access point shown on the approved site plan prepared by Beyond Ink, drawing number PA02 revision C. Vehicles using the new access point are to be limited to left turn exit only and right turn entry only.
- 9) A sign shall be installed on the property within 3 months of commencement of work directing the vehicle movements through the new access point.
- 10) All external lighting associated with the depot use shall be restricted to that necessity for security purposes only and shall be directed away from residential development and, shielded if necessary to prevent light spill causing nuisance to the occupiers of nearby residential properties.
- 11) All stormwater infrastructure including gross pollutant trap shall be installed within 3 months of Development Approval being granted. All roof run-off generated by the development hereby approved shall be managed on-site to the satisfaction of Council using design techniques such as:
 - Rainwater tanks
 - Grassed swales
 - Stone filled trenches
 - Small infiltration basins

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

ADVISORY NOTES

General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

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- 3) This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

OFFICER MAKING RECOMMENDATION

Name: Doug Samardzija

Title: Senior Statutory Planner

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DEVELOPMENT NO.:	22028489
APPLICANT:	ESD Planning and Design
ADDRESS:	47 WOOLSHED RD MOUNT TORRENS SA 5244
NATURE OF DEVELOPMENT:	Partial Change of Land Use to include three (3) Tourist Accommodation Units, Decks (maximum height 1 metre) and associated shelter structures
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 - Medium 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:	2 Sep 2022
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	2022.16
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Darren Smith – Statutory Planner
REFERRALS STATUTORY:	Environment Protection Authority
REFERRALS NON-STATUTORY:	Council Environmental Health Unit Council Engineering Department

CONTENTS:

ATTACHMENT 1:	Application Documents	ATTACHMENT 6:	Referral Response
		ATTACHMENT 7:	Relevant P & D Code Policies
ATTACHMENT 2:	Subject Land Map/Representation Map		
ATTACHMENT 3:	Zoning Map		
ATTACHMENT 4:	Representations		
ATTACHMENT 5:	Response to Representations		

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DETAILED DESCRIPTION OF PROPOSAL:

The proposal seeks to establish a tourist accommodation use on an existing allotment within the Productive Rural Landscape Zone. The subject site contains a dwelling and associated ancillary structures which are to remain. The occupants/owners of the existing dwelling are intending to operate the tourist accommodation facility.

The proposal consists of the following:

- Three (3) separate self-contained tourist accommodation units with identical layouts, comprising:
 - A bedroom/living area;
 - A bathroom area
 - A kitchen area;
 - An attached deck with outdoor sitting area and fire pit
 - An outdoor kitchen and rainwater tank under a verandah structure
- The floor area of each unit is approximately 36 square metres, not inclusive of the decking structure, fire pit or verandah structure.
- Inclusive of the decking, fire pit and verandah structure each unit occupies 130 square metres, as each of the decking structures will be 13 metres by 10 metres.
- The proposed tourist accommodation units are sought to be geodesic tent structures. The tents are intended to be permanent without periods of removal from the site.
- The geodesic tents will be constructed out of a white canvas material. However, the applicant has noted in the response to representations that this can be altered to a dark green or beige if that is preferable. The Council has since confirmed a dark green is preferable to match with the existing natural landscape.
- The proposed verandah structures will possess hardwood batten screens in a “*Dark Natural Grain*” or similar on the side and will have the roof clad with Colorbond “*Classic Cream*” or “*Paperbark*”.
- The proposed deck structures will be constructed with hardwood/composite decking in a “*Light Bleached Willow Oak*” or similar.
- Each tourist accommodation unit will be served by the existing access onto Woolshed Road, with an individual driveway extending from the main access. There is space for uncovered car parking on these access driveways.
- The tourist accommodation buildings will be single storey in design and built on top of a proposed deck with a maximum height of 1 metre above natural ground. The maximum height of the combined structures would be approximately 4.5 metres to the peak of the tourist accommodation unit from natural ground level inclusive of the deck height. The underfloor of the decks will be enclosed.
- The tourist accommodation units are spaced out over the subject site with setbacks between the units as following:
 - Dwelling to first unit: 78.7 metres
 - First unit to second unit: 82 metres
 - Second unit to third unit: 91 metres
- The tourist accommodation units have a minimum setback from the primary road frontage of 65 metres, being the setback of the third unit to Woolshed Road.
- All of the proposed tourist accommodation units front Woolshed Road.
- Each tourist accommodation unit will accommodate a maximum of two (2) guests. This would equate to a total of six (6) guests if all of the units are occupied at any given time
- Each tourist accommodation unit will be provided with one (1) 5000 litre water storage tank dedicated to fire-fighting services.
- Stormwater will be directed to the proposed 5000 litre water storage tanks in association with each tourist accommodation unit with the overflow being managed on the subject site
- Waste generated by the proposed tourist accommodation units will be managed on the subject site and directed to the approved wastewater system.
- Signage does not form a part of the proposal.

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

BACKGROUND:

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
26 July 2021	21020098 (21/298/473) – Transitional Development Application	Alterations to existing outbuilding, change to habitable outbuilding.
5 February 2008	473/50/2008	Inground swimming pool
10 April 2008	473/1015/2007	Two storey detached dwelling, deck, rainwater tanks

SUBJECT LAND & LOCALITY:

Site Description: 47 WOOLSHED ROAD, MOUNT TORRENS SA 5244

Title Ref: CT 5958/951 **Plan Parcel:** F7496 AL53

The subject site is a large rural allotment with an area of 21.84 hectares and is located on the Northern side of Terlinga Road and the Western side of Woolshed Road. Its current land uses are listed as Primary Production/Sheep and Cattle and Residential.

The built form on the land currently consists of a two-storey detached dwelling and a habitable outbuilding. These buildings are located in the North-Eastern portion of the subject site.

The subject site is undulating, with the majority of the built form below the road level. The existing dwelling and ancillary structures are contained on a portion of the land which is less undulating.

The road reserve includes groupings of native vegetation along the site frontage on both Woolshed Road and Terlinga Road.

The land is mostly cleared of vegetation, aside from small concentrations of native vegetation. It is also noted that a vineyard exists on the South-western allotment boundary which is subject to compliance action as unauthorised development.

Locality

The locality contains a mix of grazing/cropping and rural residential properties with the subject site being located one (1) kilometre from the township of Mount Torrens.

Similarly, to the subject site, the locality contains sites with undulating topographies and small concentrations of vegetation.

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:

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CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

Verandah: Accepted

Tourist accommodation: Code Assessed - Performance Assessed

Other - Deck (maximum height 1.2 metres): Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

P&D Code - The tourist accommodation use and decking 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. The structures for the amenities are considered verandahs which is listed as Accepted development.

PUBLIC NOTIFICATION

- **REASON**

The proposal did not satisfy Productive Rural Landscape Zone DTS/DPF 6.3 in that the proposed tourist accommodation combined floor area exceeds 100 square metres and therefore require public notification in accordance with Table 5 of the Productive Rural Landscape Zone.

Public Notification was undertaken from 29 September 2022 to 20 October 2022.

- **LIST OF REPRESENTATIONS**

Five (5) representations opposing the development were received during the public notification period. Three (3) of these 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 (Y/N)	NOMINATED SPEAKER (IF RELEVANT)
Terry Jones	PO Box 151, Mount Torrens SA 5244 (<i>151 Woolshed Road, Mount Torrens SA 5244</i>)	N	N/A
Dee Reece	1 Gardiner Avenue, Glengowrie SA 5044 (<i>86 Woolshed Road, Mount Torrens SA 5244</i>)	Y	Self
Margot Scott	PO Box 435, Mount Torrens SA 5244 (<i>119 Woolshed Road, Mount Torrens SA 5244</i>)	Y	Self
David & Kendall Broughton	101 Woolshed Road, Mount Torrens	Y	Self
Malcolm Holdsworth	3 Anne Street, Ridgehaven SA 5097 (<i>95 Terlinga Road, Mount Torrens SA 5244</i>)	N	N/A

- **SUMMARY**

The issues raised within the representations can be briefly summarised as follows:

- The land use proposed has potential to alter the appearance of the natural landscape
- The visual amenity impact that will be caused by the three (3) units

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- The proposed land use and concerns with the suitability of that use within the zone
- Concerns regarding the suitability of Woolshed Road for access
- The perceived bushfire risk given the fire pits proposed
- Wastewater management on site and how that will be undertaken.

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

- Environment Protection Authority (EPA)

The EPA referral response is discussed in the Planning Assessment Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay section of the report. A copy of the referral response is included as **Attachment 6: Referral Response**.

INTERNAL REFERRALS

- Council Environmental Health Unit

A wastewater application was lodged and subsequently approved for the separate system in Application 473/W225/22. The new wastewater system is to be utilised solely for the tourist accommodation use. It was noted upon approval that the applicant will need to comply with SA Health legislation regarding potable water supply for tourist accommodation units.

- Council Engineering Department

Advice was sought regarding the existing access and whether this would be required to be upgraded. There were no identified issues relative to an increase in traffic movement associated with the proposal and the existing access is considered adequate.

- Waste Management

Advice was sought regarding the potential requirement for additional waste storage given the proposed three (3) tourist accommodation units. Councils Waste Management Co-ordinator did not raise any concerns with the potential additional generation of waste.

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.

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Designated performance features

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

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in **Attachment 7 – 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 (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & DTS/DPF1.1, PO2.1 & DTS/DPF2.1, PO2.2 & DTS/DPF2.2, PO6.3 & DTS/DPF6.3, PO6.4 & DTS/DPF6.4 & PO11.1	

The Desired Outcomes (DO) for the Zone seek and promote several rural land uses, and tourist accommodation. Further to this, it is desired that such activity should be undertaken in balance with conserving the natural and rural character, sensitive environmental areas, and scenic qualities of the landscape.

The proposed tourist accommodation units are each of a modest size and height. They are well spaced out and positioned on a portion of the subject site that sits lower than that of the road level. The units are well set back from the primary road frontage and all other site boundaries, with a minimum setback of 65 metres from Woolshed Road.

