

CAP MEETING – 10 APRIL 2024

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DEVELOPMENT NO.:	23015113
APPLICANT:	Michele Ronan
ADDRESS:	151 STOCK ROAD MYLOR SA 5153
NATURE OF DEVELOPMENT:	Change of use from dwelling to tourist accommodation and variation to Development Approval 18/481/473 to remove Condition 4
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Productive Rural Landscape <p>Overlays:</p> <ul style="list-style-type: none"> • Environment and Food Production Area • Hazards (Bushfire - High Risk) • Hazards (Flooding - Evidence Required) • Limited Land Division • Mount Lofty Ranges Water Supply Catchment (Area 2) • Native Vegetation • Prescribed Water Resources Area • State Significant Native Vegetation • Scenic Quality • Water Resources
LODGEMENT DATE:	30 May 2023
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	2023.6 - 27 April 2023
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Melanie Scott Senior Statutory Planner
REFERRALS STATUTORY:	Environment Protection Authority South Australian Country Fire Service
REFERRALS NON-STATUTORY:	Environmental Health

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DETAILED DESCRIPTION OF PROPOSAL:

The proposal is seeking a change of use from a dwelling to tourist accommodation and variation to Development Application 18/481/473 to remove of Condition 4 of the consent.

The following is a more detailed overview of the proposal:

- Change the use of an existing dwelling to tourist accommodation. The subject building is identified as 'Building A' on the proposal plans and was formerly the main residence on the land prior to the recent construction of a new dwelling that was approved under Development Application 18/481/473.
- The tourist accommodation contains two/three bedrooms for up to five people and will be offered on a temporary / short term basis of no more than 110 days per year (mostly weekends and public holidays). The accommodation will be managed by the owners and occupiers of the land.
- Variation to Development Application 18/481/473 to allow for the retention of the Building A on the site for tourist accommodation purposes. The variation comprises the removal of Condition 4 from the consent. The application was granted Development Approval on 4 January 2019, with Condition 4 requiring the demolition of an existing dwelling:

Condition 4

The existing dwelling on the land, identified on the site plan from Weeks Building Group drawing number SP01 Revision C dated 20 August 2018 shall be demolished within three (3) months of occupancy of the herein approved dwelling. Council shall be provided with a statement by the Applicant or owner within 14 days of occupancy advising the date occupancy of the new dwelling commenced. Occupancy is considered to have commenced when the owner/occupier has begun sleeping overnight within the dwelling on a consecutive or frequent basis.

- There are no changes to the existing vehicle access and car parking on the site. An existing driveway extends from Stock Road to the tourist accommodation building where there is one covered parking space under the main roof and room for at least one uncovered space adjacent to the building.
- Stormwater runoff will be directed to soakage trench on the northern side of the building. An existing 100,000L above-ground tank that is located between Building A and the existing dwelling will be used for fire-fighting purposes.

BACKGROUND:

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
Withdrawn 18 April 2023	22004734	Variation to development approval 473/481/18 to retain the existing second dwelling (not be demolished) and Change of Use to Tourist Accommodation
12 August 2022	22015046	Land Division (Boundary realignment) 2 into 2
29 June 2021	21006181	Above ground concrete water tank
Withdrawn 3 June 2021	20/148	Decommissioning of existing dwelling to farm building and home office/industry (non-complying)
4 January 2019	18/481	Demolition of existing dwelling and construction of split-level detached dwelling & associated earthworks

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20 March 2018	18/50	Farm Building
24 September 2008	08/D23	land division - boundary realignment (DAC relevant authority)
16 October 2007	07/382	Alterations and additions to existing dwelling
22 January 2007	06/1084	Farm building - shed (measuring 6m x 3.4m x 3m wall height)
14 December 2005	05/1112	Water storage tank (91 000 litres) and associated excavation
13 February 2004	03/1333	Domestic outbuilding - shed
24 February 2005	01/90026	The division of one allotment into two (non-complying)

SUBJECT LAND & LOCALITY:

Location reference: 151 STOCK ROAD MYLOR SA 5153

Title ref.: CT 6281/488 **Plan Parcel:** D131157 AL102

Site Description:

The subject land comprises a rural living allotment located at 151 Stock Road, Mylor.

The land is mostly a rectangle shape with a narrow 'handle' section of land that provides driveway access from Stock Road. The road frontage is approximately 26 metres wide, and the allotment has a depth of up to 425 metres and a total site area of 6.2 hectares. The land comprises a single allotment that is formally described as Allotment 102 in Deposited Plan 131157, Certificate of Title Volume 6281 Folio 488. There are no registered interests on the land title such as easements, encumbrances or Land Management Agreements.

There are three main buildings on the site; a recently constructed dwelling, an existing dwelling (Building A) that is the subject of this application, and a small cottage that is currently occupied by a family member. The cottage was formerly part of 2A Bandicoot Lane prior to a realignment of property boundaries that amalgamated the building with the subject land. There are also several ancillary buildings (i.e. sheds and rainwater tanks).

The main access on Stock Road provides two-way vehicle for an internal driveway that extends to the middle of the site and follows the western side boundary to Bandicoot Lane.

The land has an undulating topography with several depressions and a fall of some 55 metres from Stock Road to Bandicoot Lane.

There is considerable native vegetation on the site that surrounds cleared areas to the north, near existing buildings and along the internal driveway.

Locality

The locality has a semi-rural character with rural living being the predominant land use.

Allotments are as large as 8 hectares and as small as 2000m². Most allotments have limited productive value due to their small size, steep topography and dense native vegetation.

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Land to the north comprises densely vegetated rural living allotments of varying size. Land to the east is more heavily vegetated with fewer dwellings and other buildings. Immediately to the south fronting Stock Road is a series of small residential allotments of about 2000m². The largest rural living allotments are on the southern side of Stock Road and to the west.

The undulating land topography, dense stands of native vegetation and mostly inconspicuous buildings are notable features of the locality.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Change of Use
Tourist Accommodation
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**

The proposed tourist accommodation does not satisfy DPF 6.3 (a) of the Productive Rural Landscape Zone as the land is not use for primary production.

Public Notification period – 8 January 2024- 29 January 2024

- **LIST OF REPRESENTATIONS**

Four (4) representations were received during the notification period with three opposing the proposed development and one in support. The three representors opposing the development have requested to be heard by the Panel.

Representor Name	Representor's Property Address	Wishes to be heard (Y/N)	Nominated Speaker (if relevant)
Craig Lock	169 Stock Road Mylor	Yes	Self
Benjamin Wallace	167 Stock Road Mylor	No	Na
Mattis Vanzati	2A Bandicoot Lane Mylor	Yes	Self
Matthew Thomas	149 Stock Road Mylor	Yes	Self

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- **SUMMARY**

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

- Increased traffic
- Traffic safety concerns
- Headlight glare from vehicles accessing the site
- Loss of privacy
- Concerns that the building will be used as a long-term rental property
- Future land use intensification
- Nuisance from dust and noise
- The accommodation will enhance the region's tourism potential and contribute significantly to the economic growth of local businesses and communities
- The development will contribute to sustainable and responsible tourism, ensuring the long-term prosperity of the Adelaide Hills as a sought-after destination

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

- **EPA**
No objection, with conditions.
- **South Australian Country Fire Service**
No objection, with conditions.

INTERNAL REFERRALS

- **Environmental Health Department:**
Council Environmental Health Department approved a wastewater application on 22 June 2023 (W106/23).

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.

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A detailed assessment of the application has taken place against the relevant provisions of the Planning and Design Code (P & D Code) and this is provided below under a series of headings. A Policy Enquiry extract containing the relevant provisions of the P & D Code is contained in **Attachment 6 – Relevant P & D Code Policies**.

Zone:

Productive Rural Landscape Zone

Desired Outcomes	
DO1	A diverse range of land uses at an appropriate scale and intensity that capitalise on the region's proximity to the metropolitan area and the tourist and lifestyle opportunities this presents while also conserving the natural and rural character, identity, biodiversity and sensitive environmental areas and scenic qualities of the landscape.
DO2	A zone that promotes agriculture, horticulture, value adding opportunities, farm gate businesses, the sale and consumption of agricultural based products, tourist development and accommodation that expands the economic base and promotes its regional identity.
DO3	Create local conditions that support new and continuing investment while seeking to promote co-existence with adjoining activities and mitigate land use conflicts.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 2.1, 6.3, and 8.1	
DPFs: 1.1, 2.1, 6.3 and 8.1	

Desired Outcome (DO) 1 and 2 of the Productive Rural Landscape Zone are seeking a diverse range of land uses that promote primary production activities and associated value adding uses while maintaining the natural and rural character. PO 1.1 reinforces the retention of rural land for a range of primary production and horticultural activities and opportunities for associated value adding, such as retailing and tourism.

The subject land is a rural living allotment of approximately 6.2 hectares. The land has not been used for primary production and is considered to have limited productive value due to the relatively small allotment size, steep topography and stands of native vegetation.

The proposal is seeking to retain an existing dwelling and change its use to tourist accommodation. The existing dwelling was required to be decommissioned and demolished as a condition when a new dwelling was approved for the site. This requirement was based on the policies of the former Development Plan that sought to restrict residential development to only one dwelling per allotment.

The proposed tourist accommodation will comprise two/three bedrooms for up to five people. The applicant has confirmed that the accommodation will be offered on a temporary / short term basis of no more than 110 days per year (mostly weekends and public holidays) and will be managed by the current owners and occupiers of the land. The existing building has a modest floor area of 115m² (excluding the carport), is well removed from property boundaries and will require only minor internal alterations. The accommodation is therefore small-scale and of low intensity.

DPF 1.1 of the Zone identifies 'tourist accommodation' as an envisaged land use. DPF 1.1 also lists other preferred land uses for the zone, which include more intensive uses such as a shop, industry and transport distribution. The small-scale and low intensive nature of the proposed accommodation is considered far more complementary than these preferred land uses, which are likely to have greater external impacts and demands on services and infrastructure.

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While there is a preference for tourist accommodation to be associated with primary production as recommended by PO 1.1 and 6.3 of the Zone, the steep topography of the land and existing native vegetation limit the opportunity for primary production. This will not undermine the intent of the Zone, particularly given that the floor area of the accommodation is consistent with DPF 6.3(b) and the proposal will not result in more than one tourist accommodation facility on the site as required by DPF 6.3(c).

PO 8.1 of the Zone is also satisfied as the proposal will involve the adaptive reuse of an existing building.

The proposed tourist accommodation will also cater to the needs of visitors and contribute positively to the local economy. DO 1 and PO 1.1 (Tourist Development) are therefore satisfied.

For the above reasons, the proposed development is of an appropriate scale and intensity that would conserve the natural and rural character of the area while also making a positive contribution to the local tourism economy by catering to the needs of visitors. On balance, the DO 1 and PO 1.1 and 6.3 of the Productive Rural Landscape Zone and DO 1 and PO 1.1 of the General Policies (Tourism Development) are reasonably satisfied.

Overlays

Hazards (Bushfire- High Risk) Overlay

Desired Outcomes	
DO1	Development, including land division is sited and designed to minimise the threat and impact of bushfires on life and property with regard to the following risks: a) potential for uncontrolled bushfire events taking into account the increased frequency and intensity of bushfires as a result of climate change b) high levels and exposure to ember attack c) impact from burning debris d) radiant heat e) likelihood and direct exposure to flames from a fire front.
DO2	Activities that increase the number of people living and working in the area or where evacuation would be difficult is sited away from areas of unacceptable bushfire risk.
DO3	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 2.1, 3.1, 4.1, 4.2, 4.3, 6.1 and 6.2	
DPFs: 4.1, 6.1 and 6.2	

The application has been referred to the South Australian Country Fire Service (CFS) as the subject land is located within a High Bushfire Risk Area and comprises the use of a building for habitable purposes. The CFS is supportive of the proposal subject to several conditions of consent relating to water supply, vehicle access and the maintenance of an Asset Protection Zone. These conditions of consent do not pose any complications for the development.

The subject building is located in the area that is clear of any hazardous vegetation and is constructed of materials that meet the relevant Building Code standards with respect to building fire safety. It is also noted that an existing 100,000L above-ground tank located between Building A and the existing dwelling will be used for fire-fighting purposes. The proposal is consistent with PO 1.1, 2.1, 4.2 and 4.3 of the Overlay.

The CFS is also satisfied that a fire-fighting vehicle will be able to enter and exit the site in a forward motion via the existing access point on Stock Road and the internal driveway. PO 6.1 and 6.2 are satisfied.

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Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay

Desired Outcomes	
DO1	Safeguard Greater Adelaide's public water supply by ensuring development has a neutral or beneficial effect on the quality of water harvested from secondary reservoirs or diversion weir catchments from the Mount Lofty Ranges.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 1.2, 2.5, 3.2, 3.3 and 4.1	
DPFs: 1.2, and 2.5	

DO 1 of the Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay is seeking the protection of public water supply in the Watershed area.

The application has been referred to the Environment Protection Authority (EPA) as the proposal involves an activity that will generate wastewater, which has the potential to pollute the catchment (i.e. an activity of environmental significance). The EPA is satisfied with the proposed wastewater system, noting also that Council Environmental Health Department has approved a wastewater application. Wastewater application W106/23 has been approved to connect the existing buildings on site to one wastewater system in line with DPF 2.1(d) of this overlay.

Given the suitability of the wastewater system and the sensitive nature of the proposed use (i.e., akin to a dwelling), the proposal will not result in any negative impacts on the water quality within the catchment area. The proposal is therefore consistent with DO 1 and the relevant POs of the Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay.

Native Vegetation Overlay

Desired Outcomes	
DO1	Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1	
DPFs: 1.1	

This proposal does not include the removal of any native vegetation as the subject building is existing and will continue to utilise an existing driveway. The applicant has also provided a Native Vegetation Declaration advising that the proposal will not impact on vegetation. The proposal is therefore consistent with DO 1 and PO 1.1.

Water Resources Overlay

Desired Outcomes	
DO1	Protection of the quality of surface waters considering adverse water quality impacts associated with projected reductions in rainfall and warmer air temperatures as a result of climate change.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 1.2, 1.5 and 1.7	
DPFs: 1.5	

There is a watercourse that traverses the site between the new dwelling and the southern boundary. This watercourse is well removed from the proposed tourist accommodation and will not be affected in any way.

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The proposal includes a stormwater soakage trench and an upgraded wastewater system that are located at least 185 metres from the watercourse, thus having no adverse impact.

The proposal is consistent with the Water Resources Overlay.

General Development Policies

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: 6.1 and 8.1 DPFs: 6.1 and 8.1	

As the proposal does not include any external alterations to the existing building, the external appearance of the building will not change.

A new/upgraded wastewater system is to be provided for the tourist accommodation that will connect into the existing dwelling and cottage and include an irrigation area near the recently constructed dwelling. The new system has been approved by Council's Environmental Health Department and the EPA and will not conflict with any existing private open space, driveways or car parking areas. PO/DPF 6.1 (Design) is satisfied.

As the proposal will utilise an existing building and associated driveway and car parking areas, there is no need for any earthworks. PO/DPF 8.1 (Design) is satisfied.

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: DPFs:	

DO1 (Interface between Land Uses) seek to ensure that new development is operated in a manner that adequately protects the amenity of the locality.

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The representors are concerned that their amenity will be adversely impacted by the development due to increased traffic and associated dust and noise, a loss of privacy and the potential for the long-term occupation of the accommodation.

The proposed tourist accommodation will have a capacity for no more than five guests and the applicant has confirmed that it will be offered on a temporary / short term basis of no more than 110 days per year. The proposed accommodation is akin to a residential land use and the noise generation from such a small number of guests would be negligible. It is acknowledged that the proposal will generate additional traffic to the site, however it is likely to result in two or three additional vehicles accessing the site if at full capacity, which makes the proposed development a low traffic generator. The small amount and infrequent nature of the additional traffic, the provision of an all-weather surface for the driveways and the siting of the accommodation well away from property boundaries will ensure the amenity and enjoyment of existing properties in the locality will not be detrimentally impacted.

Similarly, the privacy of the representors (and that of other nearby properties) will not be impacted as the existing building is single storey and is setback 30 metres from the nearest boundary that is to the east. It is noted also that the building has existed for many years and was formerly the main residence, thus the status quo will be maintained. PO 10.1 and 10.2 (Design) are satisfied.

Accordingly, it is considered that the proposal would not adversely impact upon the amenity of nearby sensitive uses by way of noise, light spill, traffic or loss of outlook and privacy. DO 1 (Interface between Land Uses) and PO 2.1 and 3.2 (Tourist Development) are reasonably satisfied.

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: 1.4, 3.1, 3.5, 4.1, 5.1, 6.1 and 6.2	
DPFs: 1.4, 3.1, 3.5, 5.1 and 6.1	

The proposal will utilise an existing vehicle access on Stock Road. An existing driveway extends from Stock Road to the tourist accommodation building where there is one covered parking space under the main roof and room for at least one uncovered space adjacent to the building.

The representors are concerned that the existing access point will not cater for safe access due to increased traffic movements from the tourist accommodation. Given the width of the access point and small amount of additional traffic generation, the existing access point will continue to provide safe and convenient access in accordance with PO 2.1, 3.1, 3.3 and 3.4 (Transport, Access and Parking).

Table 1 - General Off-Street Car Parking Requirements prescribes a parking rate of 1 space per tourist accommodation unit. The existing car parking provision for the proposed accommodation satisfies PO/DPF 5.1 (Traffic, Access and Parking).

Accordingly, the low levels of traffic generated by the development and the adequate provision of on-site car parking will ensure the proposal would not lead to conditions detrimental to the free flow and safety of vehicular traffic on the surrounding road network. The relevant provisions of the General Section (Transport, Access and Parking) have been satisfied.

