

CAP MEETING – 12 JULY 2023**ITEM 8.1**

DEVELOPMENT NO.:	23003710
APPLICANT:	Ian Bailey
ADDRESS:	61 SPRIGG ROAD CRAFERS SA 5152 CT 6223/726 & 6151/231
NATURE OF DEVELOPMENT:	Variation to conditions 4 & 5 of development authorisation 473/958/02 to alter timing of vehicle movements & adjust hours of operation
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Productive Rural Landscape <p>Overlays:</p> <ul style="list-style-type: none"> • Environment and Food Production Area • Hazards (Bushfire - High Risk) • Heritage Adjacency • Hazards (Flooding - Evidence Required) • Limited Land Division • Mount Lofty Ranges Water Supply Catchment (Area 2) • Native Vegetation • Prescribed Water Resources Area • Regulated and Significant Tree • State Significant Native Vegetation • Scenic Quality • Traffic Generating Development • Water Resources
LODGEMENT DATE:	16 February 2023
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	2023.3
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	No
RECOMMENDING OFFICER:	Marie Molinaro Statutory Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

CONTENTS:**ATTACHMENT 1: Application Documents****ATTACHMENT 4: Relevant P&D Code Policies****ATTACHMENT 2: Subject Land Map****ATTACHMENT 3: Zoning Map**

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DETAILED DESCRIPTION OF PROPOSAL:

The proposal is a variation application which seeks to alter two (2) operational matter conditions from a 2003 development authorisation for an existing industry use in the Productive Rural Landscape Zone. The industry use of the land is the extraction, bottling/packaging, storage and distribution of spring water.

The conditions to be varied are four (4) and five (5) from development authorisation 473/958/02:

The re-location of the storage area for bottled and packaged spring water from the existing (lower site level) building to new storage buildings (upper site level), the re-location of the loading/unloading area and six (6) carparking spaces from the lower to the upper site level and the change of use of the lower site level building from office and storage to office and farm implement shed.

Condition four (4) is as follows:

No vehicle movements associated with the commercial distribution of product shall occur from points of ingress and egress to the subject land prior to 7.00am Monday to Friday.

The variation seeks approval to increase the time which vehicles associated with the distribution of spring water can exit the land and seeks to give clarity as to when vehicles associated with the distribution of spring water can return to the land. The proposed variation is sought to allow vehicles associated with the distribution of finished product to exit the land two (2) hours earlier than currently approved.

The applicant specifically proposes the following:

No vehicles associated with the commercial distribution of spring water shall:

- a) enter the subject land after 8:00pm or prior to 7:00am Monday to Friday; and/or*
- b) exit the subject land prior to 5:00am Monday to Friday.*

The applicant's advice is that the proposed condition is required in response to a changing business model, which is now more focused on the wholesale distribution of spring water whereby the business is more beholden to customer timeframes.

At the suggestion of Council staff, the applicant has also agreed to adjust condition five (5) from development authorisation 473/958/02. Condition five (5) is as follows:

The operating hours of the business shall be 7.00am to 6.00pm except during daylight saving when the operating hours will be 7.00am to 8.00pm.

The proposed adjusted condition is below:

With the exception of the following, the hours of operation of the business (including deliveries) shall be 7:00am to 6:00pm Monday to Friday during standard time (excluding public holidays) and 7:00am to 8:00pm Monday to Friday during daylight saving time (excluding public holidays):

- a) subject to conditions [3] and [4] imposed on this development authorisation, vehicles associated with the commercial distribution of spring water can exit the subject site from as early as 5:00am Monday to Friday; and*
- b) vehicles associated with the commercial distribution of spring water can enter/return to the subject site up to 8:00pm Monday to Friday.*

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

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BACKGROUND:

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
1992	92/146/330	Industry – building extension
29 February 1996	94/142/330	Addition to shed (industry)
12 December 1996	96/231/330	Variation to development authorisations 92/146/330 & 92/231/330 to alter the internal driveway, widen cross-over and vary landscape screening
	99/673/473	WTHDRAWN – shed
29 March 1999	99/308/473	Demolition of existing shed
8 April 1999	99/328/473	Shed
28 May 1999	99/347/473	Variation to development authorisation 99/328/473 to alter the colour of the shed from beige to green
20 July 1999	99/656/473	Addition to shed
29 March 2000	99/121/473	Storage shed
5 July 2000	00/756/473	Consolidation of existing spring water packaging operation incorporating joinder of two existing sheds to form a new 468 square metre packaging shed and re-location of existing water storage tanks
	01/368/473	WITHDRAWN – re-located the existing sheds (excluding the office) from the lower platform to the upper platform
1 August 2003	02/958/473	The re-location of the storage area for bottled and packaged spring water from the existing (lower site level) building to new storage buildings (upper site level), the re-location of the loading/unloading area and six (6) carparking spaces from the lower to the upper site level and the change of use of the lower site level building from office and storage to office and farm implement shed
12 August 2005	05/596/473	Variation to condition two (2) of 473/958/02 in order to increase storage area within existing shed
23 September 2008	08/872/473	Extension to existing storage shed associated with existing water extraction operation
26 April 2013	13/195/473	Addition to existing building for storage purposes only
1 September 2014	14/D017/473	Boundary re-alignment (3 allotments into 3 allotments)
8 September 2016	16/499/473	Horticultural building
4 January 2019	18/505/473	Boundary re-alignment (2 allotments into 2 allotments)

Earlier this year Council staff received a complaint that truck movements associated with the industry activity occurring on the land were occurring at irregular hours. The complainant does not live adjacent to the subject land, but on the surrounding road network leading to the subject land.

Investigations were undertaken by Council staff and it was ascertained that vehicle movements were occurring outside of the approved time as per condition four (4) of development authorisation 473/958/02.

In response, the applicant submitted the proposed variation development application.

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After lodgement of the development application complaints from the original complainant continued to be received and in response Council issued an enforcement notice to the applicant. The notice directed the applicant to cease and refrain from permitting vehicles to enter and/or exit the land prior to 7.00am.

The applicant has appealed the directions of the enforcement notice, and the matter is before the Environment, Resources and Development (ERD) Court for consideration. The appeal has been adjourned by the Court to allow the applicant to continue with the variation development application. If the variation development application receives Development Approval this will resolve the compliance matter and the enforcement notice will be withdrawn.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 61 SPRIGG RD CRAFTERS SA 5152

Title ref.: CT 6223/726 **Plan Parcel:** D120793 AL21 **Council:** ADELAIDE HILLS COUNCIL
CT 6151/231 D95188 AL1

The subject land is comprised of two allotments. The land contains the spring water bores, buildings for packaging and storing the spring water with associated vehicle parking and manoeuvring areas and two dwellings with associated outbuildings. The applicant/operator of the business resides in the dwelling on the land. The land also contains a small vineyard.

The surrounding locality contains a mix of land uses – rural residential, primary production (viticulture & grazing) and conservation park.

The nominated vehicle departure area on the land is approximately 92m from the nearest dwelling not on the subject land. This dwelling and one other on the opposite side of Sprigg Road are owned and occupied by family members of the applicant.

These two dwellings are described as associated dwellings in the Interface between Land Uses module discussion. The nearest non-associated dwelling is approximately 215m from the nominated vehicle departure area.

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

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Other - Commercial/Industrial - Variation to conditions 4 & 5 of DA 473/958/02
Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed

- **REASON**
Variation applications default to being assessed under the Performance Assessed pathway.

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PUBLIC NOTIFICATION

A variation application relating to operational matters is not a form of development, so public notification cannot be undertaken.

AGENCY REFERRALS

Nil

INTERNAL REFERRALS

Nil

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 4 – Relevant P&D Code Policies**.

Productive Rural Landscape Zone

Desired Outcomes	
DO 1	A diverse range of land uses at an appropriate scale and intensity that capitalise on the region's proximity to the metropolitan area and the tourist and lifestyle opportunities this presents while also conserving the natural and rural character, identity, biodiversity and sensitive environmental areas and scenic qualities of the landscape.
DO 2	A zone that promotes agriculture, horticulture, value adding opportunities, farm gate businesses, the sale and consumption of agricultural based products, tourist development and accommodation that expands the economic base and promotes its regional identity.
DO 3	Create local conditions that support new and continuing investment while seeking to promote co-existence with adjoining activities and mitigate land use conflicts.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Land Use and Intensity PO 1.1 & DTS/DPF 1.1	

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Rural Industry PO 4.2

The industry activity occurring on the land being the bottling/packaging, storage and distribution of the spring water extracted from the land is akin to desired rural industry activities in the Zone such as beverage production and the storage grading/packing and distribution of produce. Further, it is a long-standing use in the Zone as demonstrated by the background Development Approval history.