Despite the benefits in the tourist accommodation being located on a cleared site and set well back from the site boundaries, the proposed location of the tourist accommodation buildings is quite visible from the public realm and adjacent properties.

The building design is proposed to be atop decking and there are minimal earthworks proposed to assist with maintaining the natural landform. There will be some earthworks associated with the internal driveway extension, but this will be minimal and will not require significant re-shaping of the land or retaining. The internal driveway extension will be finished in compacted gravel to blend with the existing driveway.

Part 'b' of DTS/DPF 6.3 seeks for tourist accommodation in new buildings to not exceed 100 square metres in floor area. The proposal marginally exceeds this provision given that the combined total floor area of the proposed use is 130 square metres, inclusive of all roofed areas included within the proposal.

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It is worth noting however that DTS/DPF 6.4 does contemplate tourist accommodation in multiple buildings. Overall, the total floor area of the proposed tourist accommodation units is modest in context of the size of the land. There are generous boundary setbacks provided and there is a separation of over 300 metres from the nearest sensitive receiver.

Regarding the use of the buildings, recommended **Condition 2** limits the use for tourist accommodation purposes only. Use of the buildings for other purposes would be a change of use requiring separate development approval.

Overlays

Environmental and Food Production Area

Desired Outcomes	
DO 1	Protection of valuable rural, landscape, environmental and food production areas from urban encroachment.

This overlay is not considered to be directly relevant to the proposed development as the only Performance Outcomes relate to land division.

Hazards (Bushfire – Medium Risk Risk) Overlay

Desired Outcomes	
DO 1	Development, including land division responds to the medium level of bushfire risk and potential for ember attack and radiant heat by siting and designing buildings in a manner that mitigates the threat and impact of bushfires on life and property taking into account the increased frequency and intensity of the bushfires as a result of climate change
DO 2	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1, PO 2.1, PO 2.2, PO 3.1, PO 3.2 & DTS/DPF 3.2, PO 3.3, PO 5.1 & DTS/DPF 5.1, PO 5.2 & DTS/DPF 5.2	

The overlay seeks for habitable buildings to be sited away from areas that pose an unacceptable risk due to the level of vegetation and terrain.

The tourist accommodation units will be spaced out and placed in areas without vegetation cover. The units have also been proposed to be placed on the site at a distance that is greater than 6 metres away from the existing dwelling, to satisfy Performance Outcome 2.2.

The proposed internal driveways that allow for access to each tourist accommodation unit have been designed to meet performance outcome 5.1 in that roads are designed and constructed to facilitate safe and effective access and evacuation. The internal driveways generally comply with the designated performance feature 5.1.

Each tourist accommodation unit will include a 5000L water storage tank to be utilised for fire-fighting purposes. Further noting that the proposed works would be undertaken in accordance with Australian Standard 3959-2018 for properties with a Bushfire Attack Level (BAL) rating of 12.5.

The applicant has also provided confirmation that guests would be provided with a copy of the bushfire survival plan when booking. The plan would entail restriction on occupation during catastrophic fire risk days and restriction on the use of the fire pits during fire season.

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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.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO 1.1 & DTS/DPF 1.1	

The overlay seeks for development to be sited to minimise any potential risk of flood waters causing damage to or compromising the ongoing activities within buildings.

It is noted that the proposal will be located significantly higher than the highest point of natural ground level at the primary street frontage and is therefore considered to achieve the Performance Outcome 1.1.

Limited Land Division Overlay

Desired Outcomes	
DO 1	The long-term use of land for primary production is maintained by minimising fragmentation through division of land.

This overlay is not considered to be relevant to the proposal given land division is not proposed.

Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay

Desired Outcomes	
DO 1	Safeguard Adelaide's public water supply by ensuring development has a neutral or beneficial effect on the quality of water harvested from secondary reservoirs or diversion weir catchments from the Mount Lofty Ranges.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1, PO2.1 & DTS/DPF2.1, PO2.4 & DTS/DPF2.4, PO2.5 & DTS/DPF2.5, PO3.1, PO3.2. PO3.9 & DTS/DPF3.9 & PO4.1	

In accordance with the Overlay's Procedural Matters requirements a referral to the Environmental Protection Authority (EPA) was required.

The EPA have assessed the proposal and have no objections to the proposed development, or the second wastewater system being implemented. A condition has been directed and is included as **Condition 5**.

As the EPA have no objection to the proposal and the development will be able to connect to an approved waste control system, it is considered to satisfy the relevant provisions within the Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay desired outcomes and performance outcomes.

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Native Vegetation Overlay

Desired Outcomes	
DO 1	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.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & DTS/DPF1.1	

The proposed development area is clear of native vegetation and the applicant has signed the native vegetation declaration which complies with DTS/DPF 1.1.

Prescribed Water Resources Overlay

Desired Outcomes	
DO 1	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. These activities include horticulture, forestry and new or additions to dams.

Water Resources Overlay

Desired Outcomes	
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) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO 1.1 & PO 1.5 & DTS/DPF 1.5	

The proposed building works and driveway areas are clear of any watercourses.

DTS/DPF 1.5 seeks for a 20m strip of land from the banks of the watercourse to be free from development. The proposed tourist accommodation units are located further than 20 metres from any watercourse and therefore satisfy the DPF.

Traffic Generating Development Overlay

Desired Outcomes	
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.

This overlay is not considered to be directly relevant to the proposal as the DTF/DPF criteria relate to the potential impacts on state-maintained roads by large scale land division, commercial and educational type developments. It is further noted that the proposal is not located on a state-maintained road.

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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. 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 Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO3.1, PO6.1 & DTS/DPF6.1, PO7.5, PO7.7, PO8.1 & DTS/DPF8.1, PO15.1, PO20.1 & PO21.1 & DTS/DPF21.1	

The proposal is seen to respond positively to DO1 part ‘a’ in that it is considered to respond to the natural surroundings by contributing positively to the character of the area. The proposal achieves this by not proposing earthworks in association with the buildings in an attempt to maintain the natural landscape.

The proposed siting of the tourist accommodation units is on a flatter area of the site, outside of any flood prone area and in a space without vegetation cover. The units are also proposed to be sited on areas lower than that of the road level, further mitigating potential visual impacts on neighbouring properties.

The proposed structures are geodesic tent structures sited atop decking. The structure will have a maximum height of 3.7 metres from the top of the decking structures and will include landscaping for privacy.

The canvas material originally proposed in a white colour. Since that time the applicant has offered to alter the canvas material to a dark green or a beige colour to allow for the proposed structures to blend better with the natural landscape in which they are proposed.

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Council has since noted that the darker green would be more suited to blend with the natural landscape. Noting that a darker green would cause less of a visual impact to neighbouring properties and respond positively to part 'a' of the desired outcomes. A condition is recommended to be imposed to ensure the structures are installed with canvas of dark green or dark beige (refer **Recommended Condition 7**).

It is also considered likely that it will be of importance to the owner-operators to maintain the site to a high standard to appeal to visiting guests, helping to contribute to the amenity of the locality further positively.

All of the proposed units are sited to have views across the subject site, with generous setbacks from all boundaries so as to not cause any potential unreasonable privacy impacts into neighbouring properties.

Waste generated by the proposed development will be disposed of by utilising the existing bins provided on-site.

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 12.1 & DTS/DPF 12.1 & PO 12.2 & DTS/DPF 12.2	

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 site, so a secondary wastewater system has been proposed and subsequently approved.

The new waste system will be wholly contained within the boundaries of the subject land, and it will comply with the requirements of the *SA Public Health Act 2011* as approval for the wastewater system has been granted by Council's Environmental Health Unit and the Environmental Protection Authority (EPA) support the application.

The proposed building works and the new wastewater system do not encroach upon the existing waste control system servicing the dwelling.

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

Interface between Land Uses

Desired Outcomes	
<u>DO1</u>	<u>Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.</u>
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO2.1, PO4.5, PO9.1, PO9.6 & PO9.7	

PO 2.1 of the interface between land uses section seeks for forms of non-residential development to not impact the amenity of sensitive receivers through hours of operation.

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The proposed check-in and check-out times are considered to be fairly standard in relation to tourist accommodation uses. The use will be relatively small scale, having a maximum of six (6) guests at any one time.

A number of the performance outcomes within this section speak to the interface that development should have with rural activities. It is noted that the proposed partial change to the land use will be relatively small scale in that only three (3) units have been proposed and as previously mentioned there will also be considerable setbacks from any of the property boundaries.

Concern was raised by representors regarding the potential for land use impacts from the proposed development. These included concerns that the tourist accommodation use would take away primary production land for a 'non-appropriate' use. The proposed use is a form of development that is desired within the Productive Rural Landscape Zone, ideally in a smaller scale. The intensity of the proposed development is considered to be quite low, given that there will be a total of three (3) units with a maximum of six (6) guests at any given time.

It is considered that the proposal is consistent with the provisions relating to the interface between land uses.

Site Contamination

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

The proposal is for a change of use to include tourist accommodation. However, tourist accommodation is not more sensitive than the existing residential use according to the Land Use Sensitivity Table within Practice Direction 14 (Site Contamination Assessment 2021). Therefore DTS/DPF1.1 part b) is met and no site investigations were required.

Tourism Development

Desired Outcomes	
DO1	Tourism development is built in locations that cater to the needs of visitors and positively contributes to South Australia's visitor economy.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & PO1.2	

Tourist accommodation is a desired use within the Productive Rural Landscape Zone where the site is situated. The subject land is located just over a kilometre from the Mount Torrens township and its attractions and services.

PO 1.2 seeks for tourist development comprising of multiple units to be clustered to minimise environmental and contextual impacts. The proposed units do not meet this provision; however, the proposed units are well setback from all boundaries, are of a modest size and will be located well below the road level to lessen visual impacts.

It is considered that the proposal is broadly consistent with the provisions for tourism development.