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CONSIDERATION OF SERIOUSLY AT VARIANCE

Having considered the proposal against the relevant provisions of the Planning and Design Code version 2023.6 - 27 April 2023, the proposal is not considered to be seriously at variance with the provisions of the Planning and Design Code for the following reasons:

- Tourist accommodation is an envisaged land use in the Productive Rural Landscape.
- The small-scale and low intensive nature of the proposed tourist accommodation will not undermine existing or desirable uses in the Zone.
- The proposal will involve the adaptive reuse of an existing building.
- The proposed tourist accommodation will cater to the needs of visitors and contribute positively to the local economy.
- It has been reasonably demonstrated that the proposal would not adversely impact upon the amenity of nearby sensitive uses.
- The development includes safe and convenient access and adequate car parking.

CONCLUSION

The subject land is a rural living allotment that is situated within Productive Rural Landscape Zone.

The retention of an existing dwelling for use as tourist accommodation is an envisaged form of development from a land use perspective, particularly given the small-scale and low intensive nature of the proposed accommodation. Although the tourist accommodation is not associated with any primary production, this will not undermine the intent of the Zone as the land has limited productive value due to the relatively small allotment size, steep topography and existing native vegetation.

The proposed tourist accommodation will also cater to the needs of visitors and contribute positively to the local economy without undermining the land use intent of the zone or the area's natural and rural character.

It has been demonstrated that adequate provisions are made for vehicle access and car parking, wastewater management and bushfire safety, and that impacts on the amenity of surrounding properties would not be significant.

Accordingly, the proposal would reasonably achieve the Desired and Performance Outcomes for the Productive Rural Landscape Zone, the relevant Overlays and General Provisions of the Code and warrants the granting of Planning Consent subject to 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**
- 2) Development Application Number 23015113 by Michele Ronan for a change of use from dwelling to tourist accommodation and variation to Development Approval 18/481/473 to remove Condition 4 at 151 Stock Road Mylor is GRANTED Planning Consent subject to the following conditions:**

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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 applicant, owner and/or other person(s) making use of the subject land shall maintain the site in good condition at all times, including all buildings and structures, car parking areas, driveways and landscaping, and ensure that all activities on the site are in accordance with the approved documentation to the reasonable satisfaction of Council.**
- 3) The use of the tourist accommodation approved herein approved shall be restricted to tourist accommodation only with no permanent residential use being permitted at any time.**
- 4) The accommodation shall be occupied for no more than 110 days per calendar year with a log of all visitors to the accommodation to be kept and made available to Council upon request.**
- 5) The tourist accommodation approved herein and any associated activities shall be managed and conducted at all times in a manner as to cause no undue nuisance or adverse effect to any neighbouring landowners or to other land uses within the locality.**
- 6) All external lighting associated with the depot use shall be restricted to that necessity for security purposes only and shall be directed away from residential development and, shielded if necessary to prevent light spill causing nuisance to the occupiers of nearby residential properties.**
- 7) All stormwater infrastructure shall be installed within 3 months of Development Approval being granted. All roof run-off generated by the development hereby approved shall be managed on-site to the satisfaction of Council using design techniques such as:**
 - Rainwater tanks**
 - Grassed swales**
 - Stone filled trenches**
 - Small infiltration basins**

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

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

- 8) The on-site wastewater system must be installed in accordance with the Site and Soil Assessment Report prepared by Seed Enterprises, dated 6 October 2023, which includes the following:**
 - a) Installation of an Ozzi Kleen RP10A+ system;**
 - b) Construction of a 312m² irrigation area, to be located more than 50m from the nearest watercourse, dam or bore, more than 1.2m from the seasonal groundwater table, on a slope less than 20% and not in the 10% AEP flood zone;**
 - c) Vegetating the irrigation area with rye grass and regularly mowing the grass to ensure optimal growth rates and therefore nutrient uptake; and**
 - d) Bunding to direct surface runoff away from the irrigation area and creating a bund downhill to prevent any run-off, from over-irrigation, moving off site.**

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

9) 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 Areas. This includes future structures which may or may not require planning and/or building consent including (but not limited to) garden sheds, cubby houses and animal shelters.

10) 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.

SA CFS has no objection to utilising the existing access driveway as detailed on drawing named SITE PLAN dated at last revision 19/09/2023 and upgraded, where necessary, to comply with the following conditions:

- The driveway shall be connected to a formed, all-weather public road with the transition area between the road and driveway having a gradient of not more than 7 degrees (1-in-8).
- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large fire-fighting vehicles, to within 60m of the furthest point of the building. Where the gradient of the driveway is steeper than 12 degrees (1-in-4.5) the minimum formed road surface shall be 4 metres.
- The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either –
 1. A loop road around the building, OR
 2. A turning area with a minimum radius of 12.5 metres, OR
 3. A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres (for each 'leg') and minimum internal radii of 9.5 metres OR
 4. A 'U' shaped 'drive-through' option.
- Private access shall have minimum internal radii of 9.5 metres on all bends.
- Private access shall provide overhead clearances of not less than 4.0m horizontally and vertically between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures.
- Vegetation to be established along the access road shall be carefully selected and designed in accordance with the following:
 1. No understorey vegetation shall be established either side of the access road (understorey is defined as plants and bushes up to 2 metres in height).
 2. Grasses shall be reduced to a maximum height of 10cm for a distance of 3 metres (or to the property boundary, whichever comes first).
 3. Mature trees with a single stem habit, are permitted within this fuel reduced zone, providing they are maintained to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.

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- The all-weather road shall incorporate passing bays. The combined width of the passing bay and access track shall be 6 metres, and a minimum formed length of 17 metres. The passing bays should be constructed at 200 metre intervals along the road or driveway.
- The gradient of the access road shall not exceed 16 degrees (1-in-3.5) at any point along the driveway. In steep terrain exceeding 10 degrees (1-in-5.5) the surface should be sealed.
- The cross fall of the driveway shall be not more than 6 degrees (1-in-9.5) at any point along the driveway. In steep terrain roads shall be widened and appropriate guard rails and visibility markers should be installed on sides where a steep downslope is present.
- The all weather road is to be constructed such that it is protected from water erosion of the traffic surface. The road surface shall be profiled to manage storm water run off to appropriate drains, at one or both sides of the traffic surface. The accumulated volumes of water shall be directed via:
 1. Open drains; or
 2. Culverts and pipes under the traffic surface, and / or away from same, without causing further soil erosion, silting of adjacent areas or water courses or instability of any embankment or cutting.

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

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

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

Where a water storage facility is required to have a fire authority fitting, the following will apply:

SA CFS has no objection to the location of the existing dedicated water supply as detailed on drawing named SITE PLAN dated at last revision 19/09/2023, providing the outlet is positioned remotely to comply with the following conditions:

- The water supply outlet shall be easily accessible and clearly identifiable from the access way 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.

CAP MEETING – 10 APRIL 2024

ITEM 8.1

- 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).

12) 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).
 7. 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.
 8. The APZ shall be maintained to be free of accumulated dead vegetation.
- A single row of trees or shrubs are permitted closer to the building than their mature height for screening purposes, providing they are not connected to other hazardous vegetation, are not within close proximity of timber building elements, windows and doors and do not touch or overhang any part of the building. Screening plants should have low flammability characteristics, be kept in optimum health, pruned regularly and any dead vegetation removed.

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.

CAP MEETING – 10 APRIL 2024

ITEM 8.1

- 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).

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

- 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

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

7) 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”.

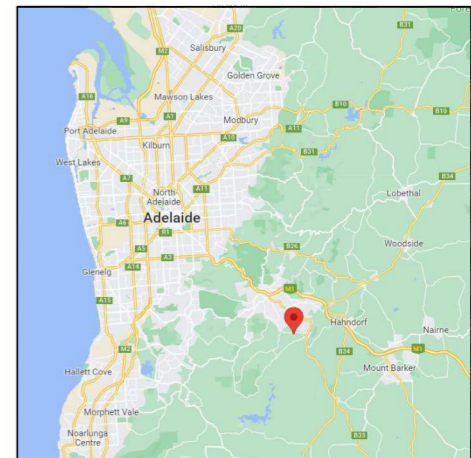
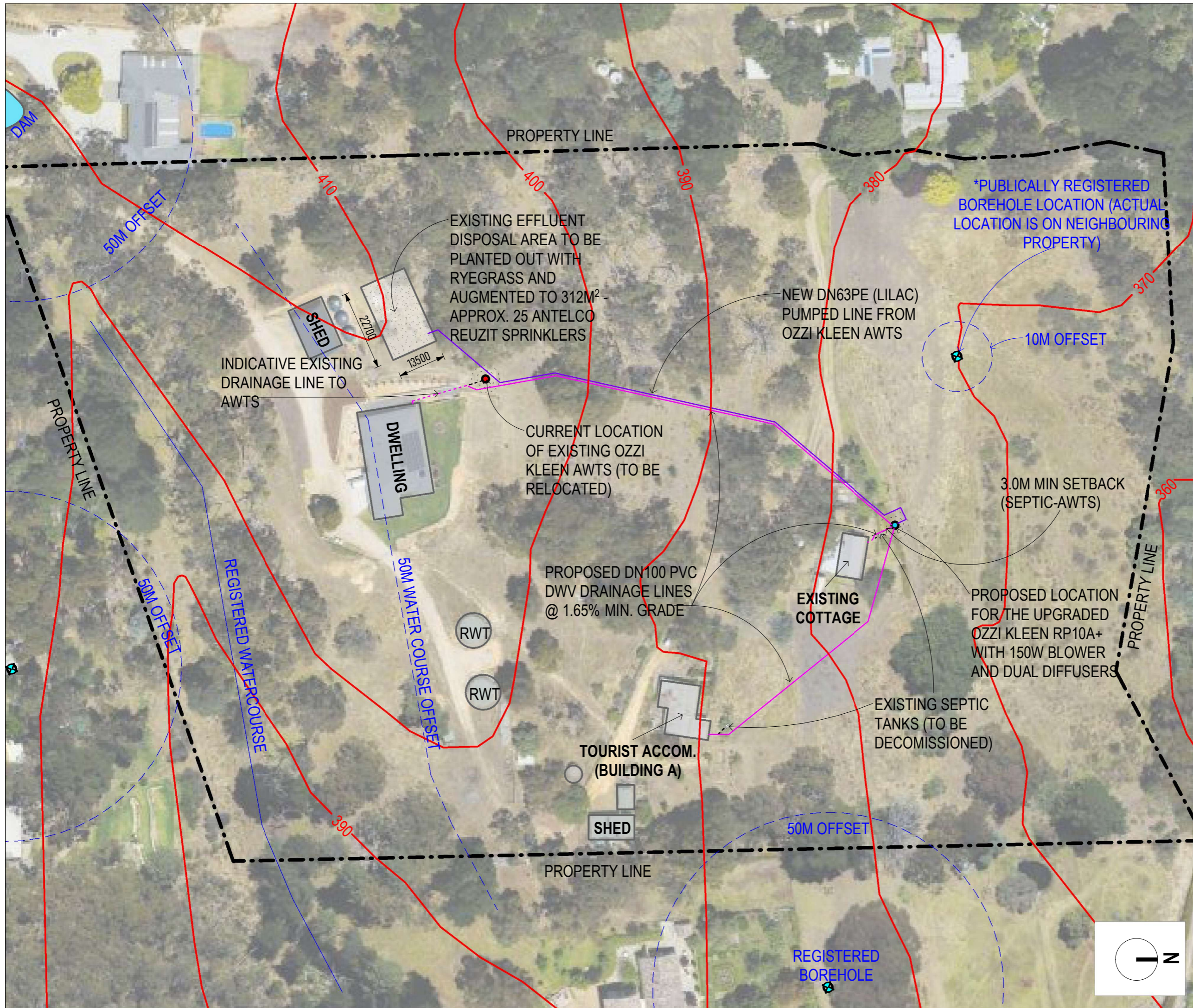
Category of Bushfire Attack Level: BAL 19

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 elevations detailed on proposed Site Plan, dated 19/09/2023 and shall not be considered as SA CFS endorsement of any subsequent development.

OFFICER MAKING RECOMMENDATION

Name: Melanie Scott
Title: Senior Statutory Planner



ADDRESS:
151 Stock Rd, Mylor

JOB DESCRIPTION:
Proposed Wastewater management layout plan

CLIENT:
Peter Meline

- LEGEND:
- SUBSURFACE DISPOSAL AREA
 - EXISTING STRUCTURES
 - BOREHOLE LOCATION
 - DN100 DWV (PROPOSED)
 - DN63PE IRRIGATION LINE (LILAC)
 - INFERRED SITE BOUNDARY
 - CONTOUR LINE

IMAGE SOURCE:
 NatureMaps

REFERENCE NO: SEA125-01
 DRAWN: MB
 CHECKED: KB



E: mark@seedenterprises.com.au
 P: 0414409133

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ORIGINAL DRAWING AT A3. DO NOT SCALE DIRECTLY OFF DRAWING. DIRECT ANY QUERIES AND OR DISCREPANCIES TO SEED ENTERPRISES AUSTRALIA.

DATE OF ISSUE:

GENERAL NOTES

1. THIS DRAWING SHALL BE READ IN CONJUNCTION WITH THE SITE AND SOIL REPORT.
2. DIMENSIONS SHALL NOT BE OBTAINED BY SCALING THESE DRAWINGS. DIGITAL AND CONVERTED DATA USED TO COMPILE THESE DRAWINGS. ANY DISCREPANCIES ARE TO BE DIRECTED TO THE AUTHOR OF THE REPORT.
3. DIMENSIONS ARE SHOWN IN MILLIMETRES UNLESS INDICATED OTHERWISE.
4. IRRIGATION SETBACK TO BE 50.0M MINIMUM FROM WATER SOURCES INCLUDING WELLS, BORES, DAMS, OR NATURAL WATER COURSE LIKELY TO BE USED FOR HUMAN OR DOMESTIC PURPOSES IN ACCORDANCE WITH ON-SITE WASTEWATER SYSTEMS CODE.
5. ALL SITE WASTEWATER TO BE DIRECTED TO THE PROPOSED WASTEWATER MANAGEMENT SYSTEM.
6. ALL STORMWATER TO BE DIVERTED AWAY FROM THE PROPOSED IRRIGATION AREAS.
7. STANDARD VISUAL / AUDIBLE ALARM INSTALLED.
8. CONTRACTOR TO ENSURE ALL MINIMUM SETBACK DISTANCES ARE MAINTAINED. LOCATIONS ARE SHOWN INDICATIVELY, ACTUAL LOCATIONS WILL BE CONFIRMED ON SITE BASED ON SITE CONDITIONS, MAINTAINING THE MINIMUM SETBACK DISTANCES.

AEROBIC WASTEWATER TREATMENT SYSTEMS (AWTS)

1. EXISTING OZZI KLEEN IS TO BE RELOCATED AND UPGRADED AS PER THE PLAN DRAWINGS
2. LOCATION OF AWTS SHOWN IS INDICATIVE ONLY. ACTUAL LOCATION MAY VARY SLIGHTLY ONSITE.
3. MINIMUM SETBACK DISTANCES = 3.0M FROM BUILDINGS AND BOUNDARIES AND SEPTIC TANKS. 1.5M FROM IRRIGATION AREA. 10.0M FROM REGISTERED WATERWAYS, WATER BODIES OR OPERATIONAL BOREHOLES
4. ALL PLUMBING TO BE IN ACCORDANCE WITH AS 3500
5. WORK ON THE AWTS INSTALLATION SHALL NOT COMMENCE UNTIL THE COPIES OF THE "APPLICANT PLAN & CONDITIONS" HAVE BEEN RECEIVED BY THE APPLICANT.
6. THE UPGRADED OZZI KLEEN RP10A+ AWTS WILL BE UPGRADED BY UPSIZING THE EXISTING 80 WATT AIR BLOWER TO A 150 WATT AIR BLOWER WITH DUAL DIFFUSERS TO REDUCE THE OUTPUT BOD TO ACCEPTABLE LEVELS.

SURFACE IRRIGATION AREA

1. SOIL IMPROVEMENT THROUGH ADDING A SURFACE LAYER OF MULCH ACROSS THE DESIGNATED IRRIGATION AREA.
2. WARNING SIGNS MUST BE POSITIONED WITHIN THE LAND APPLICATION AREA TO INDICATE THAT RECYCLED WATER IS BEING USED FOR IRRIGATION. THE SIGNS MUST BE ON A WHITE BACKGROUND WITH RED LETTERING OF AT LEAST 20MM IN HEIGHT. THE SIGNS MUST BE CLEARLY VISIBLE FROM ALL SIDES AND MUST CONTAIN A WARNING SUCH AS: RECYCLED WATER - AVOID CONTACT/CONSUMPTION (AS PER ON-SITE WASTEWATER SYSTEMS CODE).
3. SURFACE IRRIGATION AREA SETBACKS 0.50M FROM ALLOTMENT BOUNDARY, 1.5M FROM BUILDINGS.



