

CAP MEETING – 13 SEPTEMBER 2023

ITEM 8.1

	22018960
APPLICANT:	Angela Lo-Faro
ADDRESS:	1 TOWNSEND ST MOUNT TORRENS SA 5244
NATURE OF DEVELOPMENT:	<p>Creation of 11 camping sites (tourist accommodation – caravan and tourist park), installation of RV dump point and the extension of the outdoor liquor license area associated with existing hotel, post, wire and rail fencing, sign and stable restoration including re-roofing:</p> <p>Stage 1: Operation of 11 camping sites (tourist accommodation – caravan and tourist park) and liquor licence amendment</p> <p>Stage 2: Installation of RV dump point</p> <p>Stage 3: Balance of the works to State Heritage Place – signage, fencing and stable restoration works</p>
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Township <p>Overlays:</p> <ul style="list-style-type: none"> • Hazards (Bushfire - Medium Risk) • Hazards (Flooding - Evidence Required) • Mount Lofty Ranges Water Supply Catchment (Area 2) • Native Vegetation • Prescribed Water Resources Area • Regulated and Significant Tree • State Heritage Area • Traffic Generating Development • Urban Transport Routes • Water Resources
LODGEMENT DATE:	24 June 2022
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	2022.11
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Melanie Scott Senior Statutory Planner
REFERRALS STATUTORY:	Commissioner of Highways Environment Protection Authority Minister responsible for the administration of the Heritage Places Act 1993
REFERRALS NON-STATUTORY:	Council Engineering Council Economic Development Council Environmental Health - Waste

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DETAILED DESCRIPTION OF PROPOSAL:

This application has three main elements:

- 1) Creation of 11 self-contained camping sites (caravan and tourist park) and the associated installation of a recreational vehicle dump point (RV dump point) to the rear of the existing hotel. There were originally 15 camping sites proposed however to meet Building Code fire separation requirements and accommodate manoeuvring areas the number of camp sites was reduced. The camp site uses an existing informal access from Onkaparinga Valley Road on the southern boundary of the site, which will be upgraded to an all-weather access with a storm water pipe cross over. The access point is 37 metres from the intersection of Onkaparinga Valley Road and Townsend Street and includes an 8-metre-long x 6- metre-wide vehicle queuing area ensuring no queuing on Onkaparinga Valley Road. There is no infrastructure (including driveways) proposed for the camp site which will only operate when the ground is dry enough to take vehicle traffic. It should be noted this means the proposed dump point will not be accessible on wet weather days as it is adjacent the proposed extended licensed extension area in the centre of the site and it is not proposed to seal the area to provide all-weather access.
- 2) Renovations (re-roofing) to the state heritage listed stable on the site. Note this structure was originally going to form part of the proposed licence area variation however the proposed licensed area variation was altered/reduced to that described in point 3.
- 3) Alterations to the existing licence area – the applicant secured an outdoor area on their hotel liquor licence in May 2020 during the Covid-19 pandemic. Originally this application sought the extension of the existing licensed area to include the stable building and proposed outdoor music. Through negotiation the licensed area changes are now to extend the licensed area into a shaded garden under a regulated oak tree on-site with no music proposed. Amplified music is still restricted to inside the hotel building by the previous approval 19/920. There is no change to licensed area capacity proposed. The previous licence approval was for 56 persons in the outdoor licensed area and the maximum patrons for the hotel of 145 persons. The opening hours of the beer garden are 8am to 9pm seven days a week with extending trading for New Years Eve of 8am to 1am. None of this is proposed to change, just the extent of the area is proposed to be increased. As such a condition reminding the applicant of the previous conditions of approval has been included as **condition 2**.

There is also some supplementary development in the form of a small sign internal to the site informing arrivals of basic camp ground rules and various post/wire and rail fencing in and around the site. Both these elements are subject to ongoing negotiation with State Heritage. There are lights noted on the supplied plan which all currently exist on site. The camping element is the reason for notification and the works proposed to the stable and the other minor supplementary elements are development because of the State Heritage listing.

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BACKGROUND:

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
6 August 2020	20/688/473	Addition to State Heritage building
12 May 2020	19/920/473	Proposed outdoor licensed area comprising gravel & lawn surfaces & associated fencing (maximum height 1.3m)
24 October 2014	12/68/473 (12/d68/473)	Land Division to create two additional allotments (non-complying)
6 December 2011	11/143/473	Repairs to existing masonry fence in a State Heritage Area

SUBJECT LAND & LOCALITY:

Site Description:

The site is on the north-western corner of the intersection of Onkaparinga Valley Road, Springhead Road, Terlinga Road and Townsend Street. It has an address of 1 Townsend Street Mount Torrens. The site is within the State Heritage Area of Mount Torrens and is accordingly a State Heritage Place. The site is approximately 4838m² in area with the hotel building occupying the south-eastern corner of the site. There is a creek adjacent the western boundary of the site. The area of the site proposed for the camping is a grassed area which is largely flat. A significant English Oak tree is located within the camping area and there are also several large exotic trees elsewhere on the subject land. A kitchen garden is located in the north-western corner of the subject land. There are trees adjacent the southern boundary which form a screen to Onkaparinga Valley Road. There is on-site parking for the hotel in the north-eastern corner of the site which is accessed from Townsend Street by an opening in a masonry wall.

Location Reference: 1 TOWNSEND STREET MOUNT TORRENS SA 5244

Title Ref: CT 6211/751

Plan Parcel: D119058 AL51

Locality:

Townsend Street is the main street of Mount Torrens. Townsend Street is a Department of Transport controlled road which begins on the secondary street frontage of the subject site, Onkaparinga Valley Road. The locality contains a mixture of heritage buildings and modern buildings and the site is arguably the major commercial building in the main street. There are new residential allotments to the west and an existing residential allotment to the north. Across the roads bounding the southern and eastern boundary of the hotel land are residential allotments of various sizes. None of the buildings on the subject site have heritage listings though they are all in the State Heritage Area of Mount Torrens and the complete site is a State Heritage Place. Thus any works on the subject site is considered development.

CONSENT TYPE REQUIRED:

Planning Consent

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CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**

Tourist accommodation (Caravan and Tourist Park) : Code Assessed - Performance Assessed

Hotel: Code Assessed - Performance Assessed

RV dump point, signage, fencing and stable restoration works: Code Assessed – Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

P&D Code

PUBLIC NOTIFICATION

- **REASON**

In accordance with table 5 in the zone the proposed camping area does not meet any of the exemptions from public notification and cannot be considered minor and requires public notification.