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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 & PO5.1 & DTS/DPF5.1	

Access to the proposed tourist accommodation units will be achieved via an existing crossover on Woolshed Road. A referral to Councils engineering department was undertaken for proposal and no comments were raised regarding alterations to the existing access point.

Visitor vehicles will be able to enter and exit the site in a forward direction and there is the potential for the internal driveways to be widened if necessary to cater for two-way vehicle movements.

It is noted that there will be no impact on the vehicle parking arrangement for the existing dwelling. Each tourist accommodation unit will have an informal uncovered parking space on the internal driveways. This complies with Table 1 – General Off-Street Car Parking Requirements within the PD Code, 2021. It is noted within Table 1 that it does not stipulate that this space must be covered.

Concerns were raised by representors regarding the increase of traffic movements associated with the proposal given that Woolshed Road is an unsealed local road. Council engineering have not raised any issue in this regard. It is also noted that vehicle movements will be more akin to typical residential use given the small-scale nature of the development, further noting that it is anticipated with tourist accommodation uses that guests may be off site for most of the day reducing vehicle movements.

It is considered that the proposal is broadly consistent with the policies outlined within the Transport, Access, and Parking section of the General Development Policies.

CONCLUSION

The proposal seeks to establish a tourist accommodation use on a rural residential property within the Productive Rural Landscape Zone.

Tourist development is desired within the Zone particularly where it is associated with, and ancillary to primary production occurring on the same or adjacent land.

The built form will be constructed with generous setbacks from all property boundaries and sensitive receivers. The proposed structures will be located below the road level and the construction does not propose earthworks in association with the built form to mitigate visual impacts on neighbouring properties.

The proposed development will be of a small scale, proposing three (3) individual units clad with colours and materials that will attempt to blend with the natural landscape.

Access will be gained via the existing crossover onto Woolshed Road with internal driveways servicing each of the tourist accommodation units.

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Water storage tanks in association with the proposed units will be utilised for firefighting purposes with each tank being accessible by CFS vehicles. Guests staying at the premise will also be equipped with bushfire survival plans upon booking - the plan will include restrictions on operation during catastrophic days and a restriction on the use of fire pits during fire season.

Wastewater generated by the proposed tourist accommodation units will be directed to the approved wastewater system.

Stormwater will be directed to the water storage tanks associated with each of the tourist accommodation units with the overflow being dealt with on site.

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 21019844, for a partial change of land use to include three (3) tourist accommodation units, decks (maximum height 1 metre) and associated shelter structures by ESD Planning and Design at 47 Woolshed Road, Mount Torrens is granted Planning Consent subject to the following conditions:**

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.**
- 2) All external light shall be directed away from residential development and shielded if necessary to prevent light spill causing nuisance to the occupiers of adjacent residential properties.**
- 3) The person(s) having the benefit of this consent shall refrain from permitting the use of the tourist accommodation buildings for provision of long-term accommodation or as separate dwellings. The tourist accommodation units shall be used and operated on a short-term rental arrangement with a maximum of a one (1) month stay per occupancy. A logbook shall be kept of all occupancies for each calendar year and made available for inspection by the Council upon request.**
- 4) All roof runoff generated by the development hereby approved shall be managed on-site to the satisfaction of Council using design techniques such as:**
 - Rainwater tanks**
 - Grassed swales**
 - Stone filled trenches**
 - Small infiltration basins**

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

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- 5) The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. For further information visit:
www.environment.sa.gov.au/Conservation/Native_Vegetation/Managing_native_vegetation

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

- 6) The tourist accommodation herein approved will accommodate a maximum of six (6) guests at any one time.
- 7) The tourist accommodation structures shall be constructed using canvas of a dark green or dark beige colour.
- 8) Prior to Building Consent being granted, a detailed landscaping plan prepared by a suitably qualified professional, shall be prepared to Council's satisfaction. Any such vegetation shall be replaced if and when it dies or becomes seriously diseased in the next planting season.

Conditions imposed by the Environment Protection Authority under Section 122 of the Act

- 1) The on-site wastewater system must be installed in accordance with that proposed in the Wastewater Engineer's Report titled "Aerobic with Surface Sprays for Proposed Accommodation Area Report 1979 47 Woolshed Rd Mt Torrens", prepared by Archer Environmental, dated 12 July 2022, and must include:
- a) the installation of a FujiClean ACE1200 system;
 - b) the construction of a 240m² irrigation area, to be located more than 50m from the nearest watercourse, dam or bore, more than 1.2m from the seasonal groundwater table, on a slope less than 20% and not in the 10% AEP flood zone;
 - c) vegetating the irrigation area with plants from the SA Health On-Site Wastewater Systems Code (2013) which is terraced or raised to reduce the slope and the potential for run-off; and
 - d) bunding to direct surface runoff away from the irrigation area and creating a bund downhill to prevent any runoff, from over-irrigation, moving off site.

ADVISORY NOTES

General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

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OFFICER MAKING RECOMMENDATION

Name: Darren Smith

Title: Statutory Planner

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DEVELOPMENT NO.:	22012578
APPLICANT:	Brianni Constructions
ADDRESS:	8 JAMES ST CRAFERS SA 5152
NATURE OF DEVELOPMENT:	Reconfiguration of car parking to be completed over 4 stages including new ramp & stair access to the place of worship building, construction of masonry statue (maximum height 8.4m), 1 x freestanding advertisement (maximum height 5.9m) (retrospective), outbuildings x 3, 1 x 45,000L water storage tank & removal of 1 x significant tree - <i>Eucalyptus robusta</i> (Swamp Mahogany)
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Rural Neighbourhood <p>Subzones:</p> <ul style="list-style-type: none"> • Adelaide Hills <p>Overlays:</p> <ul style="list-style-type: none"> • Hazards (Bushfire - High Risk) • Hazards (Flooding - Evidence Required) • Mount Lofty Ranges Water Supply Catchment (Area 2) • Major Urban Transport Routes • Native Vegetation • Prescribed Water Resources Area • Regulated and Significant Tree • Traffic Generating Development • Urban Transport Routes <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Site Area (Minimum site area is 2,000 sqm)
LODGEMENT DATE:	5 May 2022
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	2022.7
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes Notification period from 29 September 2022 until 20 October 2022
RECOMMENDING OFFICER:	Marie Molinaro Statutory Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Council Engineering Council Regulatory Services

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CONTENTS:

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

DETAILED DESCRIPTION OF PROPOSAL:

The land is used a place of worship by the Adelaide Sri Lanka Buddhist Vihara (ASBV). The ASBV sought development approval for an additional place of worship building (meditation hall), which received development approval in 2018 (ref. 16/473/473). The approval included the provision of 68 car parking spaces.

After application 16/473/473 received development approval the ABSV purchased the adjoining residential site at 9 Mount Street, Crafers and the two allotments were amalgamated. The purpose of this application is to reconfigure the car parking layout to expand this across land that was formerly part of 9 Mount Street, Crafers. The number of on-site parking spaces to be provided has not changed and is still 68 spaces. The parking spaces and manoeuvring areas are to be sealed in a bitumen finish and line marked.

The car parking is being reconfigured due to the installation of a sacred tree planting area and the location of the proposed statue encroaches over land that was nominated as car parking space as part of application 16/473/473. The reconfigured car parking is nominated to be completed over four (stages), with all stages initially expected to be finished by March 2023. Stage one has already been completed.

As part of the revised car parking design, a new ramp and stair access to the place of worship buildings will be constructed. The ramp and stair access are located on the southern side of the place of worship buildings.

The reconfigured car parking design also requires the removal of one (1) significant *Eucalyptus robusta* (Swamp Mahogany) tree located on the south-eastern side of the place of worship buildings.

Other elements of the proposal are as follows:

- Construction of a white masonry stupa statue. The statue is located forward of the place of worship buildings and 5.7m from the side boundary shared with adjoining residential property at 6 James Street, Crafers. The statue is round in shape with a dome base and attached spire. The height of the statue is 4.3m measured to the top of the dome base and 8.4m to the top of the spire.
- Installation of one (1) freestanding sign at the entrance to the land at James Street. The sign has a maximum height of 5.9m measured to the top of the three (3) flag poles. The sign apart from the flagpole element has already been installed, so this element of the proposal is retrospective.
- Construction of three (3) outbuildings:
 - Candlelight room – 5m x 3.5m x 2.4m high structure enclosed with glass walls and Colorbond ‘Woodland Grey’ roof
 - Storage shed – 7m x 4m x 2.7m high structure with fibre cement sheeting walls in light grey finish and Colorbond ‘Woodland Grey’ roof
 - Gazebo – 6m x 6m x 3m high open sided structure with Colorbond ‘Woodland Grey’ roof

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- Installation of one (1) 45,000L above ground Colorbond ‘Woodland Grey’ water storage tank. The tank is part of the stormwater management solution for the site. The installation of this tank is also retrospective.
- Stormwater will be directed to the tank, with overflow to adjoining off-site stormwater infrastructure.
- Included in the car parking re-configuration is the installation of a gross pollutant sump.
- Replacement planting of two SA Blue Gum trees to compensate for the significant tree removal and payment into the urban tree fund in lieu of planting a third replacement tree

The plans and application information are included in **Attachment 1**.

BACKGROUND:

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
15 November 1988	330:D43:88	Land division
17 November 1988	330:350:87	Place of worship (200 seats)
8 December 1988	330:686:88	Amendment to DA 330:357:87 for fencing & signage
28 March 2013	12/910/473	Variation to condition 2 of DA 330:357:87 to increase hours of operation
December 10 2015	15/905/473	Removal of one regulated tree – <i>Eucalyptus obliqua</i> (Messmate Stringybark)
30 October 2018	16/473/473	Single storey meditation hall, verandah/pavilion room with statue, retaining walls, earthworks, landscaping and modified car parking associated with existing place of worship
20 October 2022	22012583	Replacement single storey dwelling

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 8 JAMES ST CRAFTERS SA 5152

Title ref.: CT 6269/760 **Plan Parcel:** D128509 AL300

The subject land is an irregular shaped allotment containing place of worship buildings, sealed car parking areas and a dwelling. It is located at the end of two no-through roads. The primary street frontage is James Street to the east and the secondary street frontage is Mount Street to the west.