ADDRESS:

151 Stock Rd, Mylor

JOB DESCRIPTION:

Proposed Wastewater management layout plan - Notes

CLIENT:

Peter Meline

LEGEND:

IMAGE SOURCE:

REFERENCE NO: SEA125-01

DRAWN: MB

CHECKED: KB



E: mark@seedenterprises.com.au
P: 0414409133

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DATE OF ISSUE:

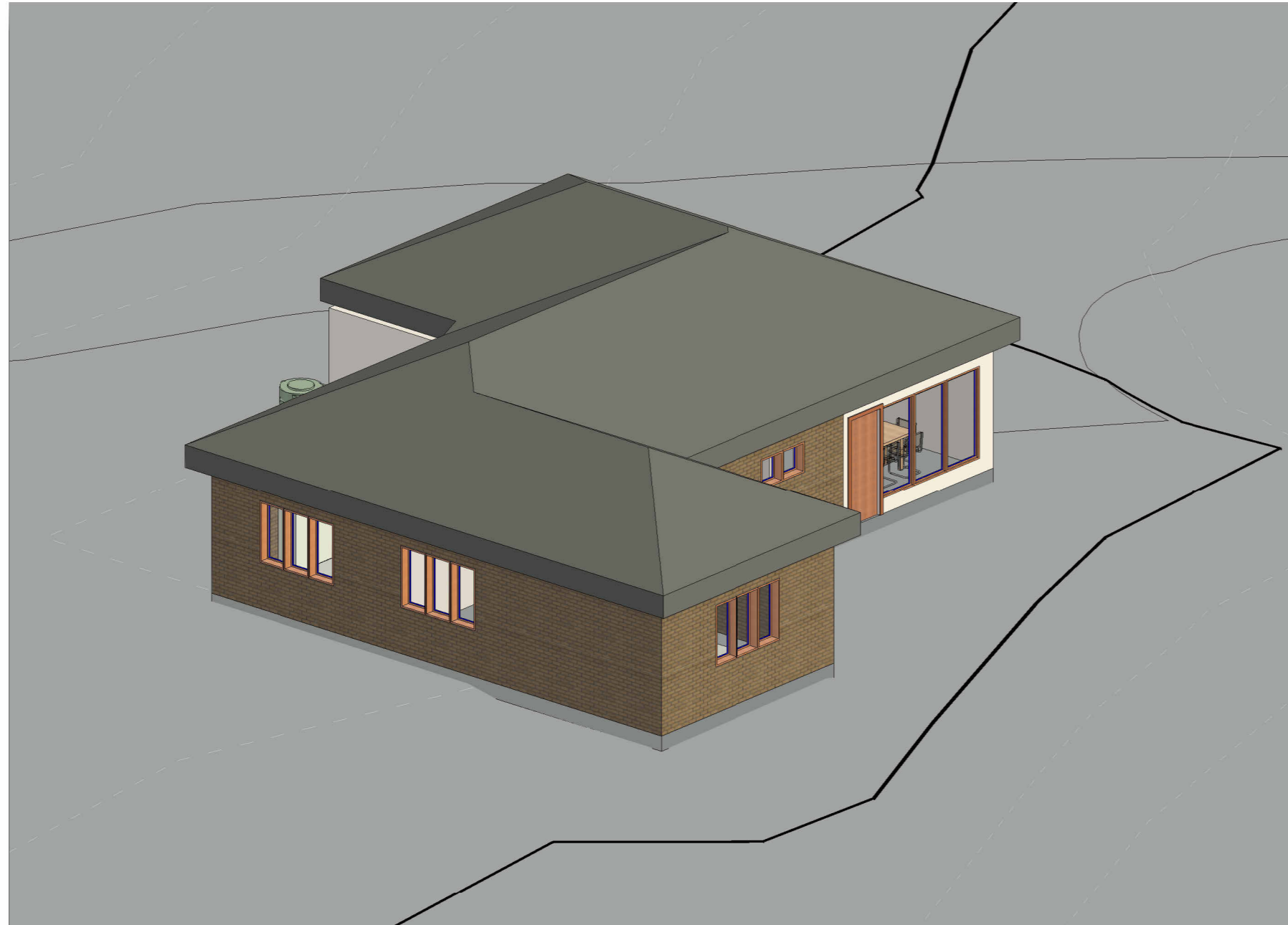
Sheet Name Sheet Number

Cover Page A101
 Site Plan A103
 Floorplan A105
 Elevations A202

No drawings take precedence over any other drawings or annotation,
 if there are discrepancies please contact the designer

Construction Notes

Drawings must be read in conjunction with engineers report
 Written dimensions take priority
 All dimensions shall be checked on site by builder prior to commencement of any work
 All works to comply to the current National Construction Code (NCC)
 All works to be carried out in accordance with SA Work Health and Safety Act 2012
 Bushfire protection in accordance with AS3959-2018 and Ministers Spec. SA 78 (medium)
 Brush Fences must not be within 3m of building works
 Chimney and hearth design to comply with NCC Part 3.7.3 Heating Appliances
 Concrete in accordance with AS3600-2018 and AS2870-2011
 Construction dust must be controlled
 Draft Protection devices to be fitted to all doors and windows.
 Electrical in accordance with AS3000-2018
 Ensure all building waste and litter is collected and disposed of appropriately
 Firewall to NCC Part 3.7.3 Fire protection of separating walls and floors
 Glazing in accordance with AS1288-2006
 Masonry wall construction in accordance with AS3700-2018
 Plumbing in accordance with AS 3500-2018
 Roofing and Stormwater in accordance with AS3500-2018
 Roofing contractor is responsible for watertightness of the whole roof
 Self contained hard wired smoke alarms complying with AS3786-2014 connected to consumer mains with battery backup
 Smoke alarms to be interconnected complying with NCC
 Silt runoff from site must be prevented, mud and soil shall not be transferred to road by vehicles
 Stairs in accordance with NCC Part 3.9.1
 Steelwork in accordance with AS4100-2020
 Stormwater retention in accordance with ministers spec. SA 78AA
 Stormwater to be discharged away from footings
 Subfloor ventilation in accordance with NCC Part 3.4.1
 Termite protection in accordance with AS3660-2000
 Timber framing in accordance with AS1864-2010
 Waterproofing in wet areas in accordance with NCC 3.8.1 and AS3740-2010
 Window and door assemblies in accordance with AS2047

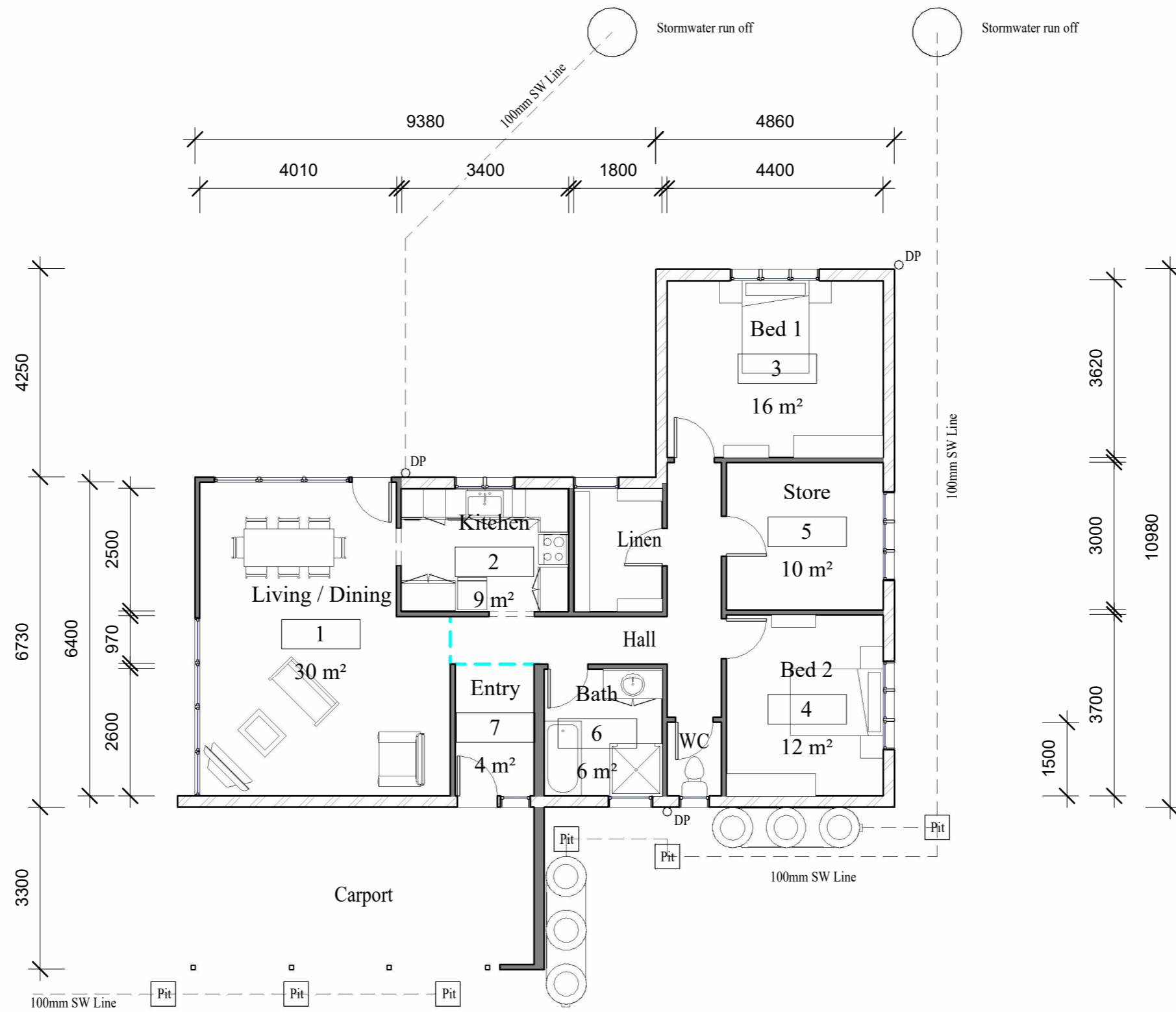


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 Drafting

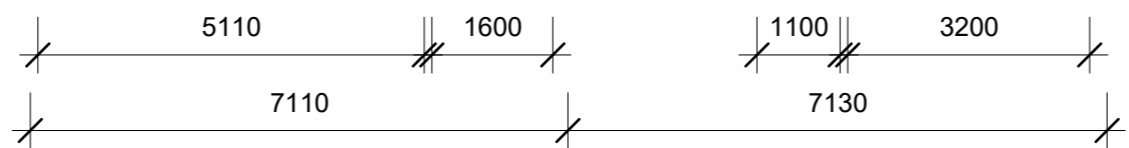
Michelle Ronan
 151 Stock Rd Mylor

Cover Page

Project number	STO_151	A101
Date	19/09/23	
Drawn by	MWM	
Checked by	MWM	Scale



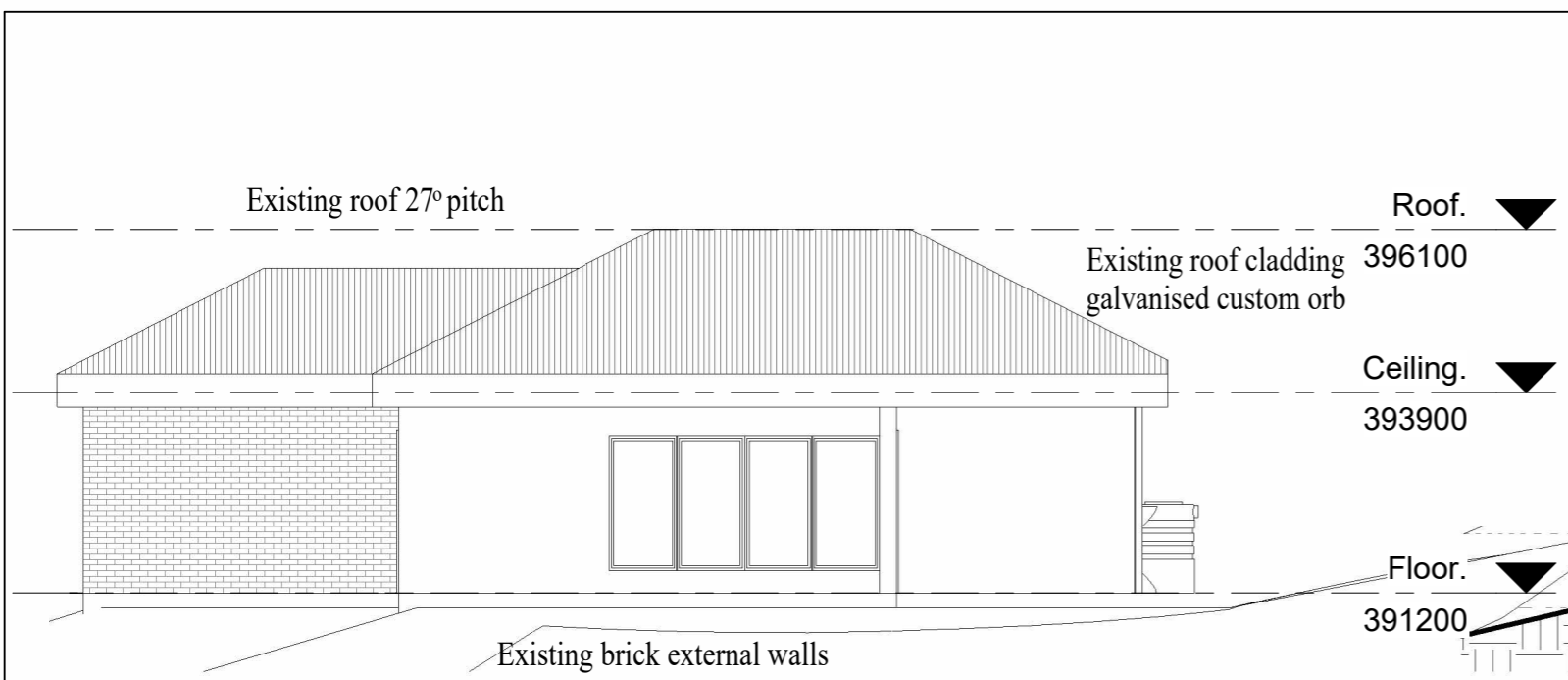
1 Floor Plan
1 : 100



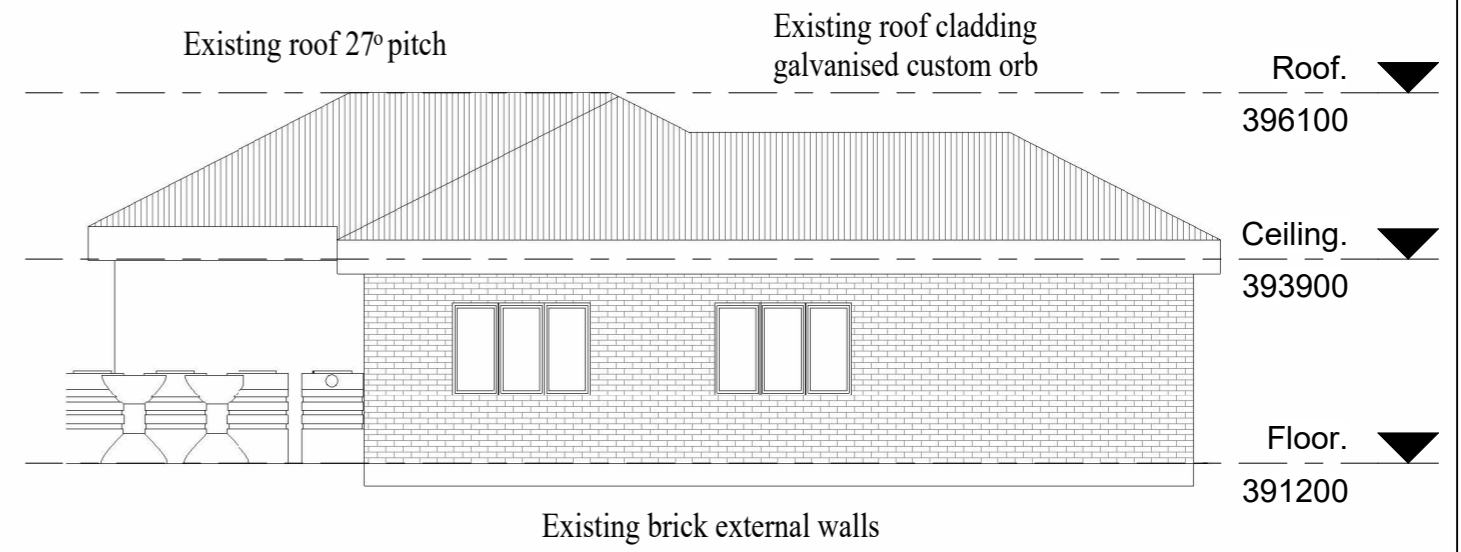
MWM
Drafting

Michelle Ronan
151 Stock Rd Mylor

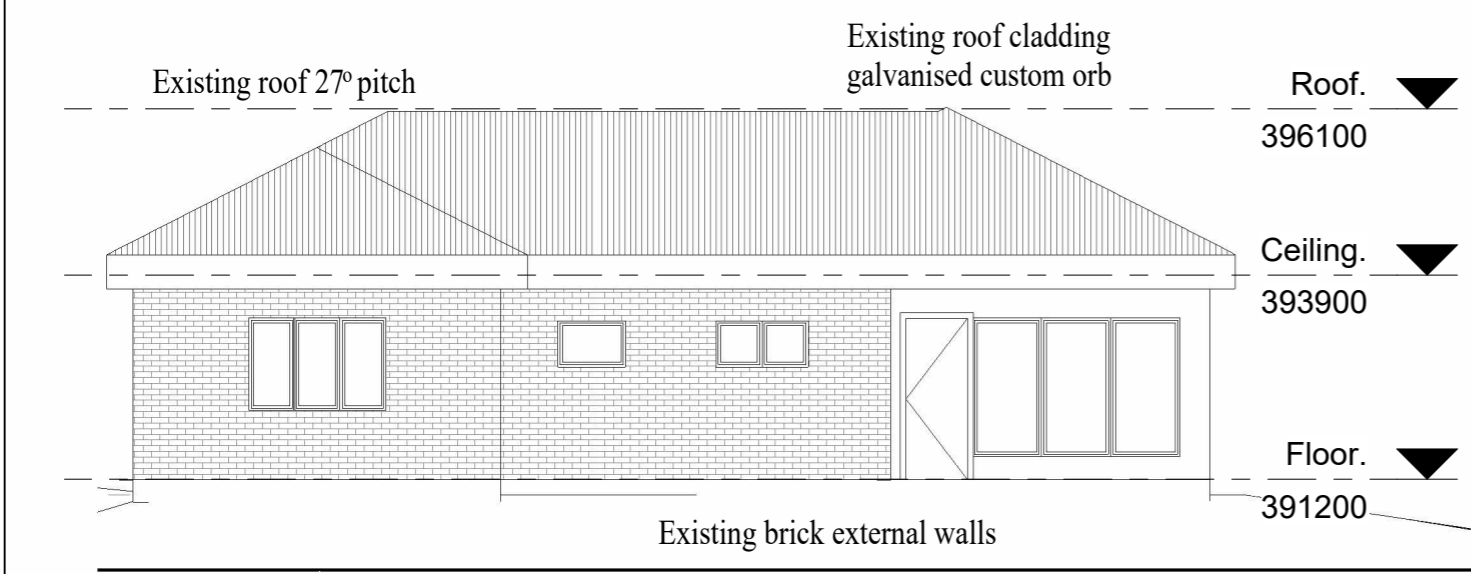
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Project number	STO_151	
Date	19/09/23	
Drawn by	MWM	
Checked by	MWM	Scale 1 : 100