- **LIST OF REPRESENTATIONS**

Representor Name	Representor's Property Address	Wishes to be heard (Y/N)	Nominated Speaker (if relevant)
Andrea Borrett	1 Springhead Road Mount Torrens	Yes	Self
Vanessa Peters	PO Box 7 Mount Torrens	Yes	Self
Alice Pym	84 Pym Road Rockleigh	Yes	Self
Kerryn Alexander	2 Springhead Road Mount Torrens	No	N/A
Michael Barrett	PO Box 122 Mount Torrens	No	N/A
86 others in support per attachment 4	Various as below	No	N/A

Representor Name	Representor's Property Address	Wishes to be heard (Y/N)	Nominated Speaker (if relevant)
Johanna Akkermans	PO Box 25 Lobethal	No	N/A
Kathy Anesbury	PO Box 461 Birdwood	No	N/A
Pauline Annear	19 Stempel Avenue Hahndorf	No	N/A
Teddy Bakker	PO Box 472 Birdwood	No	N/A
Cathleen Barnes	35 Pringle Street Mossman QLD	No	N/A
Hans Becker	18 Rennison Road Newhaven VIC	No	N/A
Ebony Bedford	8/141 Buxton Street North Adelaide	No	N/A
Laurel Bell	PO Box 26 The Gap QLD	No	N/A
Belinda Bennett	18 Stithians Drive Gawler East	No	N/A
Liam Bennett	PO Box 182 Birdwood	No	N/A
Russell Bone	72 Crittenden Road Adelaide	No	N/A
Luke Boyley	1/26a Wolseley Terrace Ascot Park	No	N/A
Marion Broadbridge	2 Johnston Street Banora Point NSW	No	N/A
Chris Burggraaff	PO Box 230 Birdwood	No	N/A
Jenie Butler	9 Belloy Street Wavell Heights QLD	No	N/A
Mark Cameron	PO Box 22 Mount Torrens	No	N/A

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Megan Cameron	PO Box 22 Mount Torrens	No	N/A
Diane-Marie Campbell	185 Lyons Road Dernancourt	No	N/A
Liz Christoforou	39 Churinga Road Aldgate	No	N/A
Sandra Clarke	34 Springhead Road Mount Torrens	No	N/A
Mike Collins	PO Box 58 Basket Range	No	N/A
Karen Collins	PO Box 58 Basket Range	No	N/A
Dylan Coulter	59 Jenkins Avenue Whyalla	No	N/A
Elaine Davies	6 Danzig Avenue Paralowie	No	N/A
Fionna Davies	12 William Street Springton	No	N/A
Jason Dick	7 Oval Road Mount Torrens	No	N/A
Chris Easey	115 MacDonnell Road Margate QLD	No	N/A
Mell Eren	PO Box 420 Gumeracha	No	N/A
Braedon Fisher	PO Box 182 Mukinbudin WA	No	N/A
Chad Fleming	1 Astia Place Birdwood	No	N/A
Bianca Foote	PO Box 182 Birdwood	No	N/A
Karen Forsyth	6 Townsend Street Mount Torrens	No	N/A
Tif Fraser	Box 705 Mount Torrens	No	N/A
Glenys Gelzinis	24 Bradford Road Goolwa Beach	No	N/A
Harry Gelzinis	24 Bradford Road Goolwa Beach	No	N/A
Rhiannon Green	PO Box 166 Mount Torrens	No	N/A
Lisa Gutte	PO Box 542 Birdwood	No	N/A
Jean Hamilton	16 Alvaro Street Paralowie	No	N/A
Joanne Henke	42 Townsend Street Mount Torrens	No	N/A
Bonnie Homer	43 Klose Road Mount Torrens	No	N/A
Adam Hughes	PO Box 1066 Mount Torrens	No	N/A
Andrew Humble	8 August Street Birdwood	No	N/A
Adrian Hutchinson	748 Torrens Valley Road Birdwood	No	N/A
Karen Hutchinson	748 Torrens Valley Road Birdwood	No	N/A
Stuart James	31 Townsend Street Mount Torrens	No	N/A
Alexander Kay	23 Tuck Street Mount Torrens	No	N/A
Liam Kennewell	6 Dabinet Crescent Dudley Park	No	N/A
Cameron Kern	38 Circle Ridge Chirnside Park VIC	No	N/A
Leon Klaasen-Jones	2a Canberra Drive Aberfoyle Park	No	N/A
Tillie Kowald	PO Box 371 Mount Torrens	No	N/A
David Kuss	PO Box 474 Mount Barker	No	N/A
Rodney Larwood	6 Sumner Court Mount Torrens	No	N/A
Kaitlyn Lo-Faro	46 Oval Road Mount Torrens	No	N/A
Kylen Malycha	10 Bowman Street Redhill	No	N/A
Charlotte Marx-Storr	60 Gottwald Road Williamstown	No	N/A
Amanda McCormick	2 Pearson Street Port Mannum	No	N/A
Glenn Miller	PO Box 52 Mount Torrens	No	N/A
William Nehmy	26 Fraser Street Lower Mitcham	No	N/A
Sam Nitschke	PO Box 376 Mount Torrens	No	N/A
Amanda Noske	31 Townsend Street Mount Torrens	No	N/A
Ann Nykiel	25 Evans Road North Wallaroo	No	N/A
Lesley O'Brien	PO Box 472 Birdwood	No	N/A
Kristene Paech	Rsd 26 Callingdon	No	N/A
Veronica Paterson	28 Limbert Avenue Seacombe Gardens	No	N/A
Tammy Perry	PO Box 451 Birdwood	No	N/A
Amelia Ramsey	17 Hammer Road Mount Torrens	No	N/A
Gayle Reavey	2/4 Harms Avenue Birdwood	No	N/A