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The place of worship buildings are clustered near the north-western corner of the land and the dwelling is below. The car parking areas are on the western and south-western sides of the place of worship buildings with landscaping on the perimeter of the land.

The land slopes down to the south with an upper and lower car park area and an internal stair access between the parking areas.

There are two easements over the land – one in favour of SA Water and one in favour of Council for drainage purposes.

The land is connected to mains water, sewer and electricity supply.

Locality

The locality predominantly contains residential development comprising detached dwellings on large allotments with generous setbacks and well landscaped surrounds.

On the western side of Mount Street is another place of worship, being the Crafers Church of Epiphany.

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:**

Tree-damaging activity: Code Assessed - Performance Assessed

Other - Community - Masonry Statue & Car parking: Code Assessed - Performance Assessed

Outbuildings (Shed): Code Assessed - Performance Assessed

Water tank (above ground): 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**

The proposed works are not all listed as being exempt from public notification per Table 5 procedural matters of the Rural Neighbourhood Zone.

- **LIST OF REPRESENTATIONS**

Three (3) representations from adjacent landowners/occupiers were received during the public notification period. One (1) of the representations was in support of the proposal, and two (2) were opposed to the proposal. The opposing representors have nominated to be heard in support of their representation.

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The representors are detailed below:

Representor Name	Representor's Property Address	Wishes to be heard (Y/N)	Nominated Speaker (if relevant)
John Dempsey	6 James Street, Crafers	Y	Michael Caruso
Tim Smith	6 Shurdington Road, Crafers	Y	Self
Adrian Crowe	5 Epiphany Place, Crafers	N	N/A

● SUMMARY

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

Supporting representation

- The Buddhist community has been an asset to the community and plans to improve the place of worship are supported including the significant tree removal.

Opposing representations

- Visual amenity concerns regarding the height, colour and siting of the masonry statue.
- Questions regarding the use of the area around the masonry statue including potential amenity impacts arising from noise and light spill, surface treatment around the statue and any changes to shared boundary fencing.
- Visual amenity and noise concerns regarding the flag poles forming part of the freestanding sign.
- Concern that the change to car parking is to facilitate additional attendees at the site which will increase traffic movement in surrounding streets with parking also occurring on the road verge.
- Concern over possible breaches of previous development approval conditions relating to hours of operation and capacity.

A copy of the representations is included in **Attachment 4** and the response to representations is included in **Attachment 5**.

AGENCY REFERRALS

No agency referrals were required.

INTERNAL REFERRALS

- Council Engineering
After seeking amendments Engineering accepted the stormwater management solution for the site.

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.

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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**.

Rural Neighbourhood Zone

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

The place of worship is an existing and long-standing use in the primarily residential Zone. Nonetheless community service uses such as places of worship are also contemplated in the Zone per PO 1.4.

In accordance with condition 1 of development authorisation 12/910/473 and condition 10 of development authorisation 16/473/473 the approved hours of use are from 8:00am to 10:00pm daily and the maximum capacity is 200 persons. There is no intent to change the hours of use or increase the capacity. There was a special event held in September this year which extended past 10:00pm and there is one annual event attracting up to 400 attendees. approved If such events were to occur more frequently separate development approval would be required to vary the hours of congregation and maximum capacity. However, this is not part of this application.

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In regard to the height of the masonry statue, DTS/DPF2.1 does contemplate a building height of 9m in the Zone and the proposed structure has a maximum height of 8.4m. The visual impact of the height of the statue is considered to be minimised by its slender design above the dome base.

In regard to the visual impact of statue relative to its siting and colour, the site plan shows that it will be to the side of the dwelling on the adjoining land, an area which has been developed as storage space with water storage tank. As the land is at the end of two no-through roads views of the statue from the public realm will be limited. It is not expected to be readily visible from Mount Lofty Summit Road below with the structure being obscured by tall trees on the road verge. Therefore, the white finish is considered acceptable.

PO10.1 & DTS/DPF10.1 speak to advertisements in the Zone. The proposed (retrospective) sign is not mounted to a building as sought by DTS/DPF10.1. However, it replaces a former freestanding sign in the same location.

The sign is not considered to detract from the residential character of the locality as desired by PO10.1. It is located at the main entrance to the land facing James Street which is well away from the adjoining residential property. The sign does have a maximum height of 5.9m, however this is measured to the top of one of the supporting flag poles. The bulk of the sign is a maximum of 3m including masonry plinth.

In their own right freestanding flag poles up to 10m in height are exempt from needing Development Approval which would indicate that they generally are an acceptable type of structure.

The outbuildings and water storage tank are small scale structures, clustered close to the main place of worship building and utilise materials and finishes that complement the place of worship buildings.

Adelaide Hills Subzone

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

Mature vegetation around the southern perimeter of the land is to be retained as is existing landscaping located between the upper and lower-level car park areas. One significant tree is required to be removed to accommodate the car park re-configuration. This is discussed later in the report.

Overlays

Hazards (Bushfire – High Risk) Overlay

Desired Outcome	
DO1	Development, including land division is sited and designed to minimise the threat and impact of bushfires on life and property with regard to the following risks: Potential for uncontrolled bushfire events taking into account the increased frequency and intensity of bushfires as a result of climate change High levels and exposure to ember attach Impact from burning debris Radiant heat likelihood and direct exposure to flames from a fire front.

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DO3	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Land Use PO1.1	
Siting PO2.1	
Built Form PO3.1, PO3.2 & DTS/DPF3.2	

The outbuildings are made of steel, glass and fibre cement sheeting. They are sited more than 6m from both the dwelling on the subject land and the adjoining residential site as sought by DTS/DPF 3.2

The proposal is consistent with the Hazards (Bushfire – High Risk) Overlay.

Hazards (Flooding – Evidence Required) Overlay

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

This Overlay is not relevant to the proposal. There is no flood risk.

Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay

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

The revised car parking layout will include the provision of a gross pollutant sump which is a benefit in terms of improving water quality draining from the site.

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A stormwater management plan and supporting stormwater calculations have been provided for run-off from the car park, which Council Engineering accept.

Earthworks associated with the construction of the masonry statue are limited and are unlikely to impact on water quality.

Major Urban Transport Routes Overlay

Desired Outcome	
DO1	Safe and efficient operation of Major Urban Transport Routes for all road users.
DO2	Provision of safe and efficient access to and from Major Urban Transport Routes.

This Overlay is not relevant to the proposal as the development does not alter access to the Major Urban Transport Route.

Native Vegetation Overlay

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

The significant tree to be removed is not native vegetation. As the proposal does not include the removal of native vegetation, it is consistent with the Native Vegetation Overlay provisions.

Prescribed Water Resources Area Overlay

Desired Outcome	
DO1	Sustainable water use in prescribed water resources areas maintains the health and natural flow paths of watercourse.

This Overlay is not 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.

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Regulated and Significant Tree Overlay

Desired Outcome	
DO1	Conservation of regulated and significant trees to provide aesthetic and environmental benefits and mitigate tree loss.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Tree Retention and Health PO1.2, PO1.4	

There is one significant tree to be removed which is a *Eucalyptus robusta* (Swamp Mahogany) that is native to Queensland and New South Wales. An arborist report has been provided which details that the tree is a poor specimen with a risk of failure in the future. Removal of the tree is supported for this reason, noting it is adjacent a car park and there are no arboricultural methods available to mitigate the risk of stem failure.

The tree is not considered to make an important contribution to the character or amenity noting its poor form. It does not form a notable visual element in the locality noting its central location on the subject land which is at the end of two no-through roads. The canopy is not readily visible from Mount Lofty Summit Road as it is partly obscured by tall pine trees on the road verge.

Two replacement trees are to be planted on the land and payment made into Council's Urban Tree Fund in lieu of planting a third replacement tree as compensation for the tree removal. This is reinforced in recommended conditions 6 and 7.

The proposal is consistent with the Regulated and Significant Tree Overlay provisions.

Traffic Generating Development Overlay

Desired Outcome	
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 relevant to the proposal as it relates to large scale land division, commercial and education facility type developments in proximity to Urban and Major Urban Transport Routes.

Urban Transport Routes Overlay

Desired Outcome	
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.

This Overlay is not relevant to the proposal as it does not alter access to the Urban Transport Route.

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General Development Policies

Advertisements

Desired Outcome	
DO1	Advertisements and advertising hoardings are appropriate to context, efficient and effective in communicating with the public, limited in number to avoid clutter, and do not create hazard.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Appearance PO1.1 & DTS/DPF1.1, PO1.2 & DTS/DPF1.2, PO1.3 & DTS/DPF1.3, PO1.5	
Proliferation of Advertisements PO2.1 & DTS/DPF2.1	
Advertising Context PO3.1 & DTS/DPF3.1	
Amenity Impacts PO4.1	
Safety PO5.2 & DTS/DPF5.2, PO5.4 & DTS/DPF5.4, PO5.6 & DTS/DPF5.6	

The proposed freestanding sign at the front of the land, replaces a previous sign. It is contained wholly within the boundaries of the land and clearly displays the approved use of the land. It does not include any illumination and it is the only sign on the land.

The proposal is consistent with the Advertisements development policies module.

Clearance from Overhead Powerlines

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

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

Design

Desired Outcome	
DO1	Development is: a) contextual – by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate areas 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

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	d) sustainable – by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Carparking Appearance PO7.2, PO7.3, PO7.4, PO7.5, PO7.6 & PO7.7	

The reconfigured car parking design for the site is mostly in the same location as the existing car park with some expansion onto land formally part of an adjoining site. The expanded car parking area is away from James Street and existing landscaping and lighting within the existing car park area is to remain.

Interface between Land Uses

Desired Outcome	
DO1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
General Land Use Compatibility PO1.2	
Light Spill PO2.1 & DTS/DPF2.1	
Activities Generating Noise or Vibration PO4.1 & DTS/DPF4.1	

The place of worship use is a long -standing use in the Zone. Previous development approvals restrict hours of congregation and capacity, and the applicant is not proposing to increase hours or capacity as part of this proposal.