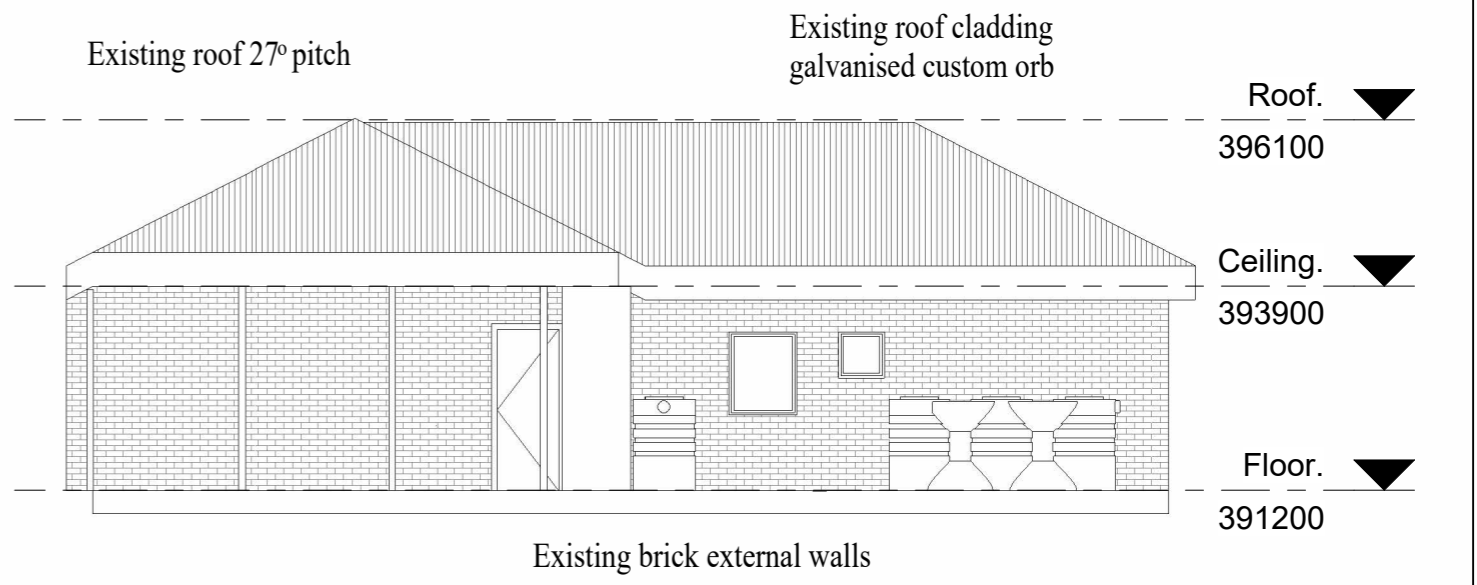
1 NW Elevation
1 : 100



2 SE Elevation
1 : 100



3 NE Elevation
1 : 100



4 SW Elevation
1 : 100

MWM
Drafting

Michelle Ronan
151 Stock Rd Mylor

Elevations		A202
Project number	STO_151	
Date	19/09/23	
Drawn by	MWM	
Checked by	MWM	Scale 1 : 100



**PETER MELINE & ASSOCIATES,
TOWN & COUNTRY PLANNERS.
PO BOX 1508, MT BARKER. S.A. 5251.
petermeline@bigpond.com
ph. 0448 395 299**

Ms M Scott,
Senior Planner,
AHC,
PO Box 44,
Woodside SA

19 September 2023

PLANNING REPORT
Application ID# 23015113
151 Stock Rd, Mylor
Conversion of existing building to Tourist Accommodation

REPORT PREPARED BY:

Peter Meline RPIA, MAIBS, JP.
Accredited Professional
(Planning) Level 1, 2 and 3 # APP20200063
(Building) Level 1 # APB 20190069

1.0 Introduction

This Planning Report supports a development application for the Conversion of an existing dwelling to Tourist Accommodation at 151 Stock Road, Mylor (the **Site**).

It also seeks the relevant authority's consent to amend DA18/481/473 dated 4 January 2019, by deleting condition 4.

The Site is owned in fee simple by the Michele Diane Ronan under Certificate of Title Volume 6281 Folio 488 (Allotment 102 Deposited Plan 131157, Mylor, Hundred of Noarlunga) and is 6.2hectares / 15.3 acres in size. A copy of same is attached at **Attachment A** to this Planning Report.

The relevant authority is The Adelaide Hills Council (the **Council**).

This application is supported by –

- **Attachment A** Certificate of Title
- **Attachment B** Plans
- **Attachment C** Effluent report by Seed Enterprises 4/5/23 and Public Health Act Approval 23/W106/473
- **Attachment D** Map of internal road through Site
- **Attachment E** Current photos of internal road through Site
- **Attachment F** SMP by Peter Meline 14/9/23

1.1 The Zoning of the Site

The land is wholly within the *Productive Rural Landscape Zone* under the Planning & Design Code (the **Code**).

1.2 The Proposal

The applicant seeks approval from the relevant authority to change the authorised use of the existing dwelling labelled **Building A** on the Site plan, from a residential dwelling to Tourist Accommodation.

No development in the form of building works is proposed as part of this application.

1.3 The history of the buildings on the site

The Site contains three habitable buildings:

- a. Building A on plan A103 (the Site plan) which was erected circa 1960's and is the subject of this application;
- b. The building labelled *Existing Dwelling* on the Site Plan, which is of recent construction (completed in 2022) pursuant to DA18/481/473, and is not the subject of this application; and

- c. The building labelled *Existing Stone Cottage* on the Site Plan, which was erected circa 1890 and benefits from long term use rights, and is not the subject of this application.

Building A was formerly occupied by Mr and Mrs Ronan as their main home at the Site, prior to the erection and habitation of their new dwelling in March 2020.

It was intended that Building A be decommissioned vide 18/481/473. However, as Building A currently benefits from existing use rights as a dwelling, which has not been discontinued (whilst noting the requirements of condition 4 of DA 18/481/473), is in physical 'good health' and utility, causes (or has caused) no known adverse water quality impacts or impact on existing water flow paths, and answers to a clear demand for Tourist Accommodation in the area without any further 'development', the applicant now seeks authority to retain it and use it for Tourist Accommodation.

In the immediate past, the dwelling has been occupied from time to time by Karen Smith (9 months).

The building labelled *Existing Dwelling* on the site plan, is a new dwelling erected pursuant to DA 18/481/473. Whilst present on the site plan and relevant to this application in the sense that it exists on the site, it does not form a part of the current application for development. Further to the Council's approval for this development, it is equipped with its own, stormwater measures and controls.

The building labelled *Existing Stone Cottage* is a small stone cottage of some (unlisted) heritage merit, which has been in existence for over a century. Prior to the boundary alignment approved pursuant to DA 22/015/046 dated 12/08/2022, this cottage formed a part of the neighbouring site. This dwelling has a long occupancy history, is regularly occupied by a niece of the applicant, who stays there when she is undertaking farm work on the Site. Again, whilst present on the Site, the Cottage does not form a part of the current application and presents no additional stormwater impacts as a result of this application.

In support of this application, it is proposed that:

- a) All wastewater/effluent management across the whole Site be integrated into a single system vide the report of Seed Enterprises 4/5/23. An approval under the Public Health Act has been granted by Council's Env. Health Section vide ref 23/W106/473 (provided at **Attachment C**).
- b) A stormwater management solution be provided alongside Building A (see **Attachment F**).
- c) A single driveway run through the land from Stock Road to Bandicoot Lane, providing unincumbered access to Building A (and other dwellings) from either the north or the south (see plans and photos at **Attachments D and E**).
- d) All buildings on the Site, including Building A, be connected to the electrical grid by a single service.

1.3 Tourist Accommodation

For the Council's facility, 'tourist accommodation' is defined in the Code as:

...premises in which temporary or short-term accommodation is provided to travelers on a commercial basis.

This use may also include:

- (a) onsite services and facilities primarily for the use by guests; and
- (b) facilities for the management of the accommodation.

Tourist demand in the area

Those of us lucky enough to live or work in the Adelaide Hills will always jump at the chance to sing its praises and show off its charms to visiting friends, family or even a stranger if they stop to ask.

The Adelaide Hills offers endless ways to spend your weekends and weekdays, whether you're visiting from interstate or overseas, or enjoying a staycation at home in Adelaide. There's something for everyone, every day in the Adelaide Hills. [Adelaide Hills Council website Tourism page <https://www.ahc.sa.gov.au/discover/tourism>]

There is a clear demand for tourist accommodation in the local area – even though this was during COVID and there were no international visitors. SA Tourism Commission research confirms that the Adelaide Hills saw 134,000 domestic overnight visitors for the year ending March 2021. 70% of overnight visitors were from intrastate and 30% from interstate. The 94,000 intrastate overnight visitors stayed 149,000 nights with an average length of stay of 1.6 nights. There were 40,000 interstate overnight visitors who stayed 270,000 nights with an average length of stay of 6.8 nights •There have been no international arrivals with borders closed. •1.2 million day trips were taken to the Adelaide Hills for the year with spend of \$72 million. [Annual Visitor Summary Year End March 2021 – SA Tourism Commission]

Please see **Attachment G** for a draft outline of what the applicant proposes to provide to guests, which includes a list of local attractions.

Proposed works / actions in support of Tourist Accommodation

In support of the future use of the relevant dwelling as Tourist Accommodation, the applicant proposes to:

- a) Undertake minor internal works to the building to improve its internal amenity, in line with any building regulations and fire requirements etc (e.g. new roof and internal ceilings replacement; betterment of bathroom facilities and the inclusion of an operational laundry etc.)
- b) Set up and provide online advertising and booking services for the proposed Tourist Accommodation - offering Building A on a temporary / short term basis only, at approximately \$300 per night (in line with other B&B's in the area).
- c) Finalise Terms of Agreement for accommodation, and Conditions of Stay
- d) Take out the necessary insurance
- e) Set up necessary book-keeping and record keeping in support
- f) Collect brochures to have on display for tourists of local attractions.

Do note, at this stage, it is not proposed that accommodation be offered more than 110 days per year (mostly weekends and public holidays). This presents a decrease in any possible impacts from what would be the case, was Building A to remain an authorised dwelling.

1.4 Condition 4

Condition 4 of DA18/481/473, requires the following:

The existing dwelling on the land, identified on the site plan from Weeks Building Group drawing number SP01 Revision C dated 20 August 2018 shall be demolished within three (3) months of occupancy of the herein approved dwelling. Council shall be provided with a statement by the Applicant or owner within 14 days of occupancy advising the date occupancy of the new dwelling commenced. Occupancy is considered to have commenced when the owner/occupier has begun sleeping overnight within the dwelling on a consecutive or frequent basis.

Given its historical, useful and low-impact presence of Building A, and its suitability for future use as tourist accommodation as outlined in this application (subject to any proposed conditions), the applicant respectfully suggests that there is no justification for maintaining the requirements of this condition 4. Furthermore, the use of the building as Tourist Accommodation supports the demand for such accommodation in the area, and aligns well with DO1 of the Zone, which seeks development which supports tourist and lifestyle opportunities and *'expands the economic base and promotes regional identity'*.

As such, this application respectfully seeks the Council's consent that DA18/481/473 be amended to remove condition 4.

1.5 Code Analysis

A complete PDI Code extract is attached to this report.

151 STOCK RD MYLOR SA 5153

Address:

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

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



Property Zoning Details

Zone

Productive Rural Landscape

Overlay

Environment and Food Production Area
 Hazards (Bushfire - High Risk)
 Hazards (Flooding - Evidence Required)
 Limited Land Division
 Mount Lofty Ranges Water Supply Catchment (Area 2)
 Native Vegetation
 Prescribed Water Resources Area
 State Significant Native Vegetation
 Scenic Quality
 Water Resources

Selected Development(s)

Tourist accommodation

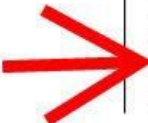
The proposal to alter the use of Building A is Performance Assessed Development under the *Planning Development and Infrastructure Act 2016* (the **Act**).

Productive Rural Landscape Zone

The relevant Zone provisions against which this application should arguably be considered are PO1.1, PO2.1, PO5.1, PO5.2 and PO5.3.

The land use proposed for the building as Tourist Accommodation is supported in the Zone, thereby meeting the requirement of PO 1.1.

<p>PO 1.1</p> <p>The productive value of rural land for a range of primary production and horticultural activities and associated value adding of primary produce (such as beverage production), retailing and tourism is supported, protected and maintained. The proliferation of land uses that may be sensitive to those activities is avoided.</p>	<p>DTS/DPF 1.1</p> <p>Development comprises one or more of the following:</p> <ul style="list-style-type: none"> (a) Advertisement (b) Agricultural building (c) Brewery (d) Carport (e) Cidery (f) Commercial forestry (g) Distillery (h) Dwelling (i) Dwelling addition (j) Farming (k) Function venue (l) Horse keeping (m) Horticulture (n) Industry (o) Low intensity animal husbandry (p) Outbuilding (q) Shop (r) Small-scale ground mounted solar power facility (s) Tourist accommodation (t) Transport distribution
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PO2.1 seeks that development is provided with suitable vehicle access. This requirement is met given that all buildings on the Site are provided with suitable access from Stock Road to the south or Bandicoot Road to the north. Details of this are provided on the plan and photos at **Attachments D and E**.

Whilst PO5.1 relates to the construction of new dwellings, which is clearly not being sought in this application, the premise of the Performance Outcome (being that the purpose of the zone - for primary production or related tourism values - is not compromised due to a proliferation of buildings) is still met in relation to this application.

Similarly, with PO5.2, whilst it relates to the construction of new dwellings, the performance outcome that such dwellings be *sited, designed and of a scale that maintains a pleasant natural and rural character and amenity*, are met in relation to Building A. The building is very private and is set back from any main road/s. It is private and provides panoramic treescape views of the beautiful "hidden" Aldgate valley and surrounds.

PO5.3 does not apply to this application, as it does not result in an additional dwelling being located on the Site; Building A has been in situ for more than 40 years.

Shops, Tourism and Function Venues	
<p>PO 6.3</p> <p>Tourist accommodation is associated with the primary use of the land for primary production or primary production related value adding industry to enhance and provide authentic visitor experiences.</p>	<p>DTS/DPF 6.3</p> <p>Tourist accommodation, other than where located in The Cedars Subzone:</p> <ul style="list-style-type: none"> (a) is ancillary to and located on the same allotment or an adjoining allotment used for primary production or primary production related value adding industry (b) in relation to the area used for accommodation: <ul style="list-style-type: none"> (i) where in a new building, or buildings, does not exceed a cumulative total floor area of 100m² or (ii) where in an existing building, does not exceed 150m² and (c) does not result in more than one tourist accommodation facility being located on the same allotment.
<p>PO 6.4</p> <p>Tourist accommodation proposed in a new building or buildings are sited, designed and of a scale that maintains a pleasant rural character and amenity.</p>	<p>DTS/DPF 6.4</p> <p>Tourist accommodation in new buildings:</p> <ul style="list-style-type: none"> (a) is setback from all property boundaries by at least 40m (b) has a building height that does not exceed 7m above natural ground level.

The proposal satisfies PO 6.3 below by achieving DPF 6.3(a), 6.3(b)(ii), 6.3(c), in that Building A will be ancillary to the *Existing Dwelling* (approved under DA 18/481/473); it will not exceed 150m² and it does not result in more than one tourist accommodation being located on the same allotment.

The proposal satisfies PO 6.4 by meeting the requirements of DPF 6.4 (a) and (b) and also by force of its current, very pleasant, location and rural outlook.

Siting and Design	
<p>PO 2.1</p> <p>Development is provided with suitable vehicle access.</p>	<p>DTS/DPF 2.1</p> <p>Development is serviced by an all-weather trafficable public road.</p>
<p>PO 2.2</p> <p>Buildings are generally located on flat land to minimise cut and fill and the associated visual impacts.</p>	<p>DTS/DPF 2.2</p> <p>Buildings:</p> <ul style="list-style-type: none"> (a) are located on a <u>site</u> with a slope not greater than 10% (1-in-10) (b) do not result excavation and/or filling of land that is greater than 1.5m from natural ground level.