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Damien Rollond	18 Norman Street Paradise	No	N/A
Melanie Rudd	73 Oakridge Road Aberfoyle Park	No	N/A
Vicki Simmons	119A Woolshed Road Mount Torrens	No	N/A
Natasha Slattery	95 Terlinga Road Mount Torrens	No	N/A
Kylie Slattery	PO Box 75 Kadina	No	N/A
Kerri-Anne Smith	PO Box 1601 Littlehampton	No	N/A
Greg Sopp	PO Box 25 Lobethal	No	N/A
Tracy Staples	46a Gardner Street Plympton	No	N/A
Rebecca Stengewis	10 Sinkinson Court Mount Torrens	No	N/A
Yvette Taylor	19 Harrogate Road Harrogate	No	N/A
Kirsten Thirlwel	770 Black Heath Road Tungkillio	No	N/A
Danny Trezise	67 Synbank Road Gumeracha	No	N/A
Vicki Tucker	PO Box 419 Birdwood	No	N/A
Cody Turner	11 Willis Road Flaxley	No	N/A
Brett Van Den Brink	PO Box 167 Birdwood	No	N/A
Garry Villiers	7 Maude Court Narre Warren VIC	No	N/A
Joel Wilkoss	8/16 William Street Birdwood	No	N/A
Hamish Wilson	8 Hill Street Mount Barker	No	N/A

• SUMMARY

A total of 90 representations were received, three opposed, one of whom wishes to be heard, and 87 in support of the proposal.

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

- Increased traffic and egress
- Flooding area
- Noise impact in a quiet township
- Intoxicated patron behaviour
- Rubbish and sewerage issues
- Doesn't fit heritage status
- Place for homeless to reside
- Length of stay
- Environmental impact of watercourse
- Amenities for campers

Comments in favour of the proposal:

- Bringing tourism to the town
- Lack of places for caravan stays

Response to Representations:

- The applicant responded to the representations in the following ways:
 - Historically the site has offered refuge to travellers
 - No permanent structures
 - Site is and will be monitored in accordance with Liquor Licensing requirements
 - Proposal is for self-contained vehicles only. No tents swags etc
 - 1 week maximum stay

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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

Summary of each response:

- Commissioner of Highways
No objections with comments. Eight conditions and no notes have been proposed. These have been provided below and are referenced as **conditions 16 to 23** in the recommendation:

Condition 1

All access to/from the development shall be gained in accordance with the site plan with file name Site Plans As at 22 March 2023-51080842 uploaded to the portal on 27 March 2023 except that the driveway crossover shall be located within the existing gap in the edge line and measure 12m wide where it meets Onkaparinga Valley Road and 9m wide at the property boundary to accommodate simultaneous two-way movements.

Condition 2

The driveway shall be located a minimum of 1 metre from DIT’s Advance Direction sign located along the western side of the proposed driveway.

Condition 3

The access point shall consist of a suitably compacted material, in order to maximise traction for vehicles exiting the site and minimise debris being dragged onto the carriageway.

Condition 4

All vehicles shall enter and exit the site in a forward direction. All on-site vehicle manoeuvring areas shall remain clear of any impediments.

Condition 5

Stormwater run-off shall be collected on-site and discharged without impacting the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant’s cost.

Condition 6

Longitudinal drainage along Onkaparinga Valley Road shall be maintained (including any required trafficable headwalls) adjacent and across the access in order to minimise the impact on the integrity and safety of the adjacent road network. All costs associated with any upgrade/alterations shall be borne by the applicant.

Condition 7

Any infrastructure within the road reserve that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.

Condition 8

Any floodlighting associated with the site shall be positioned and/or shielded so as to not produce glare or create a distraction for passing road users on the abutting roads.

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- Minister responsible for the administration of the Heritage Places Act 1993

No objections with comments. The proposed works are considered acceptable as it will not have a permanent impact on the building fabric of heritage value associated with the State Heritage Place, in particular proposed caravans will have an adverse visual impact on the setting of their place, but their location is temporary in nature with no long term visual impact. Three conditions and two notes were proposed originally but further discussion with the State Heritage advisor determined the conditions are best managed as reserve matters. The original wording is provided below:

Condition 1 (Withdrawn - 28 Aug 2023) Reason: reserved matter

Proposed works to the stables building to be confirmed in detail prior to commencement of works on site. Development application details were not extensive.

Condition 2 (Withdrawn - 28 Aug 2023) Reason: reserved matter

Proposed fencing to be erected to be to the satisfaction of Heritage SA, in height and material, prior to construction. Details not provided in development application.

Condition 3 (Withdrawn - 28 Aug 2023) Reason: reserved matter

Any changes to the site levels, lighting infrastructure and signage to be confirmed, to the satisfaction of Heritage SA, prior to construction.

Advisory Note 1

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*.

Advisory Note 2

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.

A copy of the referral responses is included as **Attachment 6 – Referral Responses**.

INTERNAL REFERRALS

- Council Engineering
Guided by Commissioner of Highways but given proposed traffic levels, a rural standard crossover will suffice which is a pipe with rubble on top.
- Economic Development – Officially declared a State Heritage Town in 1992, Mount Torrens is one of the Hills' most well-preserved historic towns. A stopping point for bullock teams travelling between Adelaide and the River Murray along with development of pastoral and rural industries in the 1840s provided the basis for the town. Opening for business in 1850, George Dunn constructed the Mount Torrens Hotel to take advantage of the passing trade and growing number of settlers.

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As part of the Onkaparinga Scenic Drive, winding between Hahndorf and Birdwood, Mount Torrens is frequented by visitors enjoying a day's drive through the Adelaide Hills. A Heritage walking trail is available from the general store in the main street and the Old Coach House on Townsend Street displays numerous historic photographs and artefacts along with historically significant architectural drawings of some of the old buildings. Currently situated at one end of the 17 kilometre Amy Gillett Pathway, a very popular bitumen track running to Oakbank for leisure cyclists, walkers and horse riders, Mount Torrens is also home to one of the stone sculptures that forms the Hills Sculpture Trail.

There is a growing trend towards valuing experiences and services in place of material products. Visitors are looking to enjoy unique experiences where it is as much about the place as it is about the people met, unique encounters had, stories heard and produce sampled. The Mount Torrens Hotel provides the important (and only) experience connection between the cultural and soft adventure tourism product currently offered by the town. Since taking over management of Mount Torrens Hotel in April 2019, the Lo-Faro family have become very active members of the community and passionately apply the philosophy of supporting local businesses.

The strategic objective for the tourism industry in the Hills is to convert visits into overnight stays, encourage day trippers to linger longer, spend more and grow repeat visitations. The creation of a camping and dump point offering within Mt Torrens strongly supports this objective and creates a much needed opportunity for this small town to capture some of the benefits of tourism.