Other envisaged land uses in the Zone per Designated Performance Feature 1.1 include amongst other uses farming and horticulture.

Performance Outcome (PO) 4.2 relates to the expansion of existing industry activities in the Zone and similar activities. Whilst the proposal is not an expansion of production capabilities as understood in the context of PO 4.2, the proposal will facilitate an expansion to the available hours of distribution.

Expansion to the available hours of distribution will create conditions to support on-going investment in the business, which has changed its operating model in the 20 years since Development Approval for application 473/958/02. Creating conditions which support continuing investment is sought by Desired Outcome (DO) 3. However, it is acknowledged that DO 3 also seeks a balance with promoting co-existence with adjoining activities and mitigating land use conflicts.

The land use conflict most likely to result from the proposed extended hours of distribution is noise on adjacent residential land uses. Noise impacts are discussed in the Interface between Land Uses module below.

Overlays

No overlays are relevant to the assessment of the proposal.

General Development Policies

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 Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Hours of Operation	
PO 2.1	
Activities Generating Noise or Vibration	
PO 4.1 & DTS/DPF 4.1, PO 4.2	

Performance Outcome (PO) 4.1 seeks for development that emits noise to not unreasonably impact the amenity of sensitive receivers. Corresponding Designate Performance Feature (DPF) 4.1 seeks for noise that affects sensitive receivers to achieve the relevant Environment Protection (Noise) Policy Criteria.

The applicant has provided an environmental noise assessment report in support of the application.

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The conclusion of the Acoustic Engineer who completed the report is that truck start-up and idling noise at 5:00am at the nominated vehicle departure area on the land is below the noise threshold set out in the Environment Protection (Noise) Policy 2007 for both the nearest associated and non-associated dwellings. Not exceeding the policy meets DPF 4.1 and is considered to demonstrate compliance with PO4.1.

The Environment Protection (Noise) Policy 2007 has no specific noise level requirements applicable to vehicles travelling on a public roadway, so the impact of the variation proposal on residential amenity of the broader locality is not clear. However, the broader locality is contained within the Productive Rural Landscape Zone, which anticipates uses generating large vehicle movements such as industry (brewery, cidery, distillery), transport distribution and agricultural and horticultural activities.

Recommended condition four (4) restricts the departure of vehicles associated with the distribution of spring water prior to 7:00am to the nominated departure area as per the environmental noise assessment report. Recommended condition four (4) also requires vehicles associated with the distribution of spring water departing before 7:00am to only leave the land in a forward motion as recommended by the Acoustic Engineer.

Recommended condition six (6) restricts the packing and loading of spring water distribution vehicles to the same time as the general hours of operation per recommended condition five (5).

Recommended condition three (3) also clearly restricts the number of vehicles per week that can exit the land between 5:00am and 7:00am to a maximum of five (5), noting that the Acoustic Engineer advice is that up to five (5) vehicles per hour could exit the land between 5:00am and 7:00am and compliance with the Environment Protection (Noise) Policy 2007 would still be achieved.

Regarding general hours of operation, the proposed variation to condition five (5) from Development Authorisation 473/958/02 is considered to be an improvement for adjacent residential amenity as it will clearly restrict activity to week days only. Condition five (5) is currently ambiguous as to whether it is applicable seven (7) days per week.

CONCLUSION

The proposal seeks Development Approval to alter two (2) operational matter conditions from a 2003 development authorisation for an industrial use (spring water extraction, packaging, storage & distribution facility) in the Productive Rural Landscape Zone.

The variation sought will increase the time available for vehicles associated with the distribution of spring water to exit the land, give clarity to clarity as to when vehicles associated with the distribution of spring water can return to the land and clearly restrict general hours of operation.

An environmental noise assessment by an Acoustic Engineer has been received in support of the variation application. The conclusion of the Acoustic Engineer is that at the closest dwellings truck start-up and idling noise at the nominated departure area is below the noise threshold set out in the Environment Protection (Noise) Policy 2007. Not exceeding this policy is considered to achieve the most pertinent Performance Outcome of the Planning & Design Code applicable to the variation application.