PO 2.1 is met as the existing internal driveway is an all-weather 2-wheel drive road. The undersigned has driven the entire length of this driveway many times in a 2WD vehicle with no problems.

Adaptive Reuse of Existing Buildings	
<p>PO 8.1</p> <p>Adaptive reuse of existing buildings for small-scale shops, offices, <u>tourist accommodation</u> or ancillary rural activities.</p>	<p>DTS/DPF 8.1</p> <p>Development within an existing building is for any of the following:</p> <ul style="list-style-type: none"> (a) a <u>shop</u> (b) <u>office</u> (c) <u>tourist accommodation</u>.

The proposal is an adaptive reuse of an existing building for Tourist Accommodation and as such satisfies PO 8.1.

OVERLAYS**Hazards (Bushfire-High Risk) Overlay**

The existing internal driveway facilitates vehicular access to both Stock Road and Bandicoot Lane in accordance with DPF 6.1 and 6.2.

The proposal will comply in full compliance with Ministerial Building Specification MBS 008, AS 3959 and PO's 1.1, 2.1, 3.1, 4.1, 4.2, 4.3, 6.1, 6.2.

Land Use	
PO 1.1 Development that significantly increases the potential for fire outbreak as a result of the spontaneous combustion of materials, spark generation or through the magnification and reflection of light is not located in areas of unacceptable bushfire risk.	DTS/DPF 1.1 None are applicable.

There is nothing to indicate that this proposal will offend PO1.1 above in any way.

Siting	
PO 2.1 Buildings and structures are located away from areas that pose an unacceptable bushfire risk as a result of vegetation cover and type, and terrain.	DTS/DPF 2.1 None are applicable.

The subject building is an existing building and is in an area of predominantly pasture, as such it concurs with PO 2.1 above.

PO 3.1 Buildings and structures are designed and configured to reduce the impact of bushfire through using designs that reduce the potential for trapping burning debris against or underneath the building or structure, or between the ground and building floor level in the case of transportable buildings and buildings on stilts.	DTS/DPF 3.1 None are applicable.
PO 3.2 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.	DTS/DPF 3.2 Outbuildings and other ancillary structures are sited no closer than 6m from the habitable building.

Building A is an existing building it is predominantly clad with non-combustible material and adheres to the intent of PO's 3.1 and 3.2 above.

Habitable Buildings	
PO 4.1 To minimise the threat, impact and potential exposure to bushfires on life and property, residential and tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation, student accommodation and workers'	DTS/DPF 4.1 None are applicable.

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accommodation) is sited on the flatter portion of allotments away from steep slopes.	
PO 4.2 Residential and tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) is sited away from vegetated areas that pose an unacceptable bushfire risk.	DTS/DPF 4.2 Residential and tourist accommodation and habitable buildings for vulnerable communities are provided with asset protection zone(s) in accordance with (a) and (b): (a) the asset protection zone has a minimum width of at least: (i) 50 metres to unmanaged grasslands (ii) 100 metres to hazardous bushland vegetation (b) the asset protection zone is contained wholly within the allotment of the development.
PO 4.3 Residential and tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) has a dedicated area available that: (a) is capable of accommodating a bushfire protection system comprising firefighting equipment and water supply in accordance with <i>Ministerial Building Standard MBS 008 - Designated bushfire prone areas - additional requirements</i> (b) includes the provision of an all-weather hardstand area in a location that: (i) allows fire-fighting vehicles to safely access the dedicated water supply and exit the site in a forward direction (ii) is no further than 6 metres from the dedicated water supply outlet(s) where required.	DTS/DPF 4.3 None are applicable.

The subject building will be fitted with active fire fighting systems (CFS appliance hard stand and fire fighting standpipe) to comply with Ministerial Specification MBS 008. The building will be brought into compliance with AS 3959-2018 (*CONSTRUCTION IN BUSHFIRE PRONE AREAS*).

Mt Lofty Ranges Water Supply Catchment (Area 2) Overlay

The Desired Outcome of this Overlay is to ‘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.’ In considering any such impact, the Council must satisfy itself that this change of use of Building A on the Site plan, will, on balance, have a “neutral or beneficial impact on the quality of water draining from the site to maintain and enhance the role of the catchment as a water supply.” (P.O.1).

As noted in the EPA Water Quality Guidelines¹:

‘a development is considered to have a [neutral or beneficial effect] on the quality of water draining from the site if:

- 1. there is no identifiable potential impact on water quality, or*
- 2. any potential water quality impact is contained on the site and prevented from reaching any surface or underground waters that drain from the site, or*
- 3. any potential water quality impact is transferred from the site to a licensed facility for treatment and disposal to standards approved by the EPA under the EP Act.’*

This application is seeking a change of use of an already existing dwelling; and one that until early 2020, was inhabited full-time. The regularity and occupation of this building, and therefore its overall possible impact on the watershed will be reduce rather than increased when compared with its dwelling use.

It is acknowledged that since the applicant used Building A as a dwelling, the *Existing Dwelling* has been built pursuant to the requirements of DA18/481/473, however, that approval and the likes of condition 9 (which requires stormwater roof runoff to be dealt with onsite) ensure that pre-development impacts are maintained.

As such, there is no evidence that a *cumulative* impact on the watershed will be produced as a result of approving this application for a change of use of what is a long-standing building. To ensure that this is the case, support for the management of both wastewater and stormwater onsite are provided below, such that any such impacts remain neutral or indeed, a beneficial position on water quality in the Overlay area, is the outcome.

There is no other ‘development’ by way of works proposed with this application.

Turning to the relevant policies in the Overlay, PO2.1, 2.4 and 2.5 (in relation to **wastewater management** across the Site), will be met through the applicant installing the AHC Health Department approved effluent management system (vide 23/W106/473). Please see a copy of this approval and system at **Attachment C**.

As to the requirements of PO3.1 and 3.2 of this Overlay (relating to **stormwater management**), it considered that these performance outcomes are met in that the applicant proposes to install a soakage trench alongside Building A as outlined at **Attachment F**. All stormwater from Building A will be filtered by the stormwater trench proposed.

The applicant proposes a soakage trench 18m long, 1m deep and 600mm wide be provided in

¹ EPA Water Quality Guidelines, *EPA assessment of development applications in the Mount Lofty Ranges water supply catchment overlays*, Issued April 2023.

accordance Fig 3.4 at **Attachment F** which will meet MBS 009 regarding stormwater management for the application. This infrastructure is highlighted on the Site plan for this application.

To note, two stormwater tanks (1 x 2000 Litre and 1 x 3000 Litre) already exist next to Building A, collecting stormwater run-off from the roof of the building. Once at capacity, those tanks, the stormwater collected is pumped to a header tank of 22,500 Litres which feeds the supply tank (13,500 Litres) that feeds directly down to the building. In total, these tanks can hold 41,000 Litres of stormwater.

EPA assessment

It is recognised that the Environment Protection Authority (**EPA**) is a statutory referral authority for development within the Mt Lofty Ranges Water Supply Catchment (Area 2) Overlay where:

- a. such development comprises *'tourist accommodation where a habitable dwelling or tourist accommodation already exists on the same allotment'*, and
- b. such development is not connected (or not proposed to be connected) to a community wastewater management system or sewerage infrastructure.

As such, this application will be referred to the EPA for its assessment.

The EPA must ascertain whether the proposed change of use of Building A would have a **neutral or beneficial impact** on the quality of water draining from the development site.

Water Quality Guidelines EPA 1143/23 (dated April 2023) issued by the EPA, provides a steer on how the EPA will consider such applications in relation to the assessment of wastewater and stormwater. However, as this application does not seek approval for a function-centre or a restaurant of more than 30 seats, it does not strictly apply.

What it does confirm is that the EPA is required to have regards to the objects of the *Environment Protection Act 1993* (the EP Act), the general environmental duty at section 25 of the EP Act and the *Environment Protection (Water Quality) Policy 2015*, in considering this application.

Objects of the EP Act

The objects of the EP Act are broad and numerous, but in relation to the consideration of the current application, can basically be encapsulated in what is section 10(1)(ab) which states:

to ensure that all reasonable and practicable measures are taken to protect, restore and enhance the quality of the environment having regard to the principles of ecologically sustainable development.

'Ecologically sustainable development' is defined in section 10(1)(a) as:

(i) that the use, development and protection of the environment should be managed in a way, and at a rate, that will enable people and communities to provide for their economic, social and physical well-being and for their health and safety while—

(A) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and

(B) safeguarding the life-supporting capacity of air, water, land and ecosystems; and

(C) avoiding, remedying or mitigating any adverse effects of activities on the environment;

(ii) that proper weight should be given to both long and short term economic, environmental, social and equity considerations in deciding all matters relating to environmental protection, restoration and enhancement.

This application and its proposed future use answers to these requirements. It provides for the following:

- (a) it seeks to authorise a *less* intensive use of an already existing building (with no other development being required)
- (b) it is supported by the wastewater and stormwater management proposals which act to ensure the ongoing protection of the watershed
- (c) it answers to a local demand for tourist accommodation without having to undertake further construction, and
- (d) it presents a sustainable outcome, avoiding the needless demolition of what is otherwise a functional building, with access, amenity, outlook and is a policy-supported proposal.

General environmental duty (the GED)

Section 25 of the EP Act provides that:

A person must not undertake an activity that pollutes, or might pollute, the environment unless the person takes all reasonable and practicable measures to prevent or minimise any resulting environmental harm.

The GED is arguably the backbone of public environmental regulation across Australia – and it applies to everyone. The requirements of the GED, in the current case, need to be considered in light of the sensitivities of land within the Overlay (Area 2)

In considering:

- (a) the existing use and operation of the dwelling the subject of this application,
- (b) its proposed future use as tourist accommodation (herein, the '**activity**'),
- (c) the above-mentioned wastewater and stormwater measures proposed to be delivered with the change of use,

this application meets the requirements of the GED and as this Overlay requires. All reasonable and practical measures necessary to prevent or minimise any harm to the watershed brought about by this change of use, have been included in this proposal.

Water Quality Policy and Ministerial Standard MBS-009

This application does not offend the provisions, requirements or expectations of the Water Quality Policy.) and aligns with the requirements of Ministerial Building Standard MBS-009 (on site management of stormwater

Native Vegetation Overlay

This proposal does not involve the removal of any native vegetation.

Scenic Quality Overlay

This proposal does not involve the erection of any buildings. The subject building is located in a well hidden part of the allotment and as such does not offend any of the POs of this Overlay.

State Significant Native Vegetation Areas Overlay

This proposal does not involve the removal of any trees or native vegetation.

Water Resources Overlay

This proposal does not involve the undertaking of any development in the form of building works. DO2 is upheld – no natural flow paths of watercourses are interrupted or impacted.

As such, the application does not offend the POs of this Overlay.

GENERAL DEVELOPMENT POLICIES

- Clearance from Overhead Powerlines

There are no overhead powerlines near the dwelling the subject of this application.

- Design

All development	
External Appearance	
<p>PO 1.4</p> <p>Plant, exhaust and intake vents and other technical equipment is integrated into the building design to minimise visibility from the public realm and negative impacts on residential amenity by:</p> <ul style="list-style-type: none"> (a) positioning plant and equipment in unobtrusive locations viewed from public roads and spaces (b) screening rooftop plant and equipment from view (c) when located on the roof of non-residential development, locating the plant and equipment as far as practicable from adjacent sensitive land uses. 	<p>DTS/DPF 1.4</p> <p>Development does not incorporate any structures that protrude beyond the roofline.</p>
On-site Waste Treatment Systems	
<p>PO 6.1</p> <p>Dedicated on-site effluent disposal areas do not include any areas to be used for, or could be reasonably foreseen to be used for, private open space, driveways or car parking.</p>	<p>DTS/DPF 6.1</p> <p>Effluent disposal drainage areas do not:</p> <ul style="list-style-type: none"> (a) encroach within an area used as private open space or result in less private open space than that specified in Design Table 1 - Private Open Space (b) use an area also used as a driveway (c) encroach within an area used for on-site car parking or result in less on-site car parking than that specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas.
Carparking Appearance	
<p>PO 7.4</p> <p>Street level vehicle parking areas incorporate tree planting to provide shade and reduce solar heat absorption and reflection.</p>	<p>DTS/DPF 7.4</p> <p>None are applicable.</p>
<p>PO 7.5</p> <p>Street level parking areas incorporate soft landscaping to improve visual appearance when viewed from within the site and from public places.</p>	<p>DTS/DPF 7.5</p> <p>None are applicable.</p>

The subject building is located in a low position on the site and as such will not offend PO's 1.4, 6.1, 7.4 or 7.5 above.

- Interface between Land Uses

<p>PO 1.1</p> <p>Tourism development complements and contributes to local, natural, cultural or historical context where:</p> <ul style="list-style-type: none"> (a) it supports immersive natural experiences (b) it showcases South Australia's landscapes and produce (c) its events and functions are connected to local food, wine and nature. 	<p>DTS/DPF 1.1</p> <p>None are applicable.</p>
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Regarding PO 1.1 above, the proposal will facilitate immersive natural experiences available on the well managed and scenic area of the property and also via the pleasant rural walks along Stock Road and Bandicoot Lane. The quaint rural village at Mylor is an easy 1.5km walk away.

Regarding PO 2.1 above, the proposal is for a single unit only.

- Transport Access and Parking

Movement Systems	
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PO 1.4 Development is sited and designed so that loading, unloading and turning of all traffic avoids interrupting the operation of and queuing on public roads and pedestrian paths.	DTS/DPF 1.4 All vehicle manoeuvring occurs onsite.
Vehicle Access	
PO 3.1 Safe and convenient access minimises impact or interruption on the operation of public roads.	DTS/DPF 3.1 The access is: (a) provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land or (b) not located within 6m of an intersection of 2 or more roads or a pedestrian activated crossing.
PO 3.5 Access points are located so as not to interfere with street trees, existing street furniture (including directional signs, lighting, seating and weather shelters) or infrastructure services to maintain the appearance of the streetscape, preserve local amenity and minimise disruption to utility infrastructure assets.	DTS/DPF 3.5 Vehicle access to designated car parking spaces satisfy (a) or (b): (a) is provided via a lawfully existing or authorised access point or an access point for which consent has been granted as part of an application for the division of land (b) where newly proposed, is set back: (i) 0.5m or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset owner (ii) 2m or more from the base of the trunk of a street tree unless consent is provided from the tree owner for a lesser distance (iii) 6m or more from the tangent point of an intersection of 2 or more roads (iv) outside of the marked lines or infrastructure dedicating a pedestrian crossing.

The proposal is minimal in scale, not more than two vehicles should ever be parked at the subject building. There will be no need to loading facilities.

The existing entries off Stock Road and Bandicoot Lane are entirely satisfactory for this proposal

<p>PO 1.1</p> <p>Tourism development complements and contributes to local, natural, cultural or historical context where:</p> <ul style="list-style-type: none"> (a) it supports immersive natural experiences (b) it showcases South Australia's landscapes and produce (c) its events and functions are connected to local food, wine and nature. 	<p>DTS/DPF 1.1</p> <p>None are applicable.</p>
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The proposal is minimal in scale, not more than two vehicles should ever be parked at the subject building. There will be no need to loading facilities.

The existing entries off Stock Road and Bandicoot Lane are entirely satisfactory for this proposal.

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

As only one Tourist Accommodation is proposed there is no trigger for disabled facilities or access vide the NCC 2022.

Vehicle Parking Rates	
<p>PO 5.1</p> <p>Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that</p>	<p>DTS/DPF 5.1</p> <p>Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant:</p>
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<p>may support a reduced on-site rate such as:</p> <ul style="list-style-type: none"> (a) availability of on-street car parking (b) shared use of other parking areas (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared (d) the adaptive reuse of a State or Local Heritage Place. 	<ul style="list-style-type: none"> (a) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas if the development is a class of development listed in Table 2 and the site is in a Designated Area (b) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements where (a) does not apply (c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.

The existing carport and hard stand at the western end of building A will provide very satisfactory parking for guests.

Vehicle Parking Areas	
<p>PO 6.1</p> <p>Vehicle parking areas are sited and designed to minimise impact on the operation of public roads by avoiding the use of public roads when moving from one part of a parking area to another.</p>	<p>DTS/DPF 6.1</p> <p>Movement between vehicle parking areas within the site can occur without the need to use a public road.</p>
<p>PO 6.2</p> <p>Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced, and the like.</p>	<p>DTS/DPF 6.2</p> <p>None are applicable.</p>
<p>PO 6.6</p> <p>Loading areas and designated parking spaces for service vehicles are provided within the boundary of the site.</p>	<p>DTS/DPF 6.6</p> <p>Loading areas and designated parking spaces are wholly located within the site.</p>

The existing Carport and hard stand at the western end of building A will provide very satisfactory parking for guests.

Conclusion

The leading Performance Objective (PO 1.1- below) for the Zone informs that Tourist Accommodation is an appropriate and desired use in the Zone and for Building A. It is supported by the relevant Code policies, as noted above.