- Environmental Health Unit – Waste

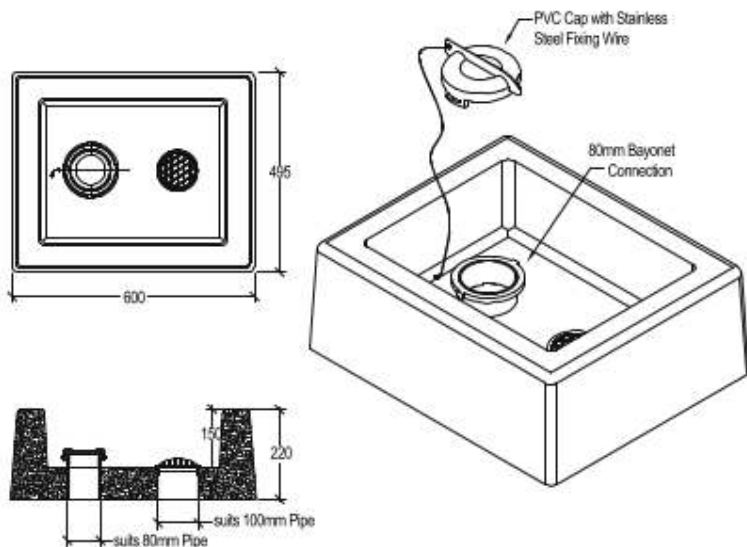
Septic tank on site connected to CWMS – installation and approval of the RV dump point requires the installation of a new grease trap. Wastewater approval was granted 9 August 2023 (473/W098/23)

- Property:

The location of the dump point looks appropriate for several reasons:

- Easy access for caravans and RVs either upon entry or exit, close to the septic tank to enable cost effective connection, and Away from the tree root zone of the significant tree.
- The dump point will be connected to the Council CWMS network.
- The installation of the dump point will not interfere with the tree root zone as the installation involves very little ground disturbance as per diagram below.

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NOTE* DISCONTINUED ITEM REFER TO WATER CORP DRAWING HX33-18-80 FOR RECOMMENDED PRODUCT

Description	Item N°	Weight
Caravan Park Soil Waste Dump Point	233254	86kg

- Council Arboriculture Advice

There is a significant English Oak tree (*Quercus robur*) which has great visual amenity and displays good health and vigour. The tree has moderate levels of long standing encroachment in it tree protection zone (TPZ) of some 15 metres. Recommended Condition 12 is included for on-going tree protection.

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**.

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Township Zone

Desired Outcomes	
DO1	A township supporting a range of residential, community, retail, business, commercial and light industry uses and facilities.
DO2	Development contributes to and enhances streetscapes and the settlement patterns comprising the township.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs 1.1, 1.2, 1.4, 1.5 DPFs 1.1, 1.5	

Tourist accommodation is envisaged in the zone and a caravan and tourist park is another form of short term accommodation. At the scale of 11 camping sites for self-contained vehicles the proposal is considered small scale and is providing a new commercial service to visitors and holiday makers to the district. Being associated with the existing hotel premises the camping and the modest change to the licence area are considered to keep activity within the identifiable service centre of Mount Torrens. Of note the proposed fence, sign and stable renovation works are relevant development in the context of the State Heritage listing and it is my opinion they make no notable contribution to the relevant performance outcomes noting these elements are not in the list of excluded development per Schedule 5 of the Development Regulations with regards to State Heritage Places. The sign is larger than that precluded by Schedule 5 and the proposed fencing is not on the boundary. That said State Heritage has agreed in principle to both elements.

Overlays

Hazards (Bushfire - Medium Risk)

Desired Outcomes	
DO1	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 bushfires as a result of climate change.
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 3.1, 3.2, 3.3 DPFs - Nil	

Whilst not proposing any buildings the proposed camping is on flat land within the township of Mount Torrens and the hotel building is considered to offer a safer place of refuge in the event of an emergency situation. The camping area does have a bushfire action plan however noting the site is in a medium bushfire risk area the application was not referred to the CFS. Guests will be asked to leave the area on catastrophic fire ban days and in the event of a bushfire evacuation will be asked to leave the area as directed by emergency services personnel.

Hazards (Flooding - Evidence Required)

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	
POs 1.1, 2.1 DPFs - Nil	

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Given the temporary and transportable nature of the proposal this overlay does not have any assessable contribution to the proposal. A representor did raise a question regarding the adjacent creek which is not flood mapped. The applicant acknowledges as a low-lying area there are periods of inundation and has a flood plan in addition to the bushfire management plan already mentioned. Additionally, the camp grounds will be closed in wet weather as there is no intention to create all weather surfacing to the camping or access areas. This also means access to the RV dump point will be weather limited.

Mount Lofty Ranges Water Supply Catchment (Area 2)

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, 2.1, 2.4, 2.5, 3.1, 3.2, 3.3, 3.6, 4.1	
DPFs 3.6	

The proposal relies on the caravans/recreational vehicles being self-contained with regards to waste water and provides a dump point which is connected via the hotel's grease trap and septic system to the Common Waste Water Management System (CWMS) which services the Mount Torrens township. **Condition 4** refers to the self-contained nature of any vehicles accommodated on site. As a consequence, the proposal is considered to accord with the desired outcome of this overlay. Given there is no intention to provide all weather surfacing to the camping area the grassed camping areas will act as a swale for any surface water generated from the all-weather dump point access route.

The RV dump point is being installed by Council contractors and an agreement between Council and Hotel management will be in place regarding the ongoing maintenance requirements for the RV dump point. The RV dump point has been the subject of an environmental health assessment and is the result of a Council sponsored tourist project.

Native Vegetation

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, 1.2, 1.3, 1.4	
DPFs	

There is no native vegetation on the site rendering this overlay not relevant to this application.

Prescribed Water Resources Area

Desired Outcomes	
DO1	Sustainable water use in prescribed surface water resources areas maintains the health and natural flow paths of water courses.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs 1.1, 1.2	
DPFs	

There are no performance outcomes of relevance to this proposal in this overlay.