The Acoustic Engineer advises that the EPA Noise Policy (2007) has no specific noise level requirements applicable to vehicles travelling on a public roadway, so the impact of the variation proposal on residential amenity of the broader locality is not clear. However, the broader locality is contained within the Productive Rural Landscape Zone, which anticipates uses generating large vehicle movements such as industry (brewery, cidery, distillery), transport distribution and agricultural and horticultural activities.

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No other operational matters of the longstanding use are changing, and recommended conditions three (3) to six (6) will ensure the Environment Protection (Noise) Policy 2007 can be met on an on-going basis relative to vehicle noise occurring at the 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 23003710 by Ian Bailey for variation to conditions 4 & 5 of development authorisation 473/958/02 to alter timing of vehicle movements & adjust hours of operation at 61 Sprigg Road, Crafers is granted Development Approval 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) No vehicles associated with the commercial distribution of spring water shall:
 - a) Enter the subject land after 8:00pm or prior to 7:00am Monday to Friday; and/or
 - b) Exit the subject land prior to 5:00am Monday to Friday.
- 3) A maximum of five (5) vehicles per week associated with the commercial distribution of spring water shall exit the subject land between the hours of 5:00am and 7:00am excluding Saturday, Sunday & public holidays.
- 4) Before 7:00am vehicles associated with the commercial distribution of spring water shall only depart the land in a forward motion between the hours of 5:00am and 7:00am and only from the nominated truck departure location as shown on page 7 of the Noise Assessment Report by Echo, dated 23 May 2023.
- 5) With the exception of the following, the hours of operation of the business (including deliveries) shall be 7:00am to 6:00pm Monday to Friday during standard time (excluding public holidays) and 7:00am to 8:00pm Monday to Friday during daylight saving time (excluding public holidays):
 - a) Subject to conditions (3) and (4) imposed on this development authorisation, vehicles associated with the commercial distribution of spring water can exit the subject site from as early as 5:00am Monday to Friday; and
 - b) Vehicles associated with the commercial distribution of spring water can enter/return to the subject site up to 8:00pm Monday to Friday.
- 6) The packing and loading of any vehicle associated with the commercial distribution of spring water shall occur only between 7:00am and 6:00pm Monday to Friday (excluding public holidays) during standard time and between 7:00am and 8:00pm Monday to Friday (excluding public holidays) during daylight saving time.
- 7) Except where varied by this authorisation, all other conditions, plans and details relating to Development Authorisation 473/958/02 continue to apply to this amended authorisation.

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ADVISORY NOTES

Planning Consent

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.

OFFICER MAKING RECOMMENDATION

Name: Marie Molinaro

Title: Statutory Planner

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DEVELOPMENT NO.:	23004929
APPLICANT:	Dale Lloyd
ADDRESS:	15 DEBNEYS RD NORTON SUMMIT SA 5136
NATURE OF DEVELOPMENT:	Dwelling additions (two storey) including deck and retaining walls
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Productive Rural Landscape <p>Overlays:</p> <ul style="list-style-type: none"> • Environment and Food Production Area • Hazards (Bushfire - High Risk) • Heritage Adjacency • Hazards (Flooding - Evidence Required) • Limited Land Division • Native Vegetation • Prescribed Wells Area • Traffic Generating Development • Water Resources
LODGEMENT DATE:	2 March 2023
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	2023.3
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alisa Styles Duty Planner
REFERRALS STATUTORY:	South Australian Country Fire Service
REFERRALS NON-STATUTORY:	Council Environmental Health Council Engineering Department

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ATTACHMENT 2:	Subject Land Map	ATTACHMENT 4:	Relevant P & D Code Policies

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DETAILED DESCRIPTION OF PROPOSAL:

The proposal is for two-storey alterations and additions to an existing dwelling comprising the following:

- Demolition of the north-east wall of bedroom 1 with additions in the same location extending this room in line with the existing living room wall.
- Demolition of the front door/wall and storage room with addition in the same location to accommodate a new secondary entry and stairs to the new upper level.
- 2 x Retaining walls forming part of the proposed upper level dwelling addition, including outside stairs.
- Re-roof the existing dwelling from tiles to Colorbond 'Woodland Grey'
- The completed lower level will comprise:
 - Secondary entry and stairwell
 - Three bedrooms inclusive of master bedroom suite with ensuite and WIR
 - Bathroom and laundry
 - Separate living room
 - Study, office and den
 - Verandah
- The proposed second storey addition will be constructed perpendicular to the existing dwelling footprint, creating a new primary entry. The second storey addition will comprise:
 - Primary entry and powder room
 - Open plan kitchen, living and dining room
 - Attic space and stairwell
 - Covered deck with BBQ area
- The existing dwelling has a floor area of 154.8 square metres excluding the rear verandah with a proposed addition of 8.6 square metres of living area.
- The proposed second storey addition has a floor area of 96.4 square metres with the proposed covered deck of 30.6 square metres.
- The materials of the addition to have walls constructed of hebal and rendered 'Shale Grey', roof to be Colorbond 'Woodland Grey' gutters and fascia also 'Woodland Grey'.
- There are limited earthworks and retaining walls associated with the proposal. The bulk of the earthworks being the south-west end of the upstairs dwelling addition, where this wall of the dwelling will be acting as a retaining wall and also to retain the side of the proposed outdoor stairs. Exposed retaining walls to be constructed of Carey Gully stone.
- Vegetation removal associated with the proposal is limited to non-native or non-protected tree and plant species to adhere with CFS vegetation management requirements.

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

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CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

Dwelling alterations and additions – Performance Assessed

Deck – Performance Assessed

Retaining walls – Performance Assessed

Internal alterations – Accepted Development

Partial Demolition – Accepted Development

- **OVERALL APPLICATION CATEGORY:**

Performance Assessed

- **REASON**

P&D Code; Not all elements fell within or had an Accepted or Deemed to Satisfy pathway. As such the application shall be Performance Assessed.

PUBLIC NOTIFICATION

- The deck component of the application is not listed in Table 5 procedural matters of the Productive Rural Landscape Zone as being excluded from public notification. As such the application was notified.

Public Notification period – 29 April 2023 to 18 May 2023 with no representation received.

AGENCY REFERRALS

- Country Fire Service (CFS) – Advised no objection with standard conditions and advisory notes. Note that a BAL rating of 29 has been allocated.

INTERNAL REFERRALS

- Environmental Health Unit – Associated waste-water application has been approved.
- Council Engineering (Civil Stormwater) – Satisfied with the method of stormwater disposal, subject to condition.
- Council Engineering – Satisfied with the minor alteration to the existing crossover, with associated advisory note.

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 & DPF 2.2 and PO & DPF 5.4	

PO 2.2 seeks to limit the amount of earthworks by locating works on flat land. The proposed addition will incorporate minimal earthworks resulting in 1.2m of cut on the south-east end of the new addition. This same wall will be utilised as a retaining wall and backfilled with soil with an additional 1m of fill. Consistent with PO & DPF 2.2.

PO 5.4 seeks dwelling additions to be sited, designed and of a scale that maintains a pleasant rural character and amenity. In this regard DPF 5.4 gives building height and setback guidance. The proposal is of two storey design and less than 9m in height, with wall heights below the prescribed 6m from the top of the footings, consistent in part with DPF 5.4. The extension however will be projecting forward of the existing dwelling, this is considered appropriate given it will be setback a greater distance from the street boundary than that of the neighbouring dwellings and the entirety of the proposal will be set below the height of the road.

Overlays

Hazards (Bushfire – High Risk)

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: 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.
DO3	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.

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Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria
PO 1.1, 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 & DPF 6.2

As per the Overlay procedural matters a referral to the Country Fire Service (CFS) was required. The CFS have no objections to the proposal, subject to directed conditions regarding access, water supply and vegetation management.

The CFS conditions are included as conditions 5 to 8.

As the CFS have no objections to the proposal, it is considered to satisfy the relevant Hazards (Bushfire – High Risk) Overlay Desired Outcomes and Performance Objectives.

Hazards (Flooding - Evidence Required) Overlay

Desired Outcomes	
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	
PO & DPF 1.1	

PO 1.1 seeks development to be sited and designed to minimise the risk flooding. DPF 1.1 gives guidance that finished floor levels should be greater than 300mm above the kerb. Given the significant slope to the site, a finished floor level above the kerb is unachievable. As the proposal does not create a lower finished level than the existing dwelling, there is no reason to suspect there is a flood risk associated with this proposal.

