

CAP MEETING – 14 JUNE 2023**ITEM 8.1**

DEVELOPMENT NO.:	23002469
APPLICANT:	Stanley Bridge Freehold Pty Ltd
ADDRESS:	41 ONKAPARINGA VALLEY RD VERDUN SA 5245 CT 6120/996
NATURE OF DEVELOPMENT:	Alterations & additions to hotel
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Productive Rural Landscape • Rural Settlement <p>Overlays:</p> <ul style="list-style-type: none"> • Environment and Food Production Area • Hazards (Bushfire - High Risk) • Limited Land Division • Mount Lofty Ranges Water Supply Catchment (Area 2) • Native Vegetation • Prescribed Water Resources Area • State Heritage Place • Traffic Generating Development • Urban Transport Routes
LODGEMENT DATE:	2 February 2023
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	2023.2
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes Notification period from 24 February 2023 to 17 March 2023
RECOMMENDING OFFICER:	Marie Molinaro Statutory Planner
REFERRALS STATUTORY:	Minister responsible for the administration of the Heritage Places Act 1993 (State Heritage)
REFERRALS NON-STATUTORY:	Council Environmental Health

CONTENTS:**ATTACHMENT 1: Application Documents****ATTACHMENT 6: Referral Responses****ATTACHMENT 2: Subject Land/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 is for alterations and additions to the Stanley Bridge Hotel. The hotel is a State Heritage Place. The proposal includes the following:

- Enclosure of a paved outdoor dining area at the rear of the hotel.
- The floor area of the enclosed dining area is approximately 54 square metres (9m x 6m).
- The enclosed dining area will be setback between 900mm and 2.7m from the rear boundary at the closest point.
- The enclosed dining area has a maximum height of 6.1m but is no higher than the existing hotel.
- Re-configure kitchen (including cool room) and storage areas and provide office space on the eastern side of the hotel.
- Included in the re-configuration of the spaces above is an extension to the eastern side boundary resulting in a solid rendered brick wall on the boundary for a length of 15m with a maximum height of 3.7m.
- The roof material of the additions will be Colorbond to match the existing hotel and the wall materials will be glass and a mixture of rendered blockwork in a cream colour to match the existing hotel.
- The liquor licence conditions re capacity and hours of the sale of alcohol are not changing.
- Earthworks are minimal, requiring only replacement low-level retaining walls less than 1m in height.
- Stormwater will be managed on-site.
- Wastewater from the additions will be managed via the existing on-site septic system which is connected to the Community Waste Management System (CWMS).

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

BACKGROUND:

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
13 December 1973	6-274	Alterations and addition to hotel
28 August 1978	6-101	Garage
25 September 1995	563/D00013/95	Land division
5 January 1999	473/1188/98	Re-roof
12 October 1999	473/668/99	Alterations & additions to hotel
11 October 2001	473/526/01	Alterations & additions to hotel
19 December 2001	473/1128/01	Amendment to application 473/526/01
1 April 2008	473/1171/2007	Gazebo
7 March 2017	16/832/473	Outdoor area with seating, raised garden beds, new timber bridge and replacement paving at rear of the State Heritage listed hotel
13 February 2019	18/1047/473	Painting of State Heritage hotel
8 April 2019	18/35/473	Alterations & additions to State Heritage listed hotel, including change of use in part to include ancillary shop (bottle shop) to be undertaken in three stages

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26 November 2020	19/1024/473	Expansion of car park associated with existing hotel, 2.4m fence, outbuilding & associated earthworks (non-complying)
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A review of these development approvals did not reveal any conditions relating to capacity or hours of operation. This is instead controlled by the liquor licence.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 41 ONKAPARINGA VALLEY RD VERDUN SA 5245

Title ref.: CT 6120/996 **Plan Parcel:** D46011 QP12

The subject land is an irregular shaped allotment with an area of 8817 square metres. It is comprised of two pieces, piece 12 containing the hotel on the northern side of Onkaparinga Valley Road and piece 11 containing a restaurant on the southern side of Onkaparinga Valley Road. Both pieces have separate street addressing.

The hotel building is sited on the eastern portion of the land and on the front boundary of Onkaparinga Valley Road. It is a State Heritage Place. The hotel building is constructed of stone and galvanised iron walls and a Colorbond roof.

On-site compacted gravel parking areas and access points are provided on the western side of the hotel. Via development authorisation 19/1024/473 70 on-site car-parking spaces were approved.

As per the hotel liquor licence the capacity of the premises is 300 people and the authorised hours for the sale of liquor on-site is 5:00am to 2:00am Monday to Saturday and 8:00am to 2:00am on Sunday.