Regulated and Significant Tree

Desired Outcomes	
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	
POs 1.1, 1.2, 1.3, 2.1 DPFs	

There are a number of large exotic trees on the site situated in close proximity to the hotel building. In particular there is a significant English Oak tree which has a nominal 15 metre tree protection zone (TPZ). The proposed licensed area extension is a gravel area (permeable but compacted surface) adjacent a garden at the base of this tree. The proposed camp area plan and designated turnaround has been designed to avoid the TPZ noting there has been significant long standing encroachment into this zone over the years. The applicant did not provide an arboricultural report and Council staff undertook the assessment (see attachments). Of note the area of the proposed vehicle turnaround is not proposed to be surfaced and the proposed RV dump point will not involve any new pipe work/excavation within the TPZ of the significant oak tree.

In summary the significant tree on the site is to be retained and the proposed works are not considered tree damaging activity and no further ground works are proposed in the vicinity of the significant tree. In consideration of the proposed use in close proximity to the English Oak tree, a condition relating to installation of advisory signage of the TPZ is recommended as **condition 12**.

State Heritage Area

Desired Outcomes	
DO1	Development maintains the heritage and cultural values of State Heritage Areas through conservation, ongoing use and adaptive reuse consistent with Statements of Significance 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 Heritage Places Act 1993.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs 1.5, 2.2, 3.2, 3.4 DPFs	

The restoration work proposed to the stables building is internal roofing structures and re-roofing. State Heritage has required further consultation which the applicant has accepted. This is recommended to be managed as a Reserve Matter.

Details around fencing, lighting (note the lighting is existing and is attached to the building) and signage (advertising) are similarly to be the subject of further detail. This is recommended to be managed as a Reserve Matter. All these details are development as the site accommodates a State Heritage place and are not the subject of any representation. For example, the proposed fencing is post/wire/rail of approximately 1.3m height, the lighting exists on site and the proposed sign is internal to the site and will include the “rules” for the campground. State Heritage noted the “proposed caravans ... will have an adverse visual impact on the setting of the place” however as their “location is temporary in nature” there will be “no long term impact”. As previously mentioned the proposed sign and the fencing do not meet the exclusions from development listed in Schedule 5 of the Development Regulations with regards to State Heritage places.

On balance the proposal is considered to accord with the desired outcomes for the State Heritage Area including adaptive reuse of portion of site of the State Heritage Place that provides opportunity for income to support maintaining the place. It is recommended the CAP include reserve matters in their decision for final details of the works to restore the roof structure of the stables building, the height and schedule of colours and materials for the fencing and details of site levels, lighting and signage.

Traffic Generating Development

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, 1.3	
DPFs	

The application does not trigger any of the thresholds indicated in the DPFs for this overlay. That said the referral response from the Commissioner of Highways and Council engineering staff indicate the proposal minimises any potential impact on the safety and efficiency of the State Maintained Road network and the access point is designed and sited to accommodate the type and volume of traffic to be generated by the development. The proposal includes a two-way access point of sufficient length to accommodate towing vehicles on site to ensure there is adequate on site queuing.

Urban Transport Routes

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 2.1, 4.1, 5.1, 6.1, 7.1	
DPFs 4.1c, 6.1, 7.1	

This application was referred to the Commissioner of Highways in accordance with procedural matters in this overlay. Council engineering happy with rural style crossover which DIT agreed to.

In accordance with PO 2.1 the applicant has amended the site plan to provide an 8m by 6m onsite queueing area within the site. Council engineering and DIT are satisfied this is of a size suitable to accommodate towing vehicles and their trailers.

The access point proposed is considered existing and informal. This application has presented the opportunity to formalise the access which meets the separation distance required in DPF4.1c, noting the speed limit in this location is 50km/hr and the crossover is 37m from the intersection.

Council's requirements for rural crossovers will satisfy PO 6.1 & 7.1 with regards to mud and debris being transferred to the carriage way at the expected traffic level to service the 11 camp sites with a pipe required to ensure no change to stormwater drainage in the area.

Water Resources

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.
DO2	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	
POs 1.1, 1.4, 1.5	
DPFs	

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No earthworks are proposed and the watercourse is currently fenced from the camping area ensuring the proposal is in accordance with POs 1.1 and 1.4.

As previously mentioned in this report the onsite queuing will be of an all-weather surface and otherwise there is no all-weather surfacing intended and, the site will be closed once the ground becomes water logged. There will remain a large grassed area to act as a swale for any water runoff created by the all-weather on-site vehicle queuing area ensuring the proposal is in accordance with PO 1.5.

General Development Policies

Advertisements

Desired Outcomes	
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	
POs: 1.1, 1.2, 1.3, 1.5, 3.1, 4.1, 5.2	
DPFs: 1.1, 1.2, 1.3, 3.1, 4.1, 5.2	

An information sign is proposed in the site regarding the rules of the caravan parking area. The sign is of a size and in a location that is would not be development other than being associated with a State Heritage Area and is the subject of further conversation between the applicant and State Heritage. The sign will not be lit and is considered to meet all the listed DPFs.

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, rather repairs/replacement. 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	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 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: 2.1, 2.2, 2.4, 3.1, 5.1, 7.3, 7.4, 19.4, 19.5, 31.1, 31.2	
DPFs: 19.4	

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The Design Module of the Planning and Design Code is geared towards the construction of permanent buildings and how good design can be incorporated into development to contribute positively to local character, be fit for purpose and sustainable. The proposed camping area, extension to the licensed area and the stable repairs are not considered to be particularly relevant to this section of the Code as there are no new permanent structures proposed.

The location of the camping area is to the rear of the hotel and is largely screened from the adjacent road on the hotel's secondary frontage, by existing vegetation. There is also vegetation in the watercourse to the rear of the proposed camp area which assists in screening it from the western neighbours and from traffic approaching the township from the west. The camping area is to be managed by the hotel who have stated their requirements for managing noise and behaviour under their liquor licensing arrangements will extend to managing campsite behaviour. Of note no onsite power or water is available for the camp sites and all camping vehicles are required to be self-sufficient (refer **Condition 4**). The camp site rules offered by the applicant require noise must cease after 9.00pm.

Design in Urban Areas

As no new buildings are proposed there is nothing to add over what is in the general Design section of the Code.