Land Use and Intensity	
PO 1.1 The productive value of rural land for a range of primary production and horticultural activities and associated value adding of primary produce (such as beverage production), retailing and tourism is supported, protected and maintained. The proliferation of land uses that may be sensitive to those activities is avoided.	DTS/DPF 1.1 Development comprises one or more of the following: <ul style="list-style-type: none"> (a) Advertisement (b) Agricultural building (c) Brewery (d) Carport (e) Cidery (f) Commercial forestry (g) Distillery (h) Dwelling (i) Dwelling addition (j) Farming (k) Function venue (l) Horse keeping (m) Horticulture (n) Industry (o) Low intensity animal husbandry (p) Outbuilding (q) Shop (r) Small-scale ground mounted solar power facility (s) Tourist accommodation (t) Transport distribution

The applicant appreciates the current requirements of condition 4 of DA18/481/473, but respectfully submits this application for the Council's consideration on the basis that the relevant dwelling remains a satisfactory and operative building in a unintrusive location, serviced by the appropriate access and services, and in relation to which the controlled use of for Tourist Accommodation would provide a sought-after tourism resource in an area of such demand.

Whilst there are three habitable building at on the Site, it is important to note:

1. Each building has its own existing use rights (whether they be as a result of a development approval or they have been in situ for an extended period of time). Indeed, the Cottage only became relevant to this application as a result of a recent boundary realignment – not through any additional development per se.
2. There are no additional development works sought in this application – and therefore, no additional impacts pursuant to such works.
3. The proposed use of Building A is less impactful than its current residential use, and such restrictions can be maintained by conditions on any consent issued.
4. Building A is fully serviced and has a clear and unencumbered access through the Site.
5. The impacts of wastewater across the Site (including the Existing Dwelling and the Cottage) are significantly improved and controlled through the approval provided at **Attachment C**.
6. There are no additional stormwater impacts; indeed the applicant makes an offering to improve existing stormwater management in relation to Building A, satisfying the sensitive requirements of the Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay.

7. Permitting Building A to remain in situ and authorised for this less-intense use as tourist accommodation, speaks to basic sustainability principles and also supports the demand for such accommodation in an area of substantial tourist interest and value.

We respectfully seek the Councils support for this change of use application, as well as the associated amendment to DA18/481/473, removing the requirements of condition 4.

Attachments –

Attachment A	Certificate of Title
Attachment B	Plans
Attachment C	Effluent report by Seed Enterprises 4/5/23 and Public Health Act Approval 23/W106/473
Attachment D	Map of internal road through Site
Attachment E	Current photos of internal road through Site
Attachment F	SMP by Peter Meline 14/9/23
Attachment G	Draft Outline of Information for Guests of Tourist Accommodation



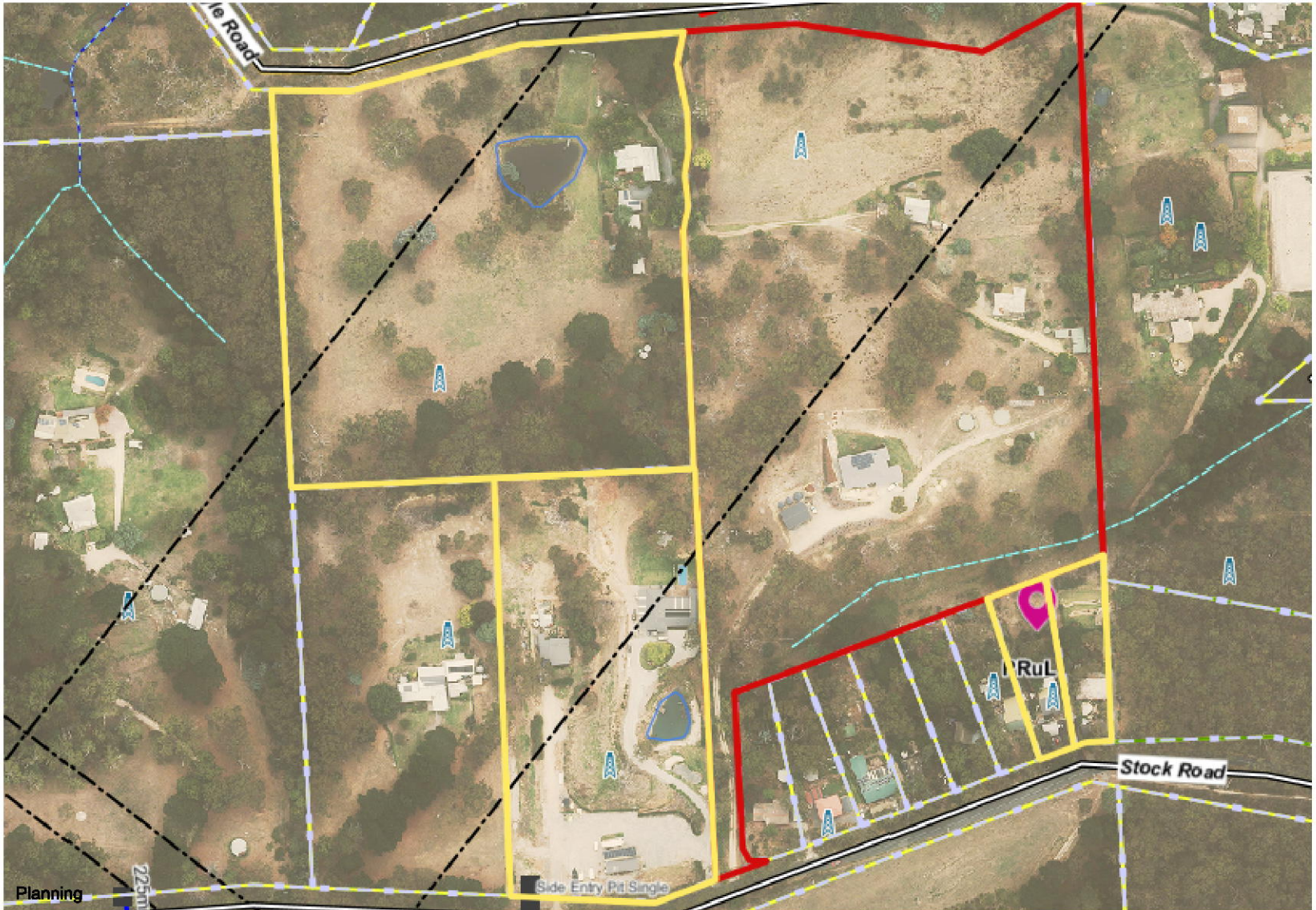
ATTACHMENT E
DRIVEWAY NEAR PROPOSED
TOURIST ACCOMMODATION



ATTACHMENT E-3
DRIVEWAY NEAR STONE
COTTAGE



ATTACHMENT E-4
STOCK RD ENTRANCE



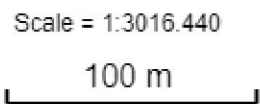
Annotations

-  Representor 4
-  Representor 3
-  Representor 2
-  Representor 1
-  Subject Land

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Zone Map – Productive Rural Landscape

Details of Representations

Application Summary

Application ID	23015113
Proposal	Change of use from dwelling to tourist accommodation and variation to development approval 18/481/473 to remove of condition 4
Location	151 STOCK RD MYLOR SA 5153

Representations

Representor 1 - Craig Lock

Name	Craig Lock
Address	169 Stock Road MYLOR SA, 5153 Australia
Submission Date	08/01/2024 12:49 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

I live on the property at 169 Stock Road. My houses faces the property in the application. From the inside of my bedroom I have a clear view of the existing dwelling and the road that leads to dwelling A. There are several reasons that I do not support this application and I believe it should be rejected: 1 - The usage of dwelling A as tourist accomodation will significantly increase the amount of car traffic coming and going from the property. At the moment when a car drives from the existing dwelling to dwelling A they have a clear view of our house. When this happens at night time the cars headlights shine directly into our bedrooms and living room. As the property is presently used this happens rarely but if it is changed to a tourist accomodation then it will happen frequently and disrupt our lives and privacy. Something we cannot support in anyway. 2 - The change of use from rural property to tourist accomodation is something that could lead to further activity and development of the site. For example hosting events/weddings/parties at the site in the future as the change of use may permit such things. This kind of usage could result in increased noise, disruption and further exacerbate the issue of cars driving past our house and shining headlights into our house. The properties are located in a gully and any noise is amplified across the gully towards our house. Cars or parties occurring at a tourist accomodation will be extremely disruptive to our life. 3 - The property could also be sold in the future to another owner or business that could further develop the site into tourist accomodation/events etc based on the new zoning. If this were to happen it would multiply the above issues and is something we do not support. Overall having tourist activity on the site will undoubtedly have a negative impact on our day to day life and we cannot support it.

Attached Documents

Representations

Representor 2 - Benjamin Wallace

Name	Benjamin Wallace
Address	PO Box 88 MYLOR SA, 5153 Australia
Submission Date	29/01/2024 10:40 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development

Reasons

I write to outline my support of the development application 23015113 for Change of use from dwelling to tourist accommodation and variation to development approval 18/481/473 to remove of condition 4. In my opinion the application seeks to respond to the critical demands and trend for tourism development in the Adelaide Hills in a sensible way through the utilisation of existing dwellings. Through approving developments such as this one, CAP not only enhance the region's tourism potential but also contribute significantly to the economic growth of local businesses and communities. Small-scale accommodations offer an intimate and personalised experience for visitors, allowing them to immerse themselves in the unique charm of the Adelaide Hills. As CAP are aware, a significant proportion of the Adelaide Hills Council area is within the Environment and Food Production Area (EFPA), which means land divisions creating extra allotments for residential purposes must be refused. This creates a significant lack of development opportunities for both tourist accommodation and housing stock in the Adelaide Hills and further highlights the need for CAP to favourably consider sensible development applications such as this one. Allowing the utilisation of existing dwellings to assist with the critical shortage of tourist accommodation and (in other cases ancillary rentals) in the Adelaide Hills should be viewed as a moral and social imperative of CAP. It is well known that small-scale accommodations are more likely to embrace eco-friendly practices, contributing to the preservation of the Adelaide Hills' pristine environment. Embracing and encouraging such developments aligns with the spirit of sustainable and responsible tourism, ensuring the long-term prosperity of the Adelaide Hills as a sought-after destination. I further note on the Plan SA portal State agency referrals have resulted in both CFS and EPA being satisfied that any impacts of the development proposal can be sufficiently minimised through conditions which both agencies have set out. As an adjoining owner I am satisfied with the vigorous State agency referral process. Again, as an adjoining owner, I am fully supportive of this development application.

Attached Documents

Representations

Representor 3 - Matthew Thomas

Name	Matthew Thomas
Address	PO Box 141 ALDGATE SA, 5154 Australia
Submission Date	29/01/2024 06:13 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

We oppose the development based on the following reasons - % Extra traffic & therefore dust, noise & privacy issues on the existing dirt/rubble driveway that runs very close to our house & past our bedroom window. This traffic will be in addition to the extra traffic the Ronan's Business (Torque Wrench Calibration Services) causes. They operate 2 commercial vehicles that use the driveway daily, together with frequent business deliveries from trucks, vans etc. % The sightlines from the top of the driveway at 151 Stock Rd, are very short (both left & right views). As a neighbouring resident, I have seen many near misses here when they have been pulling out of their drive & I would be concerned for visitor if they did not know the road, especially with 3 dwellings on the same property. I believe the sightlines need to be 120m which I am confident they are not (especially critical on an 80km/hr road). %It is of concern that anyone with an Intervention Order against them (Mr Ronan) would be able to accommodate guests. Not sure what the rules are around this?

Attached Documents

Representations

Representor 4 - Mattis Vanzati

Name	Mattis Vanzati
Address	2A BANDICOOT LANE MYLOR SA, 5153 Australia
Submission Date	30/01/2024 12:10 PM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons	
As per attached document received via email 29/1/24 @ 2:43pm	

Attached Documents

OpposingRepresentation-MattisVanzati-23015113-7402499.pdf

REPRESENTATION ON APPLICATION – PERFORMANCE ASSESSED DEVELOPMENT

Planning, Development and Infrastructure Act 2016

Development Number:	23015113
Nature of Development:	Change of use from dwelling to tourist accommodation and variation to development approval 18/481/473 to remove of condition 4
Zone/Sub-zone/Overlay:	Title CT6281/488 – Plan Parcel D131157AL102
Subject Land:	151 STOCK RD MYLOR SA 5153
Contact Officer:	Adelaide Hills Council
Phone Number:	08 8408 0400
Close Date:	29 January 2024

My name*: Mattis Vanzati	My phone number:
My postal address*: 2a Bandicoot Lane, Mylor SA 5153	My email:

* Indicates mandatory information

My position is:	<input type="checkbox"/> I support the development
	<input type="checkbox"/> I support the development with some concerns (detail below)
	<input checked="" type="checkbox"/> I oppose the development

The specific reasons I believe that planning consent should be refused are:

The applicant, Michelle Ronan, has explicitly stated in person that they have no intention of complying with the application as they intend to use the building as long-term residential rental. My concerns had been raised that the reclassification or continued current use of the building would result in an elevated nuisance and security risk as the designated driveway passes immediately adjacent to my property with no fence or defined boundary. I had offered a conciliation that they unilaterally install a fence with privacy considerations or discontinue the use of the driveway (currently used by at least 3 separate tenants not including the property owners daily) in favour of their primary driveway on Stock Rd, but this request was not agreed to by the applicant.

The conversation with the applicant was held on Thursday, 25 Jan on my property and captured (including audio) on my security camera.

Relevant quotes from Michelle (audio in attached file):

Segment 1

Karen (current tenant) is looking to buy somewhere, but like I said – if she chooses to stay there I'd rather have that type of thing but obviously council needs to know that-the only way to keep it- it's just wording as far as I'm concerned

Segment 2



Government of South Australia

Department for Trade
and Investment

I don't want to do tourist accommodation but that's what I have had to put in the application

Segment 3

Like I said, we've had to put it in as tourist accommodation to be able to keep it so we don't have to knock it down- Like I said, I don't really want to use it as tourist accommodation but that's what I have had to put it in for council, so if that eases your mind, I can guarantee you, Karen can stay there for as long as she likes

Segment 4

-Nothing is going to change -We'd rather have Karen and Tash stay there forever

Segment 5

We'd rather just rent it out to Karen – If Karen moves out we'd be looking to rent it out again to someone rather than tourist accommodation anyway

My reasons for objecting are:

- I believe a false representation has been made*
- The change of use and/or continued use negatively impacts myself and others due to security risk and increased traffic*

I: wish to be heard in support of my submission*
 do not wish to be heard in support of my submission

By: appearing personally
 being represented by the following person: [Click here to enter text.](#)

**You may be contacted if you indicate that you wish to be heard by the relevant authority in support of your submission*

Signature:



Date: 29/01/24

Return Address: 2a Bandicoot Lane Mylor *[relevant authority postal address]* or

Email:

Complete online submission:

plan.sa.gov.au/have_your_say/notified_developments/current_notified_developments



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14 February 2024

Melanie Scott
Senior Statutory Planner
Adelaide Hills Council
24 Onkaparinga Road
Woodside SA 5244

mscott@ahc.sa.gov.au

Dear Melanie,

**151 Stock Road, Mylor
Development Application No. 23015113 – Response to Representations**

As you are aware, we act for Michele Ronan of the above address (the **Applicant**) in relation to the above application for a change of use [of Building A on the Site Plan] from dwelling to tourist accommodation and associated variation to development approval 18/481/473 to remove of condition 4 (the **Application**) at the above address (the **Property**).

Pursuant to regulation 51 of the *Planning Development and Infrastructure (General) Regulations 2017*, we take this opportunity to provide a response to the representations made in relation to the Application.

Summary of Representations

Representor	Comments
Benjamin Wallace	<p>Application:</p> <ul style="list-style-type: none">Provides critically needed support for demands for tourism in areaReflects the type of accommodation the area is seeking: utilisation of existing building. Opportunity of sustainable and responsible tourismContributes to economic growth and provides support for local businesses and the community <p>There are few opportunities for this type of use in the Adelaide Hills given the remit of the Environment Food and Production Area – there is increased pressure to consider these types of applications favourably</p>
Craig Lock	<p>Application will result in:</p> <ul style="list-style-type: none">A significant increase in trafficOverlooking (there is a clear line-of-site to his property)

Address: 18 Greer Street
Hyde Park SA 5061

Mobile: 0412 511 904
Email: emma@herrimanlegal.com.au



	<ul style="list-style-type: none">• Headlight / glare – impact on living and sleeping areas• Future intensification of use
Matthew Thomas	Application will result in: <ul style="list-style-type: none">• Extra traffic, dust, noise along the unsealed driveway from Stock Road• Privacy issues• Insufficient site lines for parties exiting the property onto Stock Road• IVO (Intervention Order) referenced
Mattis Vanzati	The Application will result in: <ul style="list-style-type: none">• An elevated nuisance and security risk alongside his boundary as cars enter / exit the property from Bandicoot Lane, with no fence or defined boundary line• Future non-compliance (ie. use as long term rental)

Detailed discussion

Mr Wallace has provided an excellent representation in support of the Application, which speaks not only to the acceptable proposed change of use of Building A and its immediate impacts, but the support that such a use change to Tourist Accommodation would provide to the local economy, and in a sustainable way.

Below, we speak to the representations of Messrs Lock, Thomas and Vanzati, which oppose the Application.

1. Traffic Impacts

Significant increase in traffic, dust and noise via access off Stock Road

The representors raise concerns about the impact the Application would have on traffic increase (and associated dust and noise) into and across the Property. Thankfully, these impacts are minimal and therefore concerns are without foundation.