Piece 12 is contained partly within the Rural Settlement Zone and Productive Rural Landscape Zone. All the proposed works forming this application are contained within the Rural Settlement Zone portion of the land.

The surrounding locality predominantly contains rural residential uses, with an approved shop (cellar door) to the west of the subject land.

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

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CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

Hotel: 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**

Alterations & additions to a hotel is not listed in Table 5 procedural matters of the Rural Settlement Zone as being exempt from public notification. The proposal was not considered to be minor, so public notification was undertaken.

- **LIST OF REPRESENTATIONS**

One (1) opposing representation was received during the public notification. The representor wishes to be heard in support of their written representation.

The representor details are below:

Representor Name	Representor's Property Address	Wishes to be Heard	Nominated Speaker (if relevant)
Elle Regel	45 Onkaparinga Valley Road, Verdun	Yes	TBA

- **SUMMARY**

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

- Objection to building work on and in close proximity to shared boundaries.
- Concern re noise potential from plant equipment and music.
- Concern re deliveries and waste storage occurring on the eastern side of the hotel.
- Concern re air quality impacts relating to odour from kitchen exhaust equipment.
- Concern re unreasonable light spill potential.
- Concern re potential impact on native vegetation.
- Question regarding future development impacts on the representor's land.
- Seeking confirmation that the capacity of the hotel and licensed areas will remain unchanged.
- The application details are insufficient/lacking detail.

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

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AGENCY REFERRALS

- Minister responsible for the administration of the Heritage Places Act 1993 (State Heritage)

The State Heritage referral response is discussed in the Planning Assessment, State Heritage Place Overlay section of the report.

INTERNAL REFERRALS

- Council Environmental Health

Approved a wastewater application and advised that food health requirements are satisfied.

The referral responses are contained in **Attachment 6 – Referral Responses**.

PLANNING ASSESSMENT

Desired outcomes

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

Performance outcomes

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

Designated performance features

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

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

As the proposed works are fully contained within Rural Settlement Zone portion of the land an assessment against the Productive Rural Landscape Zone provisions was not undertaken.

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Rural Settlement Zone

Desired Outcomes	
DO1	A small mixed-use settlement supporting a limited range of residential development, tourist, recreation and community facilities grouped together to serve the local community and visitors.
DO2	Development contributes to and enhances the local context and development pattern comprising the settlement.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Land Use and Intensity PO1.1 & DTS/DPF1.1, PO1.2 & DTS/DPF1.2	
Built Form and Character PO2.5 & DTS/DPF2.5	
Building Height PO3.1 & DTS/DPF3.1	

Regarding DO1 and land use and intensity the hotel land use is not changing or intensifying. It is a long-standing use in the Rural Settlement Zone despite a hotel not being a listed desired use in the Zone. Capacity and hours of operation are governed by the liquor licence and these are not changing as part of the proposal. The applicant has confirmed that deliveries to the land will still occur on the western side of the hotel as per representor's concerns.

Regarding built form, PO2.5 does contemplate side boundary walls but seeks that they are limited in height and length to mitigate adverse impacts on the amenity of adjoining land users, including through an unreasonable loss of natural light and ventilation. DPF 2.5 specifically seeks for any wall sited on a side boundary to not exceed 3m in height or 8m in length.

The proposed wall on the eastern side boundary has a maximum height of 3.7m and length of 15m. This departure however from DPF 2.5 is considered acceptable for the following reasons:

- The height of the wall is a maximum of 1.2m higher than the existing boundary fence but tapers down to the same height.
- The side boundary is approximately 23m from the dwelling on the adjoining land (the representor's property).
- Council records show that west facing openings of the dwelling are limited to a nominated bedroom/study and wet areas (toilet and bathroom).
- Between the dwelling and the shared boundary is dense vegetation and outbuilding which will assist in screening the wall.
- Approximately half of the wall is behind the outbuilding. Although the representor advises that their garden area and outbuilding location will likely be re-visited in the future this is the existing site situation.
- The wall will be rendered in a neutral cream colour to match the existing hotel building.

In light of this, PO2.5 is considered to be achieved despite DPF 2.5 not being met. The proposed wall on the boundary is not considered to have an adverse impact on the amenity of the adjoining land user and there will be no unreasonable loss of natural light and ventilation.

Recommended note five (5) reminds the applicant to seek a site survey to ensure the wall is built on the correct location on the boundary.

PO3.1 & DPF 3.1 relate to building height. PO3.1 seeks for buildings to contribute to the prevailing character of the neighbourhood and complement the height of nearby buildings. As a guide DPF 3.1 seeks in this case for buildings to not exceed 2 building levels and 9m in height.

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The proposal meets DPF 3.1 as the maximum building height of the addition is 6m and PO3.1 is considered to be achieved as the height of the additions complements that of the existing hotel.