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, 4.1, 4.2, 4.5, 6.1, 6.2	
DPFs: 4.1, 4.6	

PO 1.2 required development adjacent a site containing a sensitive receiver be designed to minimise adverse impacts. The proposed site is a licensed hotel and the proposed camp site is not considered to have the capacity to generate any greater adverse impacts to sensitive receivers than the existing operations on the site, noting the requirement for the campsite to be quiet from 9.00pm. Given camping in a self-contained caravan is a form of accommodation it is not unreasonable to expect that any noise emitted from any van is going to impact neighbouring vans before it impacts adjacent sensitive receivers. The RV dump point is sited in the centre of the hotel site alongside the proposed manoeuvring areas and is unlikely to impact on the amenity of adjacent sensitive receivers as envisaged in PO 4.2.

The outdoor licensed area extension is central to the site and did not attract any commentary in representations. No music is allowed in this area in accordance with the conditions for the previous approval (19/920/473) for existing outdoor license area. The extension is modest and does not involve the addition of music or an increase in patrons and is considered to accord with PO4.5.

External lighting is internally focused (PO6.2) to the proposed camp area and despite existing will be subject to further scrutiny by State Heritage and in accordance with PO6.1 is not expected to cause unreasonable light spill for adjacent sensitive receivers noting occupants of the proposed camp area would be impacted first.

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 (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 1.2, 2.1, 2.2, 2.3, 2.4, 2.6, 3.1, 3.2, 3.3	
DPFs:	

The proposed camp area is to enable longer stays in the locality to maximise tourism opportunities as envisaged in PO1.1. The camp area is clustered at the rear of the hotel with an associated RV dump point which will minimise environmental and contextual impact. (PO1.2). The hotel has general rubbish removal services on site and can purchase extra capacity.

Despite representor concerns regarding hotel patron behaviour it is considered the requirement for campers to be self-sufficient as no power, water or sanitary facilities are provided and co-location with the hotel, an existing commercial premise, assists in minimising the potential for conflict between long term residents and short term tourists.

Existing landscaping and fencing, along with additional proposed fencing is considered in accordance with PO2.2 with regards to privacy. Noting the proposal is for a camp site, the hotel and outdoor area is considered to provide for communal open space as contemplated in PO2.3.

As envisaged in PO 2.6 length of stay has been conditioned to ensure the use is for tourist accommodation (refer **Condition 2**).

The proposal is not considered as located in a delicate environmental area so accords with 3.1 and further as no earthworks or significant landscaping is proposed is considered subservient to the existing environment (PO3.2). The area proposed for camping has at times suffered neglect however its use for tourist accommodation ensures ongoing maintenance, enhancement and activation.

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, 1.4, 2.1, 3.1, 3.3, 3.4, 3.5, 3.8, 3.9, 8.1, 8.2, 10.1	
DPFs: 3.1, 3.5, 5.1	

The proposal is not considered to impact on the existing traffic conditions in the area at the scale proposed and the access has been designed to ensure all manoeuvring is on site.

POs2.1 and 3.1 are considered addressed by the Urban Transport Route overlay outcome and the conditions proposed by the Commissioner of Highways.

As discussed, Council engineering staff are satisfied the proposed access to the camping area will accommodate the type and volume of traffic likely to be generated by the proposed land use (PO 3.3, 3.4, 3.5, 3.8, 10.1). The proposal includes an on-site turn around for towing vehicles (PO3.9) which will minimise the need to interrupt traffic on the public road.

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The site will not be used when water logged and surfacing to the access is not proposed beyond the crossover as the proposed levels of traffic are not considered to require surfacing. The distance travelled on site is unlikely to enable excessive speed.

CONCLUSION

The renovation to the stable is maintenance work and is considered by Council and State Heritage to be appropriate.

The proposed fencing, signage and lighting (existing) are considered by Council staff and State Heritage to be safety enhancements to the site, appropriate and minor. The clarification of finer detail by way of reserve matter will give State Heritage certainty on these elements should the Panel support the proposal.

The extension to the outdoor licensed area with no associated increase in patrons is considered to be minor and appropriate noting the pre-existing conditions which do not allow outdoor music.

The addition of 11 self-contained camping sites to the rear of the hotel is considered on balance to be a small scale addition to the existing hotel operations and with the recommended conditions is considered appropriate to the site. Representor concerns have been addressed by the proposed conditions, noting the vast majority of representations were in support of the proposal and the potential for increased tourist outcomes for the region.

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 22018960 by Angela Lo-Faro for the creation of 11 camping sites (tourist accommodation – caravan and tourist park), installation of RV dump point and the extension of the outdoor liquor license area associated with existing hotel, post, wire and rail fencing, sign and stable restoration including re-roofing:**
 - Stage 1: Operation of 11 camping sites (tourist accommodation – caravan and tourist park) and liquor licence amendment**
 - Stage 2: Installation of RV dump point**
 - Stage 3: Balance of the works to State Heritage place – signage, fencing and stable restoration works**

is granted Planning Consent subject to the following conditions and reserved matters:

Reserved Matters

- 1) Pursuant to section 102 (3) of the Planning, Development and Infrastructure Act of 2016, the following matter(s) shall be reserved for further assessment prior to the granting of Development Approval for Stage 3 and the Assessment Manager is delegated to undertake this further assessment:**
 - 1. Proposed stable restoration - detailed drawings of the works shall be provided to the satisfaction of the Assessment Manager in consultation with State Heritage.**
 - 2. The height and schedule of colours and materials of the proposed fencing shall be provided to the satisfaction of the Assessment Manager in consultation with State Heritage.**

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3. Confirmation of changes to the site levels, lighting infrastructure and signage shall be provided to the satisfaction of the Assessment Manager in consultation with State Heritage.
- 2) Pursuant to Section 127(1) of the *Planning, Development and Infrastructure Act 2016*, the power to impose further conditions of consent in respect of the reserved matters above is delegated to the Assessment Manager.