Heritage Adjacency Overlay

Desired Outcomes	
DO1	Development adjacent to State and Local Heritage Places maintains the heritage and cultural values of those Places
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO 1.1	

The proposed development will not be seen from nearby heritage properties, thereby not impacting on the setting of such places.

The proposal is consistent with the Heritage Adjacency 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	
PO & DPF 1.1, PO 1.2, PO 1.4	

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The Native Vegetation Declaration has been signed declaring that the proposal will not result in the clearance of native vegetation. The vegetation identified on the plans to be removed within the asset protection zone for CFS vegetation management only includes the removal of non-native or non-protected trees.

The proposal is consistent with the Native Vegetation Overlay.

Water Resources Overlay

Desired Outcomes	
DO 1	Protection of the quality of surface waters considering adverse water quality impacts associated with projected reductions in rainfall and warmer air temperatures as a result of climate change.
DO 2	Maintain the conveyance function and natural flow paths of watercourses to assist in the management of flood waters and stormwater runoff
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO 1.1, PO 1.2, PO & DPF 1.5, PO 1.6, PO 1.7, PO 1.8	

No works are being proposed within the watercourse. However, it is pertinent to acknowledge that stormwater disposal will be discharged into the creek, which is the existing stormwater disposal method of the dwelling. It has been notated on the plan with suitable condition added requiring scour protection is to be provided at the discharge point to prevent erosion. Council's Engineering team have reviewed this method of stormwater disposal as being acceptable.

The proposal is consistent with the Water Resources Overlay.

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	
PO & DPF 1.1	

The applicant has signed the building safety near powerlines declaration.

The proposal is consistent with the Clearance from Overhead Powerlines policy module.

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 standing 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	
PO & DPF 6.1, PO & DPF 8.1, PO & DPF 8.2, PO 8.3, PO 8.4, PO 8.5, PO & DPF 11.1, PO & DPF 12.1, PO & DPF 14.1, PO 15.1, PO & DPF 16.1, PO & DPF 17.1, PO & DPF 19.2, PO & DPF 19.3, PO & DPF 19.4, PO & DPF 19.6, PO & DPF 20.1, PO & DPF 21.1	

The total height of the upper level addition is below that of Debneys Road and is the only visible dwelling component from Debneys Road, given that the existing ground level is set well below that of road level. As such the proposal is considered to be consistent with PO 15.1.

PO 16.1 relates directly to the alterations and additions element of this proposal, seeking that dwelling alterations and additions are sited and designed to not detract from the streetscape or amenity of adjoining residential properties and do not impede on-site functional requirements.

The proposed additions are considered modest in size and although the front setback will be projecting forward of the existing dwelling, it will still be further setback from the street boundary more than that of the neighbouring dwellings. The side and rear setbacks will remain unchanged. Materials and selected colour scheme will enhance the existing dwelling and complement the locality. Minimal earthworks required with the extension working with the lay of the land.

The proposal does not result in a change to the existing parking arrangements, to which meets the Transport Access and Parking Table 1 - General Off Street Car Parking Requirement.

Upper level windows on the north west side elevation to have obscured glazing to 1.5m and deck to have solid balustrade to 1.5m along same elevation. No screening to windows on the south-east side elevation or rear deck, which is considered acceptable as these windows and deck will not impede upon the privacy of occupiers of adjoining land.

This proposal does not impact the private open space available to the occupiers of the land as there is ample space in the rear yard, in excess of Design Table 1 – Private Open Space (POS). Consistent with PO 17.1.

The proposal is consistent with the performance outcomes of the Design policy module.

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 hazards, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO & DPF 12.2	

Wastewater approval has been granted with the existing waste-water system being retained. The existing system is wholly contained within the allotment boundaries, and conditions of the wastewater approval will ensure the system complies with the requirements of the South Australian Public Health Act 2011, which subsequently complies with PO & DPF12.2.

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

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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	
PO & DPF 3.1, PO & DPF 3.2, PO 3.3	

The two-storey addition will be appropriately setback the adjacent allotments. Given the lay of the land, the addition mostly presents as a single storey dwelling as far as the two side neighbours are concerned and is adequately setback so to not result in overshadowing.

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

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	
PO & DPF 5.1	

This overlay does not directly relate to the proposal, given the proposal will not be increasing the number of bedrooms, however, the dwelling does meet Transport, Access and Parking Table 1 – General Off-Street Car Parking Requirements for a detached dwelling as set-out in DPF 5.1.