Overlays

Environment and Food Production Area Overlay

Desired Outcomes	
DO1	Protection of valuable rural, landscape, environmental and food production areas from urban encroachment
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1	

This Overlay is not relevant to the proposal as PO1.1 relates to land division.

Hazards (Bushfire – High Risk) Overlay

Desired Outcomes	
DO1	Development, including land division, is sited and designed to minimise the threat and impact of bushfires on life and property with regard to the following risks: <ul style="list-style-type: none">• Potential for uncontrolled bushfire events taking into account the increased frequency and intensity of bushfires as a result of climate change• High levels and exposure to ember attack• Impact from burning debris• Radiant heat Likelihood and direct exposure to flames from a fire front.
DO2	Activities that increase the number of people living and working in the area or where evacuation would be difficult is sited away from area of unacceptable bushfire risk.

This Overlay is not relevant to the proposal as it is not for a habitable building type.

Limited Land Division Overlay

Desired Outcomes	
DO1	The long term use of land for primary production is maintained by minimising fragmentation through division of land.

This overlay is not relevant to the proposal as it is not for a land division.

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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 & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Water Quality	
PO1.1	
Wastewater	
PO2.4 & DTS/DPF2.4	
Stormwater	
PO3.1 & DTS/DPF3.1	

Council Environmental Health have issued wastewater approval for the wet areas within the building addition. The land is connected to the CWMS.

Stormwater will be managed on-site as per the existing arrangement. The applicant's plans show there is a minor increase in hard surface area of approximately 31 square metres.

Recommended condition three (3) controls stormwater management.

The proposal is consistent with the relevant Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay Desired Outcomes and Performance Objectives.

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.

There is a large River Red Gum tree on the representor's land to the north-west of the proposed enclosed dining area. The trunk of the tree is approximately 9.5m from the dining room enclosure at the closest point.

A site inspection showed that the canopy does not readily overhang the proposed enclosed dining area, which is also reflected in plans received following public notification. The area is already levelled and finished with paving so, in light of this and considering the trunk setback, the impact on the tree's health resulting from the proposal is considered to be minimal.

This view is shared by an arborist who reviewed the proposal plans and inspected the River Red Gum tree. The arborist advice is that River Red Gum trees have a high tolerance for construction/infrastructure occurring in the tree protection zone area. The arborist concludes that the proposal is not likely to negatively impact the tree or accelerate its identified declining health and structure.

Maintenance pruning is recommended, however this is not part of the development application. The applicant is aware that separate approval from the Native Vegetation Council may be required for this work.

The arborist report is included in **Attachment 1 – Application Documents**.

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Prescribed Water Resources Area Overlay

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

This overlay is not 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.

State Heritage Place Overlay

Desired Outcomes	
DO1	Development maintains the heritage and cultural values of State Heritage Places through conservation, ongoing use and adaptive reuse consistent with Statements of Significant and other relevant documents prepared and published by the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the <i>Heritage Places Act 1993</i> .
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Built form PO1.1, PO1.2, PO1.3, PO1.4, PO1.5, PO1.7	
Alterations and Additions PO2.1	
Building Height PO3.1 & DTS/DPF3.1	

In accordance with the Overlay procedural matters a referral to State Heritage was required.

State Heritage have no objections to the proposal, subject to one (1) directed condition and two (2) advisory notes. See recommend condition four (4) and notes six (6) and seven (7).

As State Heritage have no objections to the proposal, it is considered that the proposal satisfies the relevant State Heritage Place Overlay Desired Outcomes and Performance Objectives.

Traffic Generating Development Overlay

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

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

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Urban Transport Routes

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

Per Overlay procedural matters a referral to the Commissioner of Highways was not required as the proposal does not create a new access, alter an existing access or change the nature or frequency of vehicle movements through the existing access.

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 DPF1.1.

Design

Desired Outcomes	
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 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	
Earthworks and Sloping Land PO8.1 & DTS/DPF8.1	

The proposal is considered to be consistent with DO1 part a. – the additions complement the existing built form of the hotel and State Heritage as a referral body have no objections to the work.

Recommended condition two (2) re-enforces the external appearance of the additions.

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Earthworks are minimal, with the proposal only requiring the replacement of low-level retaining walls less than 1m in height.

The proposal is consistent with the relevant provisions of the Design module.

Interface between Land Uses

Desired Outcomes	
DO1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
General Land Use Compatibility PO1.2	
Activities Generating Noise or Vibration PO4.1 & DTS/DPF4.1, PO4.2	
Air Quality PO5.2	
Light Spill PO6.1	

The proposal is considered to have potential to improve noise quality as it will enclose an existing outdoor dining area. In response to the representor's concern, the applicant has provided amended plans that show the northern elevation of the proposed enclosed dining area will be fixed glass.