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 11 camping sites shall be used and operated on a short term stay basis with a maximum stay of seven (7) nights per vehicle in any 30 day period.
- 3) A logbook shall be kept of all occupancies for each calendar year and made available for inspection by the Council, upon request.
- 4) Persons with the benefit of this consent shall ensure the camping sites are only used by fully self-contained vehicles and caravans with built-in grey/black water systems and bathrooms. No power or water connections shall be installed to the camping sites without separate approval from the Council.
- 5) Vehicle arrival and departure to the camp site shall only occur during 6am -9pm seven days a week.
- 6) Prior to the commencement of the camp site operation the proposed access shall be constructed in accordance with Council Engineering Standard Drawing Number 20 Piped Entrance and in accordance with DIT conditions 16 to 22 below, including compacted quarry rubble to the proposed access.
- 7) Prior to commencement of the camp site operation, the individual camping bays must be delineated and the delineation marking must be maintained to a visible standard, all to the reasonable satisfaction of Council.
- 8) No camp/comfort fires shall be permitted.
- 9) No generators shall be used before 7:00am or after 9:00pm.
- 10) Prior to use of the RV Dump Point it shall be connected to a grease trap and the Common Waste Water Management System (CWMS) of Mount Torrens to the reasonable satisfaction of Council.
- 11) All waste shall be removed from the subject land at least once weekly.
- 12) Prior to commencement of the camp site operation a tree protection zone (TPZ) of 15 metres shall be installed and maintained around the significant oak tree (the Tree) on the land and a sign shall be installed with the following advice:
 - a) No machine excavation is permitted within Tree Protection Zone (TPZ).
 - b) Only hand digging is permitted at all times.
 - c) If any major roots (roots with a diameter greater than 25mm) are found outside the TPZ during construction on the site (fence posts, RV dump point installation etc) advice of a qualified arborist shall be obtained before work continues.

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- d) No material, equipment or temporary buildings shall be placed within the TPZ.
 - e) No items shall be attached to the Tree including temporary service wires, nails, screws or any other fixing device.
 - f) No works including additional landscaping, permeable paving or rubble paths shall occur in the TPZ. The area within the TPZ shall be retained at natural ground level and no additional soil or fill shall be placed within the zone
 - g) Any services such as stormwater, sewer, electrical and building fire safety water infrastructure that are proposed in the TPZ must be excavated using non-destructive methods such as Hydro vac® or directional boring systems. This work is to be supervised by a qualified arborist.
- 13) At any one time, the overall licence capacity of the hotel shall be limited to a maximum of 145 persons, and the rear outdoor beer garden is limited to a maximum of 56 persons.
- 14) The operating hours of the rear outdoor beer garden shall be 8:00am to 9:00pm Monday to Sunday. As an annual special event, the rear outdoor beer garden shall only operate from 8:00am to 1:00am (the following day) on New Year's Eve.
- 15) Music and entertainment shall be contained within the building during the operating hours of the hotel. Any proposed outdoor music or entertainment associated with the outdoor beer garden would require a separate development application.

DIT Conditions

- 16) All access to/from the development shall be gained in accordance with the site plan with file name SitePlansAsAt22March2023-51080842 uploaded to the portal on 27 March 2023 except that the driveway crossover shall be located within the existing gap in the edge line and measure 12m wide where it meets Onkaparinga Valley Road and 9m wide at the property boundary to accommodate simultaneous two-way movements.
- 17) The driveway shall be located a minimum of 1 metre from DIT's Advance Direction sign located along the western side of the proposed driveway.
- 18) The access point shall consist of a suitably compacted material, in order to maximise traction for vehicles exiting the site and minimise debris being dragged onto the carriageway.
- 19) All vehicles shall enter and exit the site in a forward direction. All on-site vehicle manoeuvring areas shall remain clear of any impediments.
- 20) Stormwater run-off shall be collected on-site and discharged without impacting the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.
- 21) Longitudinal drainage along Onkaparinga Valley Road shall be maintained (including any required trafficable headwalls) adjacent and across the access in order to minimise the impact on the integrity and safety of the adjacent road network. All costs associated with any upgrade/alterations shall be borne by the applicant.
- 22) Any infrastructure within the road reserve that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.
- 23) Any floodlighting associated with the site shall be positioned and/or shielded so as to not produce glare or create a distraction for passing road users on the abutting roads.

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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 applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.
- 6) More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au

State Heritage Notes

- 7) 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*.
- 8) 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: Melanie Scott
Title: Senior Statutory Planner

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ITEM 8.2

DEVELOPMENT NO.:	23008597
APPLICANT:	Adam Johnson
ADDRESS:	11 ONKAPARINGA VALLEY ROAD BALHANNAH SA 5242 CT 6122/499
NATURE OF DEVELOPMENT:	Carport addition to each tourist accommodation unit and variation to development authorisation 19/1064/473 to remove Condition 5 and connect tourist accommodation units to an on-site wastewater system with additional changes to the design & orientation of the tourist accommodation units
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 (Flooding) • Hazards (Bushfire - High Risk) • Hazards (Flooding - General) • Key Railway Crossings • 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:	29 March 2023
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	2023.4
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	No
RECOMMENDING OFFICER:	Marie Molinaro Statutory Planner
REFERRALS STATUTORY:	Environment Protection Authority (EPA) Country Fire Service (CFS)
REFERRALS NON-STATUTORY:	Council Environmental Health

CONTENTS:

ATTACHMENT 1:	Application Documents	ATTACHMENT 5:	Referral Responses
ATTACHMENT 2:	Agenda & Minutes from CAP Meeting 21 August 2021	ATTACHMENT 6:	Relevant P&D Code Policies
ATTACHMENT 3:	Subject Land Map		
ATTACHMENT 4:	Zoning Map		

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DETAILED DESCRIPTION OF PROPOSAL:

The proposal is a variation application which seeks to remove condition five (5) from development authorisation 19/1064/473. Development authorisation 19/1064/473 is for the addition of two (2) self-contained tourist accommodation units on the subject land.

Condition five (5) is as follows:

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

Condition five (5) is proposed to be removed as the owner has been unable to secure sewer connection for the tourist accommodation unit. This is due to SA Water advice that there is insufficient capacity in the area to support the proposed connection. Instead, the owner now intends to manage waste on-site. A separate wastewater application has been approved by the Council Environmental Health Unit – ref. 23/W083/473.

Wastewater approval 23/W083/473 is for an aerobic wastewater treatment system. The system will service the tourist accommodation units and the dwelling on the land. The existing wastewater system servicing the dwelling will be de-commissioned.

No other conditions of development authorisation 19/1064/473 are to change. However, included with the variation is the submission of amended architectural plans which are for minor design changes to the tourist accommodation units. The changes are summarised below:

- Both buildings re-orientated for improved views across the subject land.
- Internal driveway modification, but still consistent with the CFS access condition eight (8).
- Floor plan layout change, but still the same features and approximate floor area.

In addition, a single width carport is being added to the side of each unit.