Following public notification, the applicant provided further information regarding illumination of the statue and activities to occur around the statue.

The statue is to be externally illuminated but only until a maximum of 10pm each day in-line with the approved operating hours of the place of worship. Quiet meditation is the type of activity to occur around the statue. Recommended condition two (2) restricts the hours of illumination.

Fencing along the shared boundary with the adjoining residential property at 6 James Street, Crafers is to be replaced with 2.1m high Colorbond fencing. Fencing of this nature does not require Development Approval but is negotiated between neighbours in accordance with the *Fences Act 1975*.

Regarding representor concern re noise from the flag poles, as noted earlier in the report these structures when less than 10m in height are exempt from requiring Council Development Approval indicating they are generally an acceptable type of structure so noise impact should not be unreasonable. However, the ASBV do agree to take down the flags at the end of each day to limit overnight noise disturbance to the adjoining residential property.

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Transport, Access and Parking

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

DTS/DPF5.1 seeks for on-site car parking to be provided at a rate of not less than that specified in Table 1 – General Off-Street Car Parking Requirements.

For places of worship Table 1 seeks 1 car parking space per 3 three visitor seats being provided. Based on the approved capacity of 200 persons 66 on-site parking spaces are required. The reconfigured parking design will provide 68 parking spaces, which is the same number as that shown on the approved plan for preceding application 16/473/473.

Access to the car park will be via James Street only and remains unaltered from the previous approval with a chain link barrier in the car park to be installed to prevent vehicle movements through Mount Street.

In regard to the representations, Council Engineering advised as part of application 16/473/473 that it is not feasible to extend James Street to Mount Lofty Summit Road due to the steep slope of the land, which would result in a roadway gradient not compliant with relevant Australian standards.

As there is no increase to the number of worshippers, or hours of operation the applicant was not requested to provide traffic analysis information.

To limit parking disruption during the completion of the car parking the ASBV will not hold any major ceremonies during construction. If required, small shuttle buses will also be used to bring worshippers to the site to limit vehicle numbers during construction and use of public transport will be encouraged.

However, it is noted that a review of Metro maps aerial photography shows a maximum of 4 cars parked on the land at any one time between October 2021 and October 2022 so on this basis, outside of special events it is reasonable to conclude that parking demand is very limited.

In light of this, it is considered acceptable to condition that all four stages of the car park be completed within six (6) months of Development Approval and no special events be held during this time. See recommended condition four (4).

Representor concern was raised that overspill parking from the place of worship is occurring outside of the subject land on the Council road verge. It is not clear if this was a once-off occasion during the recent September event or a regular occurrence. However again based on the Nearmaps aerial photography this would appear to be an infrequent occurrence. Nevertheless, Council Regulatory Services advise that they have no concern with parking occurring in the photographed locations presented in the representation.

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Existing landscaping and lighting within the car park will remain and two garden beds are included in the expanded car parking area.

CONCLUSION

The proposal is for works associated with an approved place of worship in the Rural Neighbourhood Zone. The outbuildings are small in scale and the proposed masonry statue and signage are not considered to have an unreasonable visual impact and are within envisaged maximum building heights for the Zone.

The re-configuration of the car park will not reduce the number of car park spaces already approved for the site. The re-configuration of the car park requires the removal one significant tree; however, this tree is a poor specimen that does significantly contribute to the character or amenity of the locality. The removal of the tree is reasonable subject to replacement planting and payment to the Council's Urban Tree Fund occurring.

To minimise disruption to on-site car parking of the development, the recommended condition four (4) sets a time limit on completion of the car parking which the applicant agrees to.

Hours of use and capacity of the place of worship are not changing as part of this application. Separate development approval would be required for such changes.

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 22012578, by Brianni Constructions, for reconfiguration of car parking to be completed over 4 stages including ramp & stair access to the place of worship building, construction of masonry statue (maximum height 8.4m), 1 x freestanding advertisement (maximum height 5.9m), outbuildings x 3, 1 x 45,000L water storage tank and removal of 1 x significant tree – *Eucalyptus robusta* (Swamp Mahogany) at 8 James Street, Crafers is granted Planning Consent subject to the following conditions:**

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.**
- 2) All external lighting shall be directed away from residential development and, shielded if necessary to prevent light spill causing nuisance to the occupiers of those residential properties. Lighting around the masonry statue shall be turned off between 10pm and 8am the following day.**
- 3) The sign shall at all times be kept in good repair and condition. Torn or damaged flags shall be replaced as soon as practicable. The sign shall not be illuminated.**

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- 4) All car parking spaces, driveways and manoeuvring areas shall be constructed and line-marked in accordance with the approved site plans. 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 sealed bitumen within six (6) months of Development Approval and thereafter be maintained in good condition at all times to the reasonable satisfaction of Council. No special events above 200 persons shall be held during the construction period for completion of all four stages of the car park.
- 5) Stormwater management shall be undertaken in accordance with the approved stormwater management plan drawing JAM3833-2 C01 Rev 2 30/9/22 prepared by Dean Iuliano and Company.

All roof stormwater infrastructure shall be installed to the satisfaction of Council within one month of the roof cladding being installed, and pavement stormwater shall be connected to gross pollutant trap prior to the completion of the stage 2 works to the reasonable satisfaction of Council.

- 6) Two replacement trees as shown on the Landscaping Plan Sheet 7B of 7B Revision B prepared by Brianni Constructions and dated 05/09/22 must be planted within 12 months of completion of the development. Replacement trees cannot be within a species specified under regulation 3F(4)(b) of the *Planning, Development and Infrastructure (General) Regulations 2017*, and cannot be planted within 10 metres of an existing dwelling or inground swimming pool.
- 7) Payment of an amount calculated in accordance with the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019* be made into the Adelaide Hills Council Urban Tree Fund in lieu of planting 1 replacement tree. Payment must be made prior to the removal of the significant tree on the land.

ADVISORY NOTES

General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
- 5) The existing sacred tree planting encroaches into the Council drainage easement. Note that Council can request the removal of this structure to carry out works and all costs associated with the removal/replacement of the structure shall be borne by the owners. Should damage occur to the Council asset during construction, then the property owner shall be liable for the repair/replacement of the asset.

OFFICER MAKING RECOMMENDATION

Name: Marie Molinaro

Title: Statutory Planner

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ITEM 8.4

DEVELOPMENT NO.:	21027228
APPLICANT:	Michael Velonakis
ADDRESS:	31 Crescent Drive, Norton Summit
NATURE OF DEVELOPMENT:	Partial change of use of existing dwelling to include tourist accommodation and construction of outbuilding for tourist accommodation and studio workshop
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> Productive Rural Landscape <p>Subzones:</p> <ul style="list-style-type: none"> N/A <p>Overlays:</p> <ul style="list-style-type: none"> Environment and Food Production Area Hazards (Bushfire - High Risk) Hazards (Flooding - Evidence Required) Heritage Adjacency Limited Land Division Native Vegetation Prescribed Wells Area Traffic Generating Development Urban Transport Routes <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> N/A
LODGEMENT DATE:	30 September 2021
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	2021.14
CATEGORY OF DEVELOPMENT:	Code Assessed – Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Sebastien Paraskevopoulos
REFERRALS STATUTORY:	<ul style="list-style-type: none"> Country Fire Service
REFERRALS NON-STATUTORY:	<ul style="list-style-type: none"> Council Environmental Health Council Engineering

CONTENTS:

ATTACHMENT 1:	Application Documents	ATTACHMENT 6:	Referral Response
ATTACHMENT 2:	Subject Land Map/Representation Map	ATTACHMENT 7:	Relevant P & D Code Policies
ATTACHMENT 3:	Zoning Map		
ATTACHMENT 4:	Representations		
ATTACHMENT 5:	Response to Representations		

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DETAILED DESCRIPTION OF PROPOSAL:

The proposal includes two main elements for assessment. These are the partial change of use of the existing dwelling on site to include tourist accommodation, and the construction of a separate detached outbuilding also featuring tourist accommodation.

The envisaged change in use to tourist accommodation would apply to two bedrooms, one living area, and a bathroom within the dwelling. Of the building's 311m² floor area, the element of tourist accommodation would encompass up to 82m² (26 per cent) and accommodate a maximum of four guests at a time. No building work is proposed to the existing single-storey detached dwelling.

The other aspect of the proposal is the construction of an outbuilding detached from the main dwelling. While the use for this building is intended to include tourist accommodation, it is specified that the ground floor level would be capable of being utilised as a hobby workshop area and artist studio by the landowners in association with the main private residence, while also featuring a small kitchenette to assist in the preparation of meals for the guests above. On the mezzanine level are two bedrooms, one bathroom, and a living area, to accommodate a maximum of four guests at a time.

This new building utilises the slab of a partially constructed outbuilding, located forward of the dwelling in relation to Crescent Drive, toward the southern corner of the property. This building would have a combined internal floor area of 179m² across the ground and mezzanine levels atop a building footprint of approximately 102m². The wall height would be 4.92m to contain the mezzanine level, while the maximum building height would be 6.39m. The building orientation would be internal to the property, facing north toward the Lobethal Road frontage. At its closest points, it would be setback 4.3m from the front (south) boundary with Crescent Drive, 27.5m from the rear (north) boundary with Lobethal Road, and 7.4m from the side (east) boundary. No earthworks are required to accommodate the proposal, owing to the previously approved site works.

A combination of different finishes has been selected for the new building. This includes timber weatherboard cladding and galvanised iron walls, with a corrugated iron roof in Colorbond 'Ironstone'.

Off street parking with space for five vehicles is accommodated on site.

The anticipated length of stay for the venture will average 2-3 days, and check in and out times will match that of similar forms of accommodation in the industry. No advertisement signage has been included with this application.