In considering same, it should be noted that:

1. there is one access road which runs through the Property, providing vehicle entrances off two entrances: Stock Road (to the south) and Bandicoot Lane (to the north). This access road is required and supported by the CFS and acts to reduce / spread any increase on vehicle movement (of which we believe there is little) to and from the Property;
2. existing Building A is very moderate in size, with only two formal bedrooms. As tourist accommodation, it is expected to attract couples and small family / friend groups (comfortably catering for between 2 – 5 people in any one stay);



3. the Tourist Accommodation would be primarily rented out on weekends and public holidays, thereby limiting the time that any increase to traffic as a result of the development, would apply;
4. since the Applicant and her husband moved into the Dwelling on the Property (see Site Plan), various relatives of the Applicant have stayed in Building A on a temporary basis, each having their own vehicles, which has arguably already increased the traffic movements (and associated dust and noise) at the Property; and
5. the traffic generation associated with the current use of the site is moderate and comprises that associated with the Applicant and her husband living at the Property (see Dwelling on Site Plan), and the very limited additional movement associated with the operation of Torque Wrench Calibration Services (which is Tom Ronan's mobile business). The standard movements associated with this business are simply Mr Ronan leaving the Property in the morning and returning in the evening.

In short, there is only a very moderate level of traffic coming into and out of the Property currently (across both exits) and any traffic generation brought about as a result of approving the Application would be nominal.

This is supported by the rates put forward in the NSW RTA "Guide to Traffic Generating Developments Issue 2.2, October 2002", being the commonly invoked standard for the consideration of traffic generation for various uses in SA. At clause 3.4.1, the standard provides the following rate of traffic movement for Tourist Accommodation (motels and the like):

Daily vehicle trips = 3 units

Evening peak hour vehicle trips = 0.4 per unit.

Therefore, the change of use of Building A to tourist accommodation on average brings with it an increase of 3 vehicle movements (daily) with an additional 0.4 at evening peak hour, noting this is premised on 100% occupancy, which will rarely if ever apply to Building A.

This traffic increase is insubstantial (as is therefore, any associated dust or noise impacts) and could not be considered to cause an adverse impact on neighbouring properties.

Headlight glare

Mr Lock raises concerns about headlight glare impacting his living room and bedroom (at the back of his property) when vehicles are moving from the Stock Road entrance through the Property to Building A. Whilst we query the degree of impact possible given that Mr Lock's dwelling sits across the gully to the east of the Property some 160m from the Applicant's access road, and intercepted by various trees and foliage, the Applicant and Mr Lock have had discussions about same, and the



Applicant has agreed to erect fencing along the relevant strip of the access road to completely alleviate this impact.

PO2.1 and PO2.2 of *Tourism Development* (General Policies) are met in this regard.

Site lines when exiting Property from Stock Road

Mr Thomas has made mention of site line requirements from the Property when exiting onto Stock Road and their apparent inadequacy. No supporting evidence has been provided with this information. The Applicant has no knowledge of inadequate site lines out of the Property onto Stock Road, and in her time of occupation, no accidents or the like have occurred.

2. Nuisance

Mr Vanzati has raised concerns over an “elevated nuisance” and security risk alongside his property boundary as cars enter / exit the property from Bandicoot Lane, with no fence or defined boundary line. We can only assume this representation is made in light of ongoing discussions had between the Applicant and Mr Vanzati about the fencing of this boundary line, which sits adjacent to his dwelling. The Applicant does not know of any existing nuisance or security risk. While the Applicant finds this representation perplexing as Mr Vanzati often uses the Applicant’s entrance off Bandicoot Road in order to enter his own property from the side some metres up the access way (thereby benefiting from the fact that there is currently no fence in place), as noted previously, the Applicant is more than happy to share half of the costs of erecting a good-neighbour fence between the two properties, if this alleviates Mr Vanzati’s concerns.

As such, to the degree that PO2.1 of *Tourism Development* (General Policies) is not already met (which the Applicant does not concede), it can be supported by this outcome.

3. Future intensification of Use

Mr Lock has raised concerns about the future intensification of tourism accommodation to further activity and development of the Property. We confirm that there is no basis for such concerns – and that the existing statutory and policy regime in place provides numerous controls against this taking place.

In this instance, the Applicant is applying to change the use of Building A to a tourist accommodation use. As noted in the Application, ‘tourist accommodation’ is defined in the Code as:

... premises in which temporary or short-term accommodation is provided to travellers on a commercial basis.

Any more intense use of Building A (or indeed the Property) for such uses as “hosting events/weddings/parties” would require one or more development approvals from a relevant authority (such as the Council) under the *Planning Development and Infrastructure Act 2016* (**PDI Act**). Any such development applications would need to be lawfully considered in light of the existing context and up against the relevant policies of the Code. Any ability to obtain such approvals is a far cry from what this Application seeks – which is a very modest change to the



existing context. As noted above, it is clear that Building A can only provide accommodation of a few people at any one time – and simply means that rather than demolishing a perfectly functional building which has been in situ for decades, it be made lawfully useful by offering it to travellers and tourists, wanting to experience all of what the Adelaide Hills has to offer.

4. Future non-compliance etc

As the Council will be more than aware, what is under consideration in relation to this Application, are the planning merits of the Application when considered against the relevant provisions of the Code.

Quite aside from the fact that Mr Vanzati's obtaining of the information in his Representation relevant to future non-compliance was completely unlawful (i.e. done without consent), future intentions for the use of land (compliant or otherwise) are not only speculative but wholly irrelevant to the planning merits of the Application. Similarly, Mr Thomas' mention of the alleged IVO against the Applicant's husband is not only inappropriate but irrelevant. Indeed, should any decision-maker give weight to such information in forming a decision on an application, it would be acting ultra vires and rendering the decision vulnerable to challenge.

In relation to concerns over future non-compliance, the PDI Act provides a designated authority (including the Council) with significant powers to enforce against any breaches of planning. If it was the case that the Applicant proceeded to use Building A as a long-term rental, then the Council has significant powers to prevent this from continuing.

5. Overlooking and privacy

The representors reference concerns about impacts on their privacy brought about by the proposed use of Building A as Tourist Accommodation. Given the modest nature and size of Building A, the limited number of people it can accommodate, the intention of the Applicant to rent it out primarily on weekends and public holidays and the location and siting of each of the representors' properties and dwellings, we cannot ascertain how there can be any reasonable cause for concern on this basis.

As mentioned above, the rear of Mr Lock's dwelling is no less than 160m from the boundary of the Property, separated from the Property by numerous trees and foliage. It will be further protected by the proposed fence the Applicant will erect adjacent to the access track.

Mr Thomas' property fronts onto Stock Road and sits adjacent to the Property's access road only. It is sited significantly higher than the access road itself and is visible only on entrance and exit to the Property from Stock Road. It sits nowhere near Building A and shares no site-line with it. With this in mind and the very low increase in traffic brought about by the Application, we struggle to see how Mr Thomas' privacy will be any more materially impacted than it already is. Obviously, it is open to him to erect appropriate fencing or plantings along his boundary line at any time, should this be of concern to him.

Mr Vanzati's dwelling sits adjacent to the Property's access road at the northern end of the Property. Again, further to our comments about the lack of any material traffic impacts brought about as a result of the Application, any impact that he is concerned about could be alleviated by



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his proactively erecting a fence between the properties. However, the Applicant is open to bearing half these costs to alleviate the issue altogether.

Conclusion

What is primarily being sought by the Applicant is a change of use of an existing building at the Property. It is clear that *Tourist Accommodation* is an envisaged land use in the Productive Rural Landscape Zone (PO1.1) and the Application responds to DO1 which seeks:

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.

Building A is a modest building, which has been in situ for decades. Authorising it for tourist accommodation use is a sustainable and responsible answer in the circumstances, given the importance of tourism in the area (complying with PO6.3 of the Zone) and the shortage of available accommodation. Building A has suitable vehicle access (PO2.1); is located in a position on the Property which minimises visual impacts (PO2.2); reflects an adaptive reuse of an existing building (PO8.1) and will not give rise to any unacceptable impacts, whether they be traffic, dust, privacy, security. The Application satisfactorily complies with those policies the subject of the relevant Overlays, and both Country Fire Service and the Environmental Protection Authority as referral authorities have provided support for the Application subject to conditions.

The Application aligns with the relevant General Policies of the Code, including those found in *Tourism Development*, *Interface between land uses* and *Transport, Access and Parking*. In addition, and even in circumstances in which adverse impacts have not been established, the Applicant has used all reasonable endeavours to offset her neighbours' concerns.

While the Representations made have been heard and seriously considered, they are either unsupported in fact or against policy requirements, irrelevant to the planning merits of the Application, or have been satisfactorily mitigated by the Applicant.

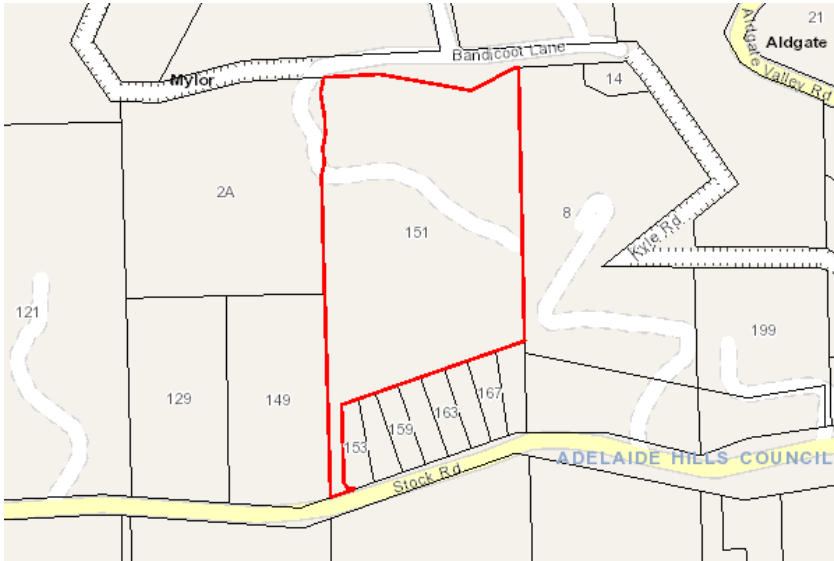
As such, it is our firm view that the representations put forward do not provide sufficient weight in fact to warrant a refusal of the Application.

Yours sincerely,

Emma Herriman
Principal

Address: 151 STOCK RD MYLOR SA 5153

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



Property Zoning Details

Zone

Productive Rural Landscape

Overlay

- Environment and Food Production Area
- Hazards (Bushfire - High Risk)
- Hazards (Flooding - Evidence Required)
- Limited Land Division
- Mount Lofty Ranges Water Supply Catchment (Area 2)
- Native Vegetation
- Prescribed Water Resources Area
- State Significant Native Vegetation
- Scenic Quality
- Water Resources

Selected Development(s)

Tourist accommodation

This development may be subject to multiple assessment pathways. Please review the document below to determine which pathway may be applicable based on the proposed development compliances to standards.

If no assessment pathway is shown this mean the proposed development will default to performance assessed. Please contact your local council in this instance. Refer to Part 1 - Rules of Interpretation - Determination of Classes of Development

Property Policy Information for above selection

Tourist accommodation - Code Assessed - Performance Assessed

Part 2 - Zones and Sub Zones

Productive Rural Landscape Zone

Assessment Provisions (AP)

Desired Outcome (DO)

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

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use and Intensity	
<p>PO 1.1</p> <p>The productive value of rural land for a range of primary production and horticultural activities and associated value adding of primary produce (such as beverage production), retailing and tourism is supported, protected and maintained. The proliferation of land uses that may be sensitive to those activities is avoided.</p>	<p>DTS/DPF 1.1</p> <p>Development comprises one or more of the following:</p> <ul style="list-style-type: none"> (a) Advertisement (b) Agricultural building (c) Brewery (d) Carport (e) Cidery (f) Commercial forestry (g) Distillery (h) Dwelling (i) Dwelling addition (j) Farming (k) Function venue (l) Horse keeping (m) Horticulture (n) Industry (o) Low intensity animal husbandry (p) Outbuilding (q) Shop (r) Small-scale ground mounted solar power facility (s) Tourist accommodation (t) Transport distribution (u) Verandah (v) Warehouse

	(w) Winery (x) Workers' accommodation
Siting and Design	
PO 2.1 Development is provided with suitable vehicle access.	DTS/DPF 2.1 Development is serviced by an all-weather trafficable public road.
PO 2.2 Buildings are generally located on flat land to minimise cut and fill and the associated visual impacts.	DTS/DPF 2.2 Buildings: (a) are located on a site with a slope not greater than 10% (1-in-10) (b) do not result excavation and/or filling of land that is greater than 1.5m from natural ground level.
Shops, Tourism and Function Venues	
PO 6.3 Tourist accommodation is associated with the primary use of the land for primary production or primary production related value adding industry to enhance and provide authentic visitor experiences.	DTS/DPF 6.3 Tourist accommodation, other than where located in The Cedars Subzone: (a) is ancillary to and located on the same allotment or an adjoining allotment used for primary production or primary production related value adding industry (b) in relation to the area used for accommodation: (i) where in a new building, or buildings, does not exceed a cumulative total floor area of 100m ² or (ii) where in an existing building, does not exceed 150m ² and (c) does not result in more than one tourist accommodation facility being located on the same allotment.
PO 6.4 Tourist accommodation proposed in a new building or buildings are sited, designed and of a scale that maintains a pleasant rural character and amenity.	DTS/DPF 6.4 Tourist accommodation in new buildings: (a) is setback from all property boundaries by at least 40m (b) has a building height that does not exceed 7m above natural ground level.
Adaptive Reuse of Existing Buildings	
PO 8.1 Adaptive reuse of existing buildings for small-scale shops, offices, tourist accommodation or ancillary rural activities.	DTS/DPF 8.1 Development within an existing building is for any of the following: (a) a shop (b) office (c) tourist accommodation.
Built Form and Character	
PO 11.1	DTS/DPF 11.1

<p>Large buildings designed and sited to reduce impacts on scenic and rural vistas by:</p> <ul style="list-style-type: none"> (a) having substantial setbacks from boundaries and adjacent public roads (b) using low reflective materials and finishes that blend with the surrounding landscape (c) being located below ridgelines. 	<p>None are applicable.</p>
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Table 5 - Procedural Matters (PM) - Notification

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

Interpretation

Notification tables exclude the classes of development listed in Column A from notification provided that they do not fall within a corresponding exclusion prescribed in Column B.

Where a development or an element of a development falls within more than one class of development listed in Column A, it will be excluded from notification if it is excluded (in its entirety) under any of those classes of development. It need not be excluded under all applicable classes of development.

Where a development involves multiple performance assessed elements, all performance assessed elements will require notification (regardless of whether one or more elements are excluded in the applicable notification table) unless every performance assessed element of the application is excluded in the applicable notification table, in which case the application will not require notification.

A relevant authority may determine that a variation to 1 or more corresponding exclusions prescribed in Column B is minor in nature and does not require notification.

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

<ul style="list-style-type: none"> (n) outbuilding (o) pergola (p) private bushfire shelter (q) protective tree netting structure (r) replacement building (s) retaining wall (t) solar photovoltaic panels (roof mounted) (u) shade sail (v) swimming pool or spa pool and associated swimming pool safety features (w) temporary accommodation in an area affected by bushfire (x) tree damaging activity (y) verandah (z) water tank. 	
<p>3. Any development involving any of the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> (a) industry (b) store (c) warehouse. 	<p>Except development that does not satisfy any of the following:</p> <ol style="list-style-type: none"> 1. Productive Rural Landscape Zone DTS/DPF 4.1 2. Productive Rural Landscape Zone DTS/DPF 4.3.
<p>4. Demolition.</p>	<p>Except any of the following:</p> <ol style="list-style-type: none"> 1. the demolition (or partial demolition) of a State or Local Heritage Place (other than an excluded building) 2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an excluded building).
<p>5. Function venue within The Cedars Subzone.</p>	<p>None specified.</p>
<p>6. Function venue.</p>	<p>Except function venue that does not satisfy Productive Rural Landscape Zone DTS/DPF 6.6.</p>
<p>7. Horticulture.</p>	<p>Except horticulture that does not satisfy any of the following:</p> <ol style="list-style-type: none"> 1. Productive Rural Landscape Zone DTS/DPF 3.1(d) 2. Productive Rural Landscape Zone DTS/DPF 3.1(e).
<p>8. Railway line.</p>	<p>Except where located outside of a rail corridor or rail reserve.</p>
<p>9. Shop within The Cedars Subzone.</p>	<p>None specified.</p>
<p>10. Shop.</p>	<p>Except shop that does not satisfy any of the following:</p> <ol style="list-style-type: none"> 1. Productive Rural Landscape Zone DTS/DPF 6.1 2. Productive Rural Landscape Zone DTS/DPF 6.2.
<p>11. Tourist accommodation within The Cedars Subzone.</p>	<p>None specified.</p>

<p>12. Tourist accommodation.</p>	<p>Except tourist accommodation that does not to satisfy any of the following:</p> <ol style="list-style-type: none"> 1. Productive Rural Landscape Zone DTS/DPF 6.3 2. Productive Rural Landscape Zone DTS/DPF 6.4.
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Placement of Notices - Exemptions for Performance Assessed Development

Pursuant to regulation 47(6)(c) of the Planning, Development and Infrastructure (General) Regulations 2017, the requirement to place a notice on the relevant land under section 107(3)(a)(ii) of the *Planning, Development and Infrastructure Act 2016* does not apply in the Productive Rural Landscape Zone.

Placement of Notices - Exemptions for Restricted Development

Pursuant to regulation 47(6)(c) of the Planning, Development and Infrastructure (General) Regulations 2017, the requirement to place a notice on the relevant land under section 110(2)(a)(iv) of the *Planning, Development and Infrastructure Act 2016* does not apply in the Productive Rural Landscape Zone.