As the kitchen, cool room, storage areas and external compressors are already on the eastern side of the hotel adjacent the adjoining residential use the re-configuration/re-design of these spaces is considered to be a low risk of increasing noise, air quality and light spill interface issues despite representor concern. Noise impacts on the adjoining residential property from external compressors will likely reduce as this equipment is being re-located to western side of the hotel as part of the proposal. Existing roof mounted mechanical equipment will remain in-situ.

With regard to air quality concern, the applicant has advised that the existing kitchen is serviced by two exhaust flues, and the new kitchen will be serviced by a single flue exhaust which complies with the relevant Australian standard. The scullery is not an additional cooking area and is to be used only for washing-up.

In relation to the representation on-going condition eight (8) of development authorisation 473/526/01 requires deliveries to be made from the western side of the hotel only. Therefore, if deliveries are made to the eastern side of the hotel, this would be a breach of condition eight (8), which would become a compliance matter.

The applicant advises that kegs are stored on the eastern side of the hotel, in addition to the storage of empty bottles. This is also identified on the site plan. In response to the representation the applicant has agreed for staff to not fill empty bottle bins until at least mid-morning (no filling of these bins late in the evening) to minimise disturbance to the representor.

Also, as per the representation it is not a feature of the planning system to speculate on potential future development occurring on adjoining land.

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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	
Vehicle Parking Rates	
PO5.1 & DTS/DPF5.1	

Per DTS/DPF5.1 Table 1 – General Off-Street Car Parking Requirements it is desired that a hotel be provided with the following off-street car-parking rate 1 space for every 2m² of total floor area in a public bar plus 1 space for every 6m² of total floor area available to the public in a lounge, beer garden plus 1 space per 2 gaming machines, plus 1 space per 3 seats in a restaurant.

Development authorisation 19/1045/473 approved the provision of 70 off-street car parking spaces. An analysis as part of this application was that this provision of off-street car parking was sufficient.

As this proposal is not increasing the capacity of the hotel it is not necessary to re-assess on-site car-parking provision.

CONCLUSION

The proposal is for alterations and additions to a hotel in the Rural Settlement Zone for the enclosure of an outdoor dining area and re-configuration of kitchen, cool room and storage areas and new office space.

The proposal will not change the use of the land or its intensity with regard to capacity, hours of operation or other operational matters regarding deliveries to the site. Capacity and hours of operation are controlled via the liquor licence.

Kitchen, cool room and storage areas are already sited on the eastern side of the hotel which adjoins the representor's property. Therefore, the re-configuration of this part of the hotel operations is considered to be a low-risk of causing any additional interface issues relative to noise, odour and light spill.

Regarding noise there is the potential for adjoining residential amenity to improve in this regard as the outdoor dining space is being enclosed and external compressors are being re-located to the western side of the hotel.

The additions include built form close to and on the site boundaries. However, this is contemplated in the Rural Settlement Zone and in this case considered to be acceptable.

The proposal required a referral to the Minister responsible for the administration of the Heritage Places Act 1993 (State Heritage) who were satisfied with the proposal.

Building appearance and stormwater management are managed via recommended conditions.

Tree impacts are considered to be minimal and not at variance with the Native Vegetation Overlay provisions.

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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 23002469, by Stanley Bridge Freehold Pty Ltd for alterations & additions to hotel at 41 Onkaparinga Valley Road, Verdun 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) External finishes shall be of materials and colours to match or complement those of the existing hotel building to the reasonable satisfaction of Council.
- 3) All roof runoff generated by the development hereby approved shall be directed to the stone lined swale within the site within one month of the roof cladding being installed to the reasonable satisfaction of Council.

Conditions imposed by Minister responsible for the administration of the Heritage Places Act 1993 under Section 122 of the Act

- 4) Any masonry facework to the original exterior of the Keg Room/ Scullery to be maintained and repointed, following best practice conservation methods, where exposed in redevelopment works. Any new concrete floor slab abutting this wall should also be isolated via an impervious barrier, to minimise future rising damp to the wall.

ADVISORY NOTES

Planning Consent

- 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.

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

Advisory Notes imposed by Minister responsible for the administration of the Heritage Places Act 1993 under Section 122 of the Act

- 6) Please note the following requirements of the *Aboriginal Heritage Act 1988*:
 - a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) is to be notified under Section 20 of the *Aboriginal Heritage Act 1988*.
- 7) Please note the following requirements of the *Heritage Places Act 1993*:
 - a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.
 - b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works. For further information, contact the Department for Environment and Water.

OFFICER MAKING RECOMMENDATION

Name: Marie Molinaro
Title: Statutory Planner