BACKGROUND:

The land has been subject to two fully approved developments in the last five years. The retaining walls and associated earthworks approved in Development Application 18/1035/473 provide the benched site area for the new building subject of this application. The construction of the building slab that exists on-site was part of stage two of Development Application 15/517/473. It is proposed to build the current proposal on this existing concrete slab.

An extension of time for Development Application 15/517/473 was issued in June 2019, and substantial commencement (construction of the slab) was undertaken in October 2020, meeting the time constraints that were stipulated. Further details are provided in the table below.

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In 2016, the address of the subject land was changed from 6 Crescent Drive to 31 Crescent Drive.

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
02/04/2020	18/1035/473	Retaining walls (maximum height 3m) and combined fence and retaining wall (3.6m) & associated earthworks
LAPSED	18/338/473	Verandah (freestanding) over existing swimming pool
06/10/2017	15/517/473	Staged development – Stage One - dwelling alterations & additions & deck (maximum height 2.5m), Stage Two - demolition of shed & construction of studio/workshop with associated earthworks

SUBJECT LAND & LOCALITY:

Location reference: 31 Crescent Drive, Norton Summit SA 5136

Title ref.: CT: 6196/807 **Plan Parcel:** Lot 10 Sec: P1079 DP:115375

Site Description:

The allotment is regularly shaped with a total site area of 3643m² and used currently for residential purposes alone. It is one of six allotments in the locality which share street frontages to both Crescent Drive and Lobethal Road.

The current built form on the land includes the main dwelling, and an associated swimming pool and verandah. These existing elements are located centrally between the front and rear property boundaries, but favour the west side boundary.

The topography of the land descends down from Crescent Drive to Lobethal Road (south to north), at a gradient of approximately 1:5. The floor level of the existing dwelling is 4.6m below the concrete slab which occupies the proposed site area of the outbuilding.

The land is served by one existing vehicle access point, located off Crescent Drive near the south most corner of the allotment. On the opposite side of the reserve on Crescent Drive, are a stand of over a dozen tall, mature pine trees

The land is not connected to SA Water or Sewer Mains, and has an approved on-site waste system. The land is not subject to any easements or rights of way.

Locality

The property is located between Lobethal Road to the north, and Crescent Drive to the south, within the Productive Rural Landscape Zone.

This area is characterised by moderate to large rural living allotments with several large horticulture properties located throughout. These include a vineyard to the north of the subject land and the State Heritage listed Grove Hill estate to the south, which is South Australia's oldest orchard in continuous operation.

Norton Summit Primary School is situated further up Crescent Drive to the east, while a range of non-residential uses (including a church, hotel, medical clinic, post office, CFS station, and the Adelaide Hills Council Summit Community

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Centre) are located to the north-east, clustered around the five-way intersection of Norton Summit Road, Old Norton Summit Road, Lobethal Road, Debneys Road, and Colonial Drive.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

- Change of use: Code Assessed – Performance Assessed
- Tourist accommodation: Code Assessed – Performance Assessed
- Outbuilding: Code Assessed – Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed – Performance Assessed

- **REASON**

The Planning and Design Code provides no 'Accepted' or 'Deemed to Satisfy' pathway for any of the above elements –nor are they categorised as 'Restricted' under Table 4 of the zone. Therefore, as per sections 105 (b) and 107 of the *Planning Development & Infrastructure Act 2016*, the development is categorised as Code Assessed – Performance Assessed.

PUBLIC NOTIFICATION

- **REASON**

Tourist accommodation is exempt from public notification per Table 5 item 11 of the *Productive Rural Landscape Zone*, provided DTS/DPF 6.3 & DTS/DPF 6.4 are met. The proposal fails to meet the criteria of DTS/DPF6.3 & DTS/DPF6.4 so public notification was required. Specifically, the tourist accommodation is in a new building where the total floor area exceeds 100 square metres, and a 40m setback to all boundaries is not achieved.

Public notification was undertaken between 29 September 2022 and 20 October 2022.

- **LIST OF REPRESENTATIONS**

Four (4) representations were received during the public notification period. All four (4) were in opposition to the development, with two (2) electing to be heard by the Panel.

Representor Name	Representor's Property Address	Wishes to be heard	Nominated Speaker
Michael Richardson on behalf of the Giles family	412 Old Norton Summit Road, Norton Summit SA 5136	Yes	Michael Richardson
Anna McDonald	26 Crescent Drive, Norton Summit SA 5136	No	N/A
Paul Atkinson	44 Crescent Drive, Norton Summit SA 5136	No	N/A
Fabian Booth	15 Crescent Drive, Norton Summit SA 5136	Yes	Fabian Booth

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• SUMMARY

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

- Wastewater management and water quality impacts
- Potential use of the outbuilding
- Bushfire safety requirements
- Disability access
- Traffic generation/car parking
- Building height and associated visual impact
- Boundary setbacks
- Land use against the zone POs
- Impacts on adjacent State Heritage Place

The applicant has provided a written response and additional plans in the response to representations above.

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

• Country Fire Service

As per the Procedural Matters – Referrals table of the *Hazards (Bushfire - High Risk Overlay)*, the development was referred to the Country Fire Service, who provided their response on 23 June 2022. The Country Fire Service have no objection to the proposal, with four conditions and two advisory notes directed. Bushfire Attack Levels (BAL) of 19 and 29 were assigned to the existing dwelling and the new outbuilding, respectively.

For full details of the Country Fire Service’s response, see **Attachment 6 – Referral Response**.

INTERNAL REFERRALS

• Council Environmental Health

Council Health Officers approved associated Wastewater Works Application 21/W222/473 on 2 March 2022, for the installation of a new septic system.

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.

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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 (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO 1.1 & DPF 1.1; PO 2.1 & DPF 2.1; PO2.2 & DPF 2.2; PO 6.3 & DPF 6.3; PO 6.4 & DPF 6.4; PO 8.1 & DPF 8.1; PO 11.1	

With regard to DO 1, the proposal expands the range of land uses available in the locality, looking to take advantage of Norton Summit's close proximity to the Adelaide Plains. While it is of a relatively low scale in terms of guest capacity, it should be considered whether the nature of proposed outbuilding element satisfies the expectation of the DO in relation to the conservation of the natural scenic qualities of the landscape. This is discussed in further detail later in the report.

DO 2 seeks primary production value adding activities, including tourist accommodation land uses. While not in *direct* association with primary production on the allotment, the proposal would align with this desired use, and expand the economic base of the locale.

Tourist accommodation is an envisaged land use under DPF 1.1 (r) of the zone, and as such, satisfies PO 1.1. Further, the subject land is serviced by an all-weather trafficable public road, meeting PO 2.1. No elements of the proposal require earthworks, thereby satisfying PO 8.1 also.

While PO 6.3 states that tourist accommodation should be associated with the principal use of the land for primary production or primary production related value adding industry, the DPF broadens the criteria, ostensibly allowing for tourist accommodation where the desired primary production use is adjoining the land. On this basis, the proposal meets this aspect of DPF 6.3.

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DPF 6.3 further specifies that, when in a new building, the floor area for tourist accommodation should not exceed 100m². While the total floor area for the proposed new building is 179m², the main area for tourist accommodation is confined to the mezzanine level and would not exceed that limit. This is similarly the case for the element of tourist accommodation within the main dwelling, which is well under the 150m² stipulated for existing buildings. Further, while one facility is mentioned as being the desired amount by the DPF, the term *facility* is not defined by the Planning and Design Code, and no limit on buildings is specified by any zone provision. In an expanded context, the Oxford Dictionary defines *facility* as ‘a place, usually including buildings, used for a particular purpose or activity’.

DPF 6.4 lists provisions relating to height and setback for tourist accommodation, and while the new outbuilding is below 7m in total height, the setbacks proposed fall short of the 40m recommended by the DPF. When assessing against PO 6.4 itself, which seeks for tourist accommodation to maintain a pleasant rural character and amenity, the configuration of the site and the difference in levels should be considered in association with the shallow setbacks. The dimensions of the site could not facilitate 40m setbacks, no matter the location of the proposed development. Minimum allotment sizes for such a use are absent from the zone as well. Further, a difference in levels between the ground floor level of the proposed building and the roadside level are between 1m and 2m, with the site area being lower than that of the road. This means approximately a third of the height of the building would be obscured from view by the road reserve at the highest point. While the proposal does not present as an example of development which undoubtedly satisfies the intent of the PO, it is considered that these features contribute to extenuating the variance so that it does not *seriously* conflict with intent of PO 6.4.

With regard to PO 8.1, the proposal does incorporate the adaptive re-use of a building (the main dwelling) for small-scale tourist accommodation.

Similar to DPF 6.4, PO 11.1 directs that large buildings have substantial setbacks from boundaries and adjacent public roads. It further mentions that low reflective materials should be used for external finishes, and that buildings should be sited below ridgelines.

The proposed setbacks of the new building would not meet the expectation of the first point of PO 11.1. The development is at variance with the second point also, as the proposal incorporates a galvanised iron finish on the upper floor walls, which would be visible from roadside view. Thirdly, whilst the new building would be set below the roadside level, Crescent Drive itself is located on the ridgeline, and it is likely that the proposed built form would be visible above the skyline when viewed from the south. The proposal would not strictly satisfy PO 11.1 in these regards, however, the supporting auxiliary factors for the development need to be considered when assessing it against the criteria of this provision. These include the 13.7m length of the new building (excluding the ground floor verandah); its distance from neighbouring dwellings -the nearest of which is over 30m away and separated by neighbouring vegetation and an outbuilding; galvanised iron’s tendency to dull over time and lose reflectivity; the building’s height, which is below the maximum allowable 7m; the difference in levels between the roadside and the site area; and the row of mature pine trees that stand along the southern side of the road reserve which will provide some screening of the development for the representor to the south. While not all-encompassing, these factors are considered to restrain the proposal’s potential visual impact and assist in the aim of reducing impacts on the scenic vistas of the area.

OVERLAYS

The Planning and Design Code does not draw upon any assessment provisions for *tourist accommodation* from the following Overlays: Environment and Food Production Area; Limited Land Division; Prescribed Wells Area; Traffic Generating Development. As such, they are absent among the overlays below.