Part 3 - Overlays

Hazards (Bushfire - High Risk) Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

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

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use	
PO 1.1 Development that significantly increases the potential for fire outbreak as a result of the spontaneous combustion of materials, spark generation or through the magnification and reflection of light is not located in areas of unacceptable bushfire risk.	DTS/DPF 1.1 None are applicable.
PO 1.2 Child care facilities, educational facilities, hospitals, retirement and supported accommodation are sited away from areas of unacceptable bushfire risk and locations that: <ul style="list-style-type: none"> (a) are remote from or require extended periods of travel to reach safer locations (b) don't have a safe path of travel to safer locations. 	DTS/DPF 1.2 None are applicable.
Siting	
PO 2.1 Buildings and structures are located away from areas that pose an unacceptable bushfire risk as a result of vegetation cover and type, and terrain.	DTS/DPF 2.1 None are applicable.
Built Form	
PO 3.1 Buildings and structures are designed and configured to reduce the impact of bushfire through using designs that reduce the potential for trapping burning debris against or underneath the building or structure, or between the ground and building floor level in the case of transportable buildings and buildings on stilts.	DTS/DPF 3.1 None are applicable.
PO 3.2 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.	DTS/DPF 3.2 Outbuildings and other ancillary structures are sited no closer than 6m from the habitable building.
Habitable Buildings	
PO 4.1 To minimise the threat, impact and potential exposure to bushfires on life and property, residential and tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers'	DTS/DPF 4.1 None are applicable.

<p>accommodation) is sited on the flatter portion of allotments away from steep slopes.</p>	
<p>PO 4.2 Residential and tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) is sited away from vegetated areas that pose an unacceptable bushfire risk.</p>	<p>DTS/DPF 4.2 Residential and tourist accommodation and habitable buildings for vulnerable communities are provided with asset protection zone(s) in accordance with (a) and (b):</p> <ul style="list-style-type: none"> (a) the asset protection zone has a minimum width of at least: <ul style="list-style-type: none"> (i) 50 metres to unmanaged grasslands (ii) 100 metres to hazardous bushland vegetation (b) the asset protection zone is contained wholly within the allotment of the development.
<p>PO 4.3 Residential and tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) has a dedicated area available that:</p> <ul style="list-style-type: none"> (a) is capable of accommodating a bushfire protection system comprising firefighting equipment and water supply in accordance with <i>Ministerial Building Standard MBS 008 - Designated bushfire prone areas - additional requirements</i> (b) includes the provision of an all-weather hardstand area in a location that: <ul style="list-style-type: none"> (i) allows fire-fighting vehicles to safely access the dedicated water supply and exit the site in a forward direction (ii) is no further than 6 metres from the dedicated water supply outlet(s) where required. 	<p>DTS/DPF 4.3 None are applicable.</p>
<p>Vehicle Access –Roads, Driveways and Fire Tracks</p>	
<p>PO 6.1 Roads are designed and constructed to facilitate the safe and effective:</p> <ul style="list-style-type: none"> (a) access, operation and evacuation of fire-fighting vehicles and emergency personnel (b) evacuation of residents, occupants and visitors. 	<p>DTS/DPF 6.1 Roads:</p> <ul style="list-style-type: none"> (a) are constructed with a formed, all-weather surface (b) have a gradient of not more than 16 degrees (1-in-3.5) at any point along the road (c) have a cross fall of not more than 6 degrees (1-in-9.5) at any point along the road (d) have a minimum formed road width of 6m (e) provide overhead clearance of not less than 4.0m between the road surface and overhanging branches or other obstructions including buildings and/or structures (Figure 1) (f) allow fire-fighting services (personnel and vehicles) to travel in a continuous forward movement around road curves by constructing the curves with a minimum external radius of 12.5m (Figure 2)

	<ul style="list-style-type: none"> (g) incorporating cul-de-sac endings or dead end roads are provided within an alternative evacuation route and do not exceed 200m in length and the end of the road has either: <ul style="list-style-type: none"> (i) a turning area with a minimum formed surface radius of 12.5m (Figure 3) or (ii) a 'T' or 'Y' shaped turning area with a minimum formed surface length of 11m and minimum internal radii of 9.5m (Figure 4) (h) incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.
<p>PO 6.2</p> <p>Access to habitable buildings is designed and constructed to facilitate the safe and effective:</p> <ul style="list-style-type: none"> (a) use, operation and evacuation of fire-fighting and emergency personnel (b) evacuation of residents, occupants and visitors. 	<p>DTS/DPF 6.2</p> <p>Access is in accordance with (a) or (b):</p> <ul style="list-style-type: none"> (a) a clear and unobstructed vehicle or pedestrian pathway of not greater than 60 metres in length is available between the most distant part of the habitable building and the nearest part of a formed public access road (b) driveways: <ul style="list-style-type: none"> (i) do not exceed 600m in length (ii) are constructed with a formed, all-weather surface (iii) are connected to a formed, all-weather public road with the transition area between the road and driveway having a gradient of not more than 7 degrees (1-in-8) (iv) have a gradient of not more than 16 degrees (1-in-3.5) at any point along the driveway (v) have a crossfall of not more than 6 degrees (1-in-9.5) at any point along the driveway (vi) have a minimum formed width of 3m (4m where the gradient of the driveway is steeper than 12 degrees (1-in-4.5)) plus 0.5 metres clearance either side of the driveway from overhanging branches or other obstructions, including buildings and/or structures (Figure 1) (vii) incorporate passing bays with a minimum width of 6m and length of 17m every 200m (Figure 5) (viii) provide overhead clearance of not less than 4.0m between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures (Figure 1) (ix) allow fire-fighting services (personnel and vehicles) to travel in a continuous forward movement around driveway curves by constructing the curves with a minimum external radius of 12.5m (Figure 2) (x) allow fire-fighting vehicles to safely enter and exit an allotment in a forward direction by using a 'U' shaped drive through design or by incorporating at the end of the driveway either: <ul style="list-style-type: none"> A. a loop road around the building or

	<p>B. a turning area with a minimum radius of 12.5m (Figure 3) or</p> <p>C. a 'T' or 'Y' shaped turning area with a minimum formed length of 11m and minimum internal radii of 9.5m (Figure 4)</p> <p>(xi) incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.</p>
<p>PO 6.3</p> <p>Development does not rely on fire tracks as means of evacuation or access for fire-fighting purposes unless there are no safe alternatives available.</p>	<p>DTS/DPF 6.3</p> <p>None are applicable.</p>

Procedural Matters (PM) - Referrals

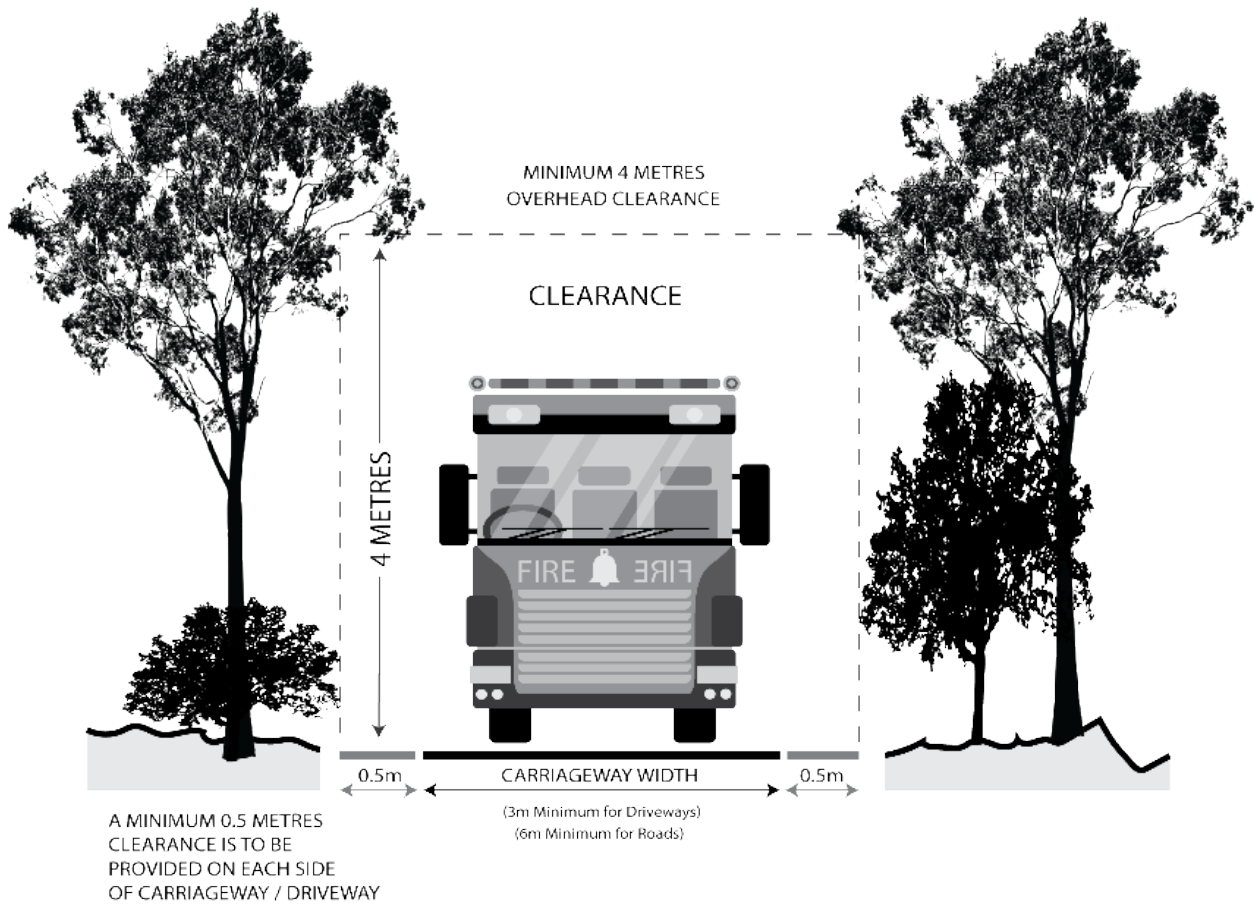
The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations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

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
<p>Except if a relevant certificate accompanies the application for planning consent in respect of the development, any of the following classes of development (including alterations and additions which increase the floor area of such buildings by 10% or more):</p> <ul style="list-style-type: none"> (a) land division creating one or more additional allotments (b) dwelling (c) ancillary accommodation (d) residential flat building (e) tourist accommodation (f) boarding home (g) dormitory style accommodation (h) workers' accommodation (i) student accommodation (j) child care facility (k) educational facility (l) retirement village (m) supported accommodation (n) residential park (o) hospital (p) camp ground. 	<p>South Australian Country Fire Service.</p>	<p>To provide expert assessment and direction to the relevant authority on the potential impacts of bushfire on the development.</p>	<p>Development of a class to which Schedule 9 clause 3 item 2 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.</p>

Figures and Diagrams

Fire Appliance Clearances

Figure 1 - Overhead and Side Clearances



Roads and Driveway Design

Figure 2 - Road and Driveway Curves

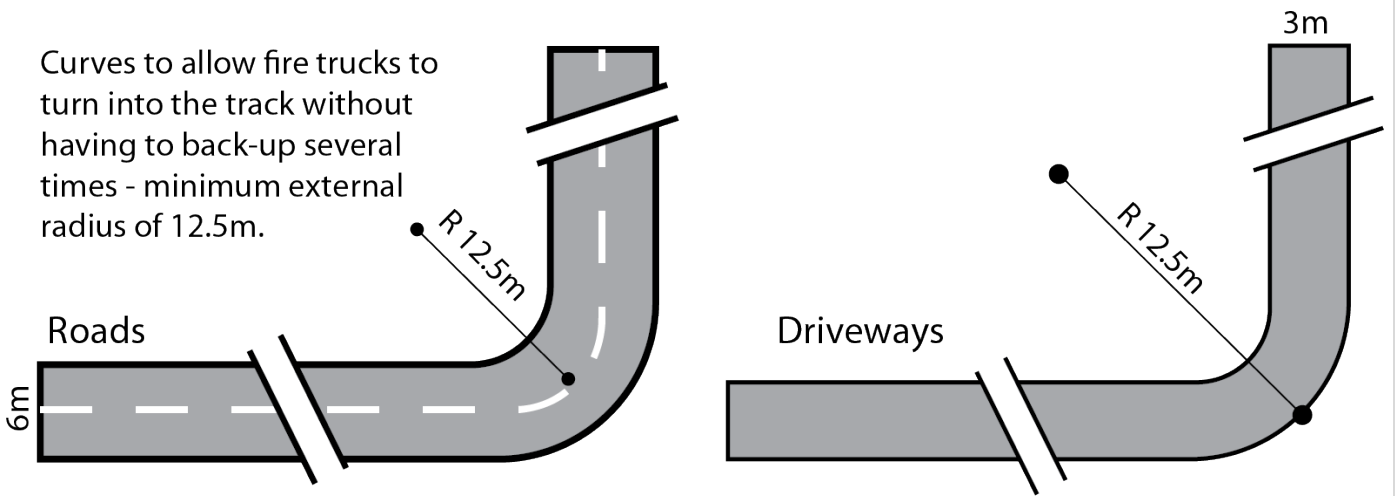


Figure 3 - Full Circle Turning Area

Fire truck turning area -
minimum radius 12.5m

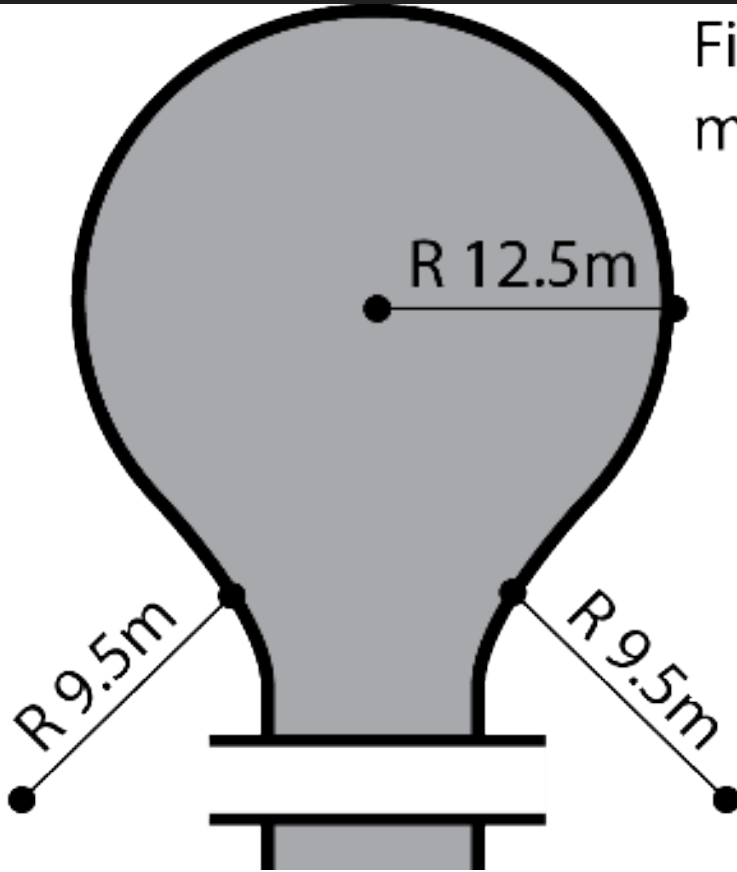
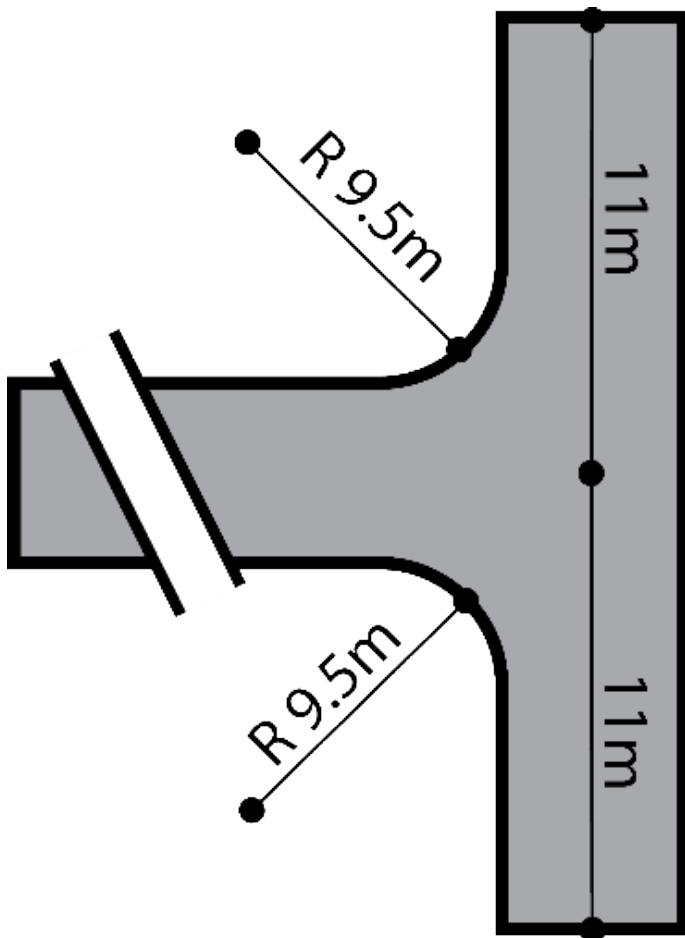


Figure 4 - 'T' or 'Y' Shaped Turning Head



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