CONCLUSION

The proposal dwelling alteration is an expected form of development with the Productive Rural Landscape Zone and is of a scale that is sympathetic to the rural character of the zone.

The works are adequately setback from the property boundaries and utilises a suitable position on the land resulting in minimal cut and fill.

Overlooking from the second storey has been appropriately addressed with screening on the north-west elevation.

Through the proposal there will also be an improvement to occupant bushfire safety with the reworking of the driveway to accommodate a suitable manoeuvring area for fire trucks and the inclusion of on-going CFS vegetation management fire water and access conditions.

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

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- 2) Development Application Number 23004929 by Dale Lloyd for dwelling additions (two-storey) including deck and retaining walls at 15 Debneys Road, 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 (if any).
- 2) All roof run-off generated by the development hereby approved shall be directed to a rainwater tank with overflow directed to the creek. Scour protection is to be provided at the discharge point to prevent erosion to the satisfaction of Council within one month of the roof cladding being installed. All roof and hard surface runoff shall be managed to prevent trespass onto adjoining properties and into the effluent disposal area where an on-site waste control system exists.
- 3) External finishes shall be of materials and colours to match or complement those of the existing dwelling to the reasonable satisfaction of Council.
- 4) The balcony and upper level windows of the dwelling shall be fitted with fixed screening as shown on the northwest elevation of the NE & NW Elevations D08 dated March 2023 to a minimum height of 1.5 metres above the floor level. The screening shall be installed prior to occupation and be maintained in good condition at all times.

Conditions imposed by South Australian Country Fire Service under Section 122 of the Act

- 5) The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 3.2) details the mandatory requirements for extensions to buildings, outbuildings and other ancillary structures are sited and constructed using materials to minimise the threat of fire spread to residential and tourist accommodation (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) in the event of bushfire.
 - 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 Area.
- 6) **ACCESS TO HABITABLE BUILDING**

The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 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.

 - A clear and unobstructed vehicle or pedestrian pathway shall be provided; no greater than 60 metres in length between the most distant part of the habitable building and the nearest part of the formed public access way.

7) 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.

Please note that where the water supply is an above-ground water tank, the tank (including any support structure) should be constructed of non-combustible material, such as concrete or metal.

The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 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 proposed proposed locations for the dedicated water supply as detailed on drawing named PROPOSED SITE PLAN REV B dated at last revision APRIL 2023, where the dedicated water supply is split with pump and hose reels connected to the existing concrete tank and the fire authority outlet is connected to a minimum of 10,000 litres adjacent the access road, providing the outlet is positioned to comply with the following conditions:

- The water supply outlet shall be easily accessible and clearly identifiable from the access way and is no greater than 60m path of travel to the furthestmost point of the building, to enable fire services to reach all parts of the building with no more than two lengths of hose from the hardstand area.
- 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.
- 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).
- Where access to the habitable building is not required due to proximity to the public road, but the hardstand adjacent the outlet is located within the boundary of the allotment, the access to the outlet shall:
 1. Be connected to a formed, all-weather public road; and
 2. Have a gradient of not more than 16 degrees (1 in 3.5) at any point; and
 3. provide overhead clearance of not less than 4.0m horizontally and vertically between the driveway surface and overhanging branches or other obstructions, including building and/or structures.

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

The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 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.

An APZ shall be implemented and maintained in line with the vegetation management conditions below:

- 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 APZ 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%'.
 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 APZ shall be maintained to be free of accumulated dead vegetation.

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.
- 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) Should infrastructure be required on the Council verge (i.e., retaining walls) a Section 221 application will need to be submitted.

Advisory Notes imposed by South Australian Country Fire Service under Section 122 of the Act

6) 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: BAL 29

This BAL rating is conditional upon the establishment and maintenance of a 20 metre Asset Protection Zone, in accordance with the Asset Protection Zone – Vegetation Management condition of consent placed on the planning consent with the same application reference.

This result is considered relevant at the date of assessment with respect to the details on PROPOSED SITE PLAN REV B, dated APRIL 2023 and shall not be considered as SA CFS endorsement of any subsequent development.

OFFICER MAKING RECOMMENDATION

Name: Alisa Styles
Title: Duty Planner