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Hazards (Bushfire - High Risk)

Desired Outcomes	
DO 1	Development, including land division is sited and designed to minimise the threat an impact of bushfires on life and property with regard to the following risks: 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 area of unacceptable bushfire risk.
DO 3	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1; PO 1.2; PO 2.1; PO 3.1; PO 3.2 & DPF 3.2; PO 4.1; PO 4.2 & DPF 4.2; PO 4.3; PO 6.1 & DPF 6.1; PO 6.2 & DPF 6.2; PO 6.3	

As per the *Procedural Matters – Referrals* section of the Overlay, referral to the Country Fire Service was undertaken. The Country Fire Service has no objections to the proposal. Conditions relating to firefighting vehicle manoeuvring, water supply and access, and asset protection zones were stipulated. Within their advisory notes, the preparation of a Bushfire Survival Plan was recommended for the benefit of guests' safety. These recommended conditions are included as conditions 9 to 12 and notes 8 and 9 in the recommendation.

The south of the subject land is absent of any dense, mature vegetation, while the site area of the proposed new building has been levelled due to previous development. As such, its siting is not considered to conflict with relevant PO 2.1.

The building design, and the space afforded around the proposal would facilitate the maintenance and removal of potential burning debris, satisfying PO 3.1.

Water for firefighting use has also been accounted for, to the satisfaction of Ministerial Building Standard MBS 008, meeting PO 4.3.

Due to the proximity of the building to the roadside, it is not intended for firefighting vehicle to access and manoeuvre on site, although the Country Fire Service are satisfied that the driveway could be used in conjunction with the public road as a 'T' shaped turnaround. This would align with PO 6.2.

The proposal is considered to satisfy the relevant provisions of the Hazards (Bushfire - High Risk) Overlay.

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Hazards (Flooding - Evidence Required)

Desired Outcomes	
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 Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1 & DPF 1.1	

Owing to the topography of Norton Summit, there is no flood mapping in proximity of the subject land or the greater locality.

Heritage Adjacency

Desired Outcomes	
DO 1	Development adjacent to State and Local Heritage Places maintains the heritage and cultural values of those Places.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1 & DPF 1.1	

The subject land adjoins 412 Old Norton Summit Road, which contains the State Heritage listed Grove Hill estate. This listing includes several buildings, described by the SA Heritage Places Database as *'Dwelling ('Grove Hill'), including Coach House, Stables, 3 Hole Privy, Gatehouse, Fruit Store, Cider Cellars and Hothouses'*.

PO 1.1 states that new development should not 'dominate, encroach on or unduly impact on the setting of the (adjacent) Place'. The site area of the new building is over 500m from the nearest building on the adjoining land and separated by Crescent Drive. As such, the proposed development is not considered to impact the heritage context of the adjacent land.

Native Vegetation

Desired Outcomes	
DO 1	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.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1 & DPF 1.1; PO 1.2; PO 1.3 & DPF 1.3	

The development area is clear of native vegetation and the applicant made their declaration upon submission of the application, which complies with DTS/DPF1.1.

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Urban Transport Routes

Desired Outcomes	
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.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1 & DPF 1.1; PO 2.1 & DPF 2.1; PO 3.1 & DPF 3.1; PO 4.1 & DPF 4.1; PO 5.1 & DPF 5.1; PO 6.1 & DPF 6.1; PO 7.1 & DPF 7.1; PO 8.1 & DPF 8.1; PO 9.1 & DPF 9.1; PO 10.1 & DPF 10.1;	

The proposal does not propose any new vehicle access points, nor the alteration or re-location of the existing access used to service the development. State-owned Lobethal Road will not be altered or directly impacted by the proposal. Therefore, the proposal is considered to comply with the relevant provisions of the overlay.

GENERAL DEVELOPMENT POLICIES

Clearance from Overhead Powerlines

Desired Outcomes	
DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1 & DPF 1.1	

A declaration was made by the applicant upon submission of the application that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996. On this basis the proposal is in accordance with the above provisions.

Design

Desired Outcomes	
DO 1	Development is: (a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributing to the character of the locality (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 (PO) and Designated Performance Feature (DPF) criteria	
PO 1.4 & DPF 1.4; PO 6.1 & DPF 6.1; PO 7.4; PO 7.5; PO 8.1 & DPF 8.1	

The new building does not incorporate any technical elements (plant, exhaust and intake vents etc.) beyond its roofline, thereby satisfying PO and DPF 1.4.

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The new septic system approved by Council's Environmental Health Unit in association with the proposed development does not impede the provision of private open space on the site, and it is located away from the areas required for on-site vehicle parking and driveway access. This satisfies PO and DPF 6.1.

The off-street parking in association with the development is between 6m and 7m below that of the road level of Crescent Drive, rendering PO 7.4 and PO 7.5 not relevant.

As discussed prior, the proposal includes no earthworks, thereby satisfying PO and DPF 8.1.

Infrastructure and Renewable Energy Facilities

Desired Outcomes	
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 Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 11.1 & DPF 11.1, PO 12.1 & DPF 12.1; PO 12.2 & DPF 12.2	

The subject land does not benefit from SA Water infrastructure for water supply, and instead relies on rainwater harvested on site, with bore water to supplement. This is considered to satisfy PO 11.1

PO 12.1 specifies that when development cannot be connected to a common wastewater disposal service such as sewer or CWMS, that wastewater is managed on-site. The new 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 septic system has been granted by Council Environmental Health.

The proposed building works would not encroach upon this approved septic system, satisfying PO 12.2.

Interface between Land Uses

Desired Outcomes	
DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 9.3 & DPF 9.3; PO 9.4 & DPF 9.4; PO 9.5 & DPF 9.5; PO 10.1 & DPF 10.1	

The applicant has stated they will adopt check-in and check-out times consistent with the industry standard for tourist accommodation, while the proposal is relatively small in scale accommodating a maximum of eight (8) guests at any one time. The operators of the proposal will continue to reside on the land, so will have influence in managing guest behaviour and possible noise issues. Tourist accommodation is listed as a desired land use in the Productive Rural Landscape Zone.

PO 9.3, PO 9.4, and PO 9.5 relate to limiting the impact on newly proposed sensitive receivers *from* lawfully existing uses. Specifically, land-based aquaculture, dairies, and bulk commodities. Similarly, PO 10.1 seeks to separate new sensitive receivers from existing mines. The proposal is not considered at variance with any of these POs.

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Site Contamination

Desired Outcomes	
DO 1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1 & DPF 1.1	

The proposal is for a change of use to include tourist accommodation. Within *Practice Direction 14*, tourist accommodation is not a more sensitive use than the existing residential use. Therefore DPF 1.1 is considered met and no site investigations were required.

Tourism Development

Desired Outcomes	
DO 1	Tourism development is built in locations that cater to the needs of visitors and positively contributes to South Australia's visitor economy.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.1; PO 1.2; PO 2.1; PO 2.2; PO 2.3 & DPF 2.3; PO 2.4; PO 2.5; PO 2.6; PO 3.1; PO 3.2; PO 3.3; PO 3.4	

The subject land is located in the Productive Rural Landscape Zone, where tourist accommodation is a desired use. It is also located centrally within Norton Summit, and in close proximity to metropolitan Adelaide.

While the form of tourist accommodation proposed is not contained within conventional 'units', the activity would still be spread across two buildings in different areas of the site. PO 1.2 seeks that tourist accommodation in units be clustered together to minimise environmental and contextual impact. In the case of the proposal, the tourist accommodation within the existing dwelling and the proposed outbuilding would be separated by a distance of approximately 25m. The form of tourist accommodation proposed is arguably not in the spirit of what the PO intends.

Transport, Access and Parking

Desired Outcomes	
DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
Performance Outcome (PO) and Designated Performance Feature (DPF) criteria	
PO 1.4 & DPF 1.4; PO 3.1 & DPF 3.1; PO 3.5 & DPF 3.5; PO 4.1; PO 5.1 & DPF 5.1; PO 6.1 & DPF 6.1; PO 6.2; PO 6.6 & DPF 6.6	

Access to the site will be via an existing single vehicle access to Crescent Drive. This road is sealed and connects directly to the main arterial road (Lobethal Road). Notably, Crescent Drive is closed between 8.30am and 6.00pm on school days, however, this closure point is located nearer to the Norton Summit Primary School, and traffic operates normally between the access point of the subject land and Crescent Drive's north junction with Lobethal Road during these times.

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Guest vehicles will be able to enter and exit the site in a forward motion, with room to manoeuvre in the car parking area. Off street parking with space for five vehicles is accommodated on site, without compromising the vehicle parking allowance required for the existing dwelling. The development complies with Table 1 – General Off-Street Car Parking Requirements of the Planning & Design Code.

PO 4.1 describes that development should be designed and sited so that access is safe, dignified, and convenient for people with disabilities. There are no DPF criteria associated with this PO to assist in determining compliance, however, the proposal will require a Building Consent assessment to obtain full Development Approval, in which access to premises for people with disabilities would be assessed.

Council Engineering raised no concerns with regard to increased traffic movements that could be associated with the proposal. Due to the envisaged use and limited maximum guest capacity, vehicle movements are expected to be infrequent. It is anticipated with tourist accommodation that guests will mostly be out during the day reducing vehicle movements relative to, or in comparison with residential uses.

CONCLUSION

The proposed development is for the partial change of use to an existing dwelling to incorporate tourist accommodation, along with the construction of an outbuilding to be used for tourist accommodation and a studio workshop

The subject land is in the Productive Rural Landscape Zone, where tourist development is an envisaged use, particularly when associated with or adjoining primary production land uses. The land adjoins a primary production use.

The proposal seeks to take advantage of Norton Summit's proximity to the Adelaide Plains, along with its central location in Norton Summit. The locality features a small range of non-residential and non-primary production uses.