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

BACKGROUND:

CAP resolved to seek the concurrence of the State Commission Assessment Panel (SCAP) to grant Development Plan Consent to application 19/1064/473 on 11 August 2021. Development Plan Consent was subsequently granted on 13 October 2021 and remained valid until 13 October 2022.

At the request of the applicant an extension of time until 13 April 2024 to gain Development Approval has been granted.

A copy of the agenda and minutes from the 11 August 2021 CAP meeting are included as **Attachment 2 – Agenda & Minutes from CAP Meeting 11 August 2021**.

As per the Council delegations in Instrument C, as CAP was the relevant authority for development application 19/1064/473 the variation application must also be determined by CAP as it is revoking a condition.

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SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 11 ONKAPARINGA VALLEY RD BALHANNAH SA 5242

Title ref.: CT 6122/499

Plan Parcel: D92095 AL80

Council: ADELAIDE HILLS COUNCIL

The subject land is identified on **Attachment 3 – 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 development authorisation 19/1064/473 - to remove condition 5 and connect tourist accommodation units to an on-site wastewater system & changes to the design and orientation of the tourist accommodation units.

Code Assessed - Performance Assessed

Carport

Code Assessed – Performance Assessed

● **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

● **REASON**

Variation applications which are not development in their own right default to being assessed under the Performance Assessed pathway.

The carport is excluded from public notification per Table 5 procedural matters of the Productive Rural Landscape Zone.

PUBLIC NOTIFICATION

Public notification was not required.

AGENCY REFERRALS

● Environment Protection Authority (EPA)

No objections to the proposal, subject to one (1) directed condition and three (3) advisory notes.

● Country Fire Service

Advised they have no objections to the amendments and their conditions on the original consent remain.

The EPA & CFS response is included as **Attachment 5 – Referral Responses**.

INTERNAL REFERRALS

● Council Environmental Health

Approved the wastewater application – 23/W083/473. The wastewater approval includes the de-commissioning of the existing waste control system servicing the dwelling on the land, and recommended condition three (3) requires the de-commissioning to occur prior to occupation of the tourist accommodation units.

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PLANNING ASSESSMENT

Desired Outcomes

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

Performance Outcomes

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

Designated Performance Features

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

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

Productive Rural Landscape Zone

Desired Outcomes	
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	
Shops, Tourism and Function Centres PO 6.3 & DTS/DPF 6.3 & PO 6.4 & DTS/DPF 6.4	

The tourist accommodation use has been approved. This variation proposal does not change the use.

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Overlays

Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay

Desired Outcomes	
DO 1	Safeguard Greater Adelaide's public water supply by ensuring development has a neutral or beneficial effect on the quality of water harvested from secondary reservoirs or diversion weir catchments from the Mount Lofty Ranges.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Water Quality PO1.1	
Wastewater PO 2.1 & DTS/DPF 2.1, PO 2.4 & DTS/DPF 2.4 & PO 2.5 & DTS/DPF 2.5	

The EPA reviewed the proposal for water quality impacts. They were satisfied that the proposal for on-site wastewater management will result in a neutral impact on water quality. This is consistent with Desired Outcome 1 and Performance Outcome 1.1.

Separate wastewater approval has been granted for the on-site waste control system, which is consistent with Designated Performance Features 2.1 & 2.4. The design of the on-site waste control system complies with all the criteria of Designated Performance Feature 2.5 for on-site waste systems with regard to watercourse setbacks.

General Development Policies

Design

Desired Outcomes	
DO 1	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	
On-site Waste Treatment Systems PO 6.1 & DTS/DPF 6.1	

The on-site wastewater system does not encroach upon any driveway, parking or private open space areas of the tourist accommodation units or the existing dwelling on the land as desired by Performance Outcome 6.1.

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The design changes are considered to be minor and do not change the nature of the proposal. The number of bedrooms and wet areas remain the same. Guest experience is improved by the inclusion of an attached carport to each unit and the re-orientation of the units for improved views across the subject land.

CONCLUSION

Some minor design and orientation changes are proposed as part of the variation but these do not change the nature of the proposal and are considered to promote an improved guest outcome.

This variation application is seeking consent to connect two approved tourist accommodation units to an on-site wastewater system. Due to technical reasons, the tourist accommodation units cannot be connected to sewer as required by condition five (5) of development authorisation 19/1064/473.

The variation application required a referral to the Environment Protection Authority (EPA) who reviewed the proposal for water quality impacts. The EPA are satisfied with the proposal, subject to a directed condition and three (3) advisory notes.

Council Environmental Health approved the wastewater application for on-site wastewater management. The wastewater approval includes the de-commissioning of the existing waste control system servicing the dwelling on the land, and recommended condition three (3) requires the de-commissioning to occur prior to occupation of the tourist accommodation units.

Recommended condition two (2) re-enforces that no other conditions from development authorisation 19/1064/473 are affected by this variation.

The carport addition is considered appropriate to the design of the tourist accommodation.

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 23008597 by Adam Johnson for carport addition to each tourist accommodation unit & variation to development authorisation 19/1064/473 to remove condition 5 and connect tourist accommodation units to an on-site wastewater system with additional changes to the design & orientation of the tourist accommodation units at 11 Onkaparinga Valley Road, Balhannah 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) Except where varied by this authorisation, all other conditions, plans and details relating to Development Authorisation 19/1064/473 continue to apply to this amended authorisation.**

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- 3) Prior to occupation of the two tourist accommodation units on the land, the existing on-site waste water system servicing the dwelling on the land shall be de-commissioned.**

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

- 4) Prior to occupation of the two tourist accommodation units on the land, the associated wastewater system and wastewater disposal area must be installed and made operational, as per the details contained within the revised Wastewater Engineers Report prepared by Land Energy Pty Ltd, dated 28 June 2023.**

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) Building Consent must be obtained prior to expiration of the Planning Consent, which is 13 April 2024.**
- 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).**

Advisory Notes imposed by Environment Protection Authority under Section 122 of the Act

- 5) The applicant is advised that during the proposed earthworks, measures to manage soil erosion and the drainage of stormwater should be implemented to ensure that soil and sediment do not pass beyond the bounds of the subject site.**
- 6) The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.**
- 7) More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au**

OFFICER MAKING RECOMMENDATION

Name: Marie Molinaro

Title: Statutory Planner