The relevant provisions of the Productive Rural Landscape Zone are not wholly fulfilled by the proposal, and there are variances, especially in relation to boundary setbacks. There is potential for the development to change the nature of the current scenic and rural vistas afforded by the property. However, this impact is mitigated by a relatively small building footprint, a floor level below that of the road, along with well-established existing vegetated screening on the road reserve, that all would contribute to limiting these variances beyond the point of which they could be considered serious.

The Country Fire Service was satisfied with the proposal, subject to standard conditions and advisory notes being imposed. On-site car parking commensurate to the proposed use has also been accounted for in the application, and there is an approved waste system for the new building. Conditions restricting the use of the buildings for their intended purposes and capacity have been recommended, to prevent the new outbuilding from being used for long-term accommodation (or another unapproved use) without a separate Development Approval.

The proposal substantially complies with the provisions of the remaining relevant overlays and general development policies of the Planning & Design Code.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- 2) Development Application Number 21027228, for Partial change of use of existing dwelling to include tourist accommodation and construction of outbuilding for tourist accommodation and studio workshop by Michael Velonakis at 31 Crescent Drive, Norton Summit is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.
- 2) The external finishes to the outbuilding herein approved shall be as follows:
WALLS: Timber weatherboard cladding in Solver 'Doeskin' and 'heritage' galvanised iron walls
ROOF: Colorbond 'Ironstone' or similar
- 3) The person(s) having the benefit of this consent shall refrain from permitting the use of the buildings (or any part thereof) for the provision of long-term accommodation or as a separate dwelling. The tourist accommodation elements shall be used and operated on a short-term rental arrangement with a maximum of a one (1) week stay per occupancy.

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

- 4) At any one time, the overall number of guests for tourist accommodation shall be limited to a maximum of eight (8) people.
- 5) All car parking spaces, driveways and manoeuvring areas shall be designed, constructed, drained and line-marked in accordance with Australian Standard AS 2890.1:2004. Line marking and directional arrows shall be clearly visible and maintained in good condition at all times. Driveways, vehicle manoeuvring and parking areas shall be constructed of compacted gravel prior to commencement of the approved use and maintained in good condition at all times to the reasonable satisfaction of the Council.
- 6) The workshop studio within the outbuilding shall not be used for human habitation, commercial or industrial purposes. Any such activity may constitute a change in use and will require separate development approval.
- 7) All external lighting shall be directed away from residential development and shielded if necessary to prevent light spill causing nuisance to the occupiers of those residential properties.
- 8) All roof runoff generated by the development hereby approved shall be managed on-site to the satisfaction of Council using design techniques such as:
 - Rainwater tanks
 - Grassed swales

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- Stone filled trenches
- Small infiltration basins

All roof run-off generated by the development hereby approved shall be directed within one month of the roof cladding being installed to the existing stormwater management system on-site to the satisfaction of Council. Stormwater overflow management shall be designed so as to not permit trespass into the effluent disposal area. Stormwater shall be managed on site with no stormwater to trespass onto adjoining properties.

CONDITIONS IMPOSED BY THE SOUTH AUSTRALIA CONTRY FIRE SERVICE AS PER SECTION 122 OF THE PDI ACT

9) SITING

'The Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Objective 2.1, 4.2, 4.3) details the mandatory requirements for buildings and structures to be located away from areas that pose an unacceptable bushfire risk in order to provide sufficient defendable space for occupants and fire fighters; ensure radiant heat levels at the buildings are minimised in line with the assessed bushfire attack level & construction level; whilst maintaining reduced fuel loads and ensuring it can be maintained in perpetuity by the occupants.

Outbuildings and other ancillary structures shall be sited no closer than 6m from the habitable building, unless built to relevant building standards for associated structures in Bushfire Prone Areas.

10) ACCESS TO HABITABLE BUILDING

'The Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Objective 6.2) details the mandatory requirements for 'Private' roads and driveways to facilitate safe and effective use, operation and evacuation for firefighting and emergency personnel and evacuation of residents, occupants and visitors where required. These requirements apply when the furthest point of the building is more than 60m from the nearest public road.

SA CFS has no objection to utilising the driveway and the public road for a 'T' shaped turnaround with the following conditions:

- The driveway shall be connected to a formed, all-weather public road with the transition area between the road and driveway having a gradient of not more than 7 degrees (1-in-8).
- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- Private access shall have minimum internal radii of 9.5 metres on all bends.
- Private access shall provide overhead clearances of not less than 4.0m horizontally and vertically between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures.
- The gradient of the access road shall not exceed 16 degrees (1-in-3.5) at any point along the driveway. In steep terrain exceeding 10 degrees (1-in-5.5) the surface should be sealed.
- The all weather road is to be constructed such that it is protected from water erosion of the traffic surface. The road surface shall be profiled to manage storm water run -off to appropriate drains, at one or both sides of the traffic surface. The accumulated volumes of water shall be directed via:
 - a. open drains; or
 - b. culverts and pipes under the traffic surface, and / or away from same, without causing further soil erosion, silting of adjacent areas or water courses or instability of any embankment or cutting.

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11) WATER SUPPLY & ACCESS (to dedicated water supply)

Ministerial Building Standard MBS008 “Designated bushfire prone areas - additional requirements” 2020, as published under the Planning, Development and Infrastructure Act 2016, provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe work and fire-fighting hose(s) in accordance with MBS008.

‘The Planning and Design Code’ Hazards (Bushfire – High Risk) Overlay (Performance Objective 4.3) details the mandatory requirements for the site to provide a dedicated hardstand area in a location that allows fire fighting vehicles to safely access the dedicated water supply.

SA CFS has no objection to the location of the existing dedicated water supply as detailed on drawing named PROPOSED SITE PLAN dated at last revision 02/04/2022, providing the outlet is positioned remotely to comply with the following conditions:

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

12) MAINTAIN AN ASSET PROTECTION ZONE (APZ) - VEGETATION MANAGEMENT

‘The Planning and Design Code’ Hazards (Bushfire – High Risk) Overlay (Performance Objective 4.2) details the mandatory requirements to establish and maintain an asset protection zone. As such, landscaping shall include bushfire protection features that will prevent or inhibit the spread of bushfires and minimise the risk to life and/or damage to buildings and property and maintain a fuel reduced zone for safe movement of occupants and fire fighters.

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The extent of an existing or proposed asset protection zone has not been detailed on supplied drawings.

- Vegetation management shall be established and maintained within 20 metres of the habitable building (or to the property boundaries – whichever comes first) as follows:
 1. The number of trees and understorey plants existing and to be established within the VMZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the ‘clumping’ of shrubs where desirable, for diversity, and privacy and yet achieve the ‘overall maximum coverage of 30%’. SA CFS notes that coverage of vegetation within 20m, to the north west of the proposed habitable (studio) building as well as along the “front” boundary (adjacent Lobethal Road) is currently greater than 30%.
 2. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
 3. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
 4. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
 5. Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height from the trees’ lowest branches.
 6. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
 7. No understorey vegetation shall be established within 2 metres of the habitable building (understorey is defined as plants and bushes up to 2 metres in height).
 8. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves
 9. The VMZ shall be maintained to be free of accumulated dead vegetation.

ADVISORY NOTES

General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
- 5) Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion, or pollution of the environment.

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- 6) The applicant is reminded of their general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes, or may cause, environmental harm.
- 7) A separate development application is required for any signs or advertisements (including flags and bunting) associated with the development herein approved.

ADVISORY NOTES IMPOSED BY THE SOUTH AUSTRALIA CONTRY FIRE SERVICE AS PER SECTION 122 OF THE PDI ACT

8) BUILDING CONSIDERATIONS

Ministerial Building Standard MBS008 “Designated bushfire prone areas - additional requirements” 2020, as published under the Planning, Development and Infrastructure Act 2016 applies to this site.

Please refer to the National Construction Code (NCC), relevant standards and state provisions for construction requirements and performance provisions.

A site Bushfire Attack Level (BAL) assessment was conducted in accordance with the NCC and Australian Standard™3959 (AS3959) “Construction of Buildings in Bushfire Prone Areas”.

Category of Bushfire Attack Level:

EXISTING DWELLING - PART CONVERSION TO TOURIST ACCOMMODATION: BAL 19

This BAL rating is conditional upon the establishment and maintenance of a 20 metre Asset Protection Zone, (or to the property boundaries, whichever comes first) in accordance with the Asset Protection Zone – Vegetation Management condition of consent placed on the planning consent with the same application reference.

SELF-CONTAINED STUDIO CONVERSION TO TOURIST ACCOMMODATION: BAL 29

This BAL rating is conditional upon the establishment and maintenance of a 20 metre Asset Protection Zone, (or to the property boundaries, whichever comes first) in accordance with the Asset Protection Zone – Vegetation Management condition of consent placed on the planning consent with the same application reference.

This report is considered relevant at the date of assessment with respect to the elevations detailed on proposed Site Plan, dated 02/04/2022 and shall not be considered as SA CFS endorsement of any subsequent development.

9) TOURIST ACCOMMODATION - BUSHFIRE SURVIVAL PLAN

CFS further recommends:

- The applicants to prepare and display a BUSHFIRE SURVIVAL PLAN (BSP) designed specifically for the purpose of any guests that may be in residence during a bushfire event, especially during the Fire Danger Season. The BSP:
 1. should provide clear directions to persons that may be unfamiliar with the area/locality and unfamiliar with what protective actions they may need to take to protect their lives during a bushfire event, including when to take such protective actions; and
 2. should address the possibility that the owners may not be present at the time of the bushfire event; and
 3. should not expect guests to be involved in fire-fighting operations.

The SA CFS ‘Bushfire Safety Guide For Business’ document (refer to CFS website) should be utilised as a basis for information and the drafting of the (GUEST) BSP.

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The applicant should consider reducing operating hours and restrictions on days of heightened bushfire danger and/or bushfire events and consider including any alterations to bookings and services offered due to actual or predicted conditions during the Fire Danger Season in any booking/refund policy.

OFFICER MAKING RECOMMENDATION

Name: Sebastien Paraskevopoulos

Title: Statutory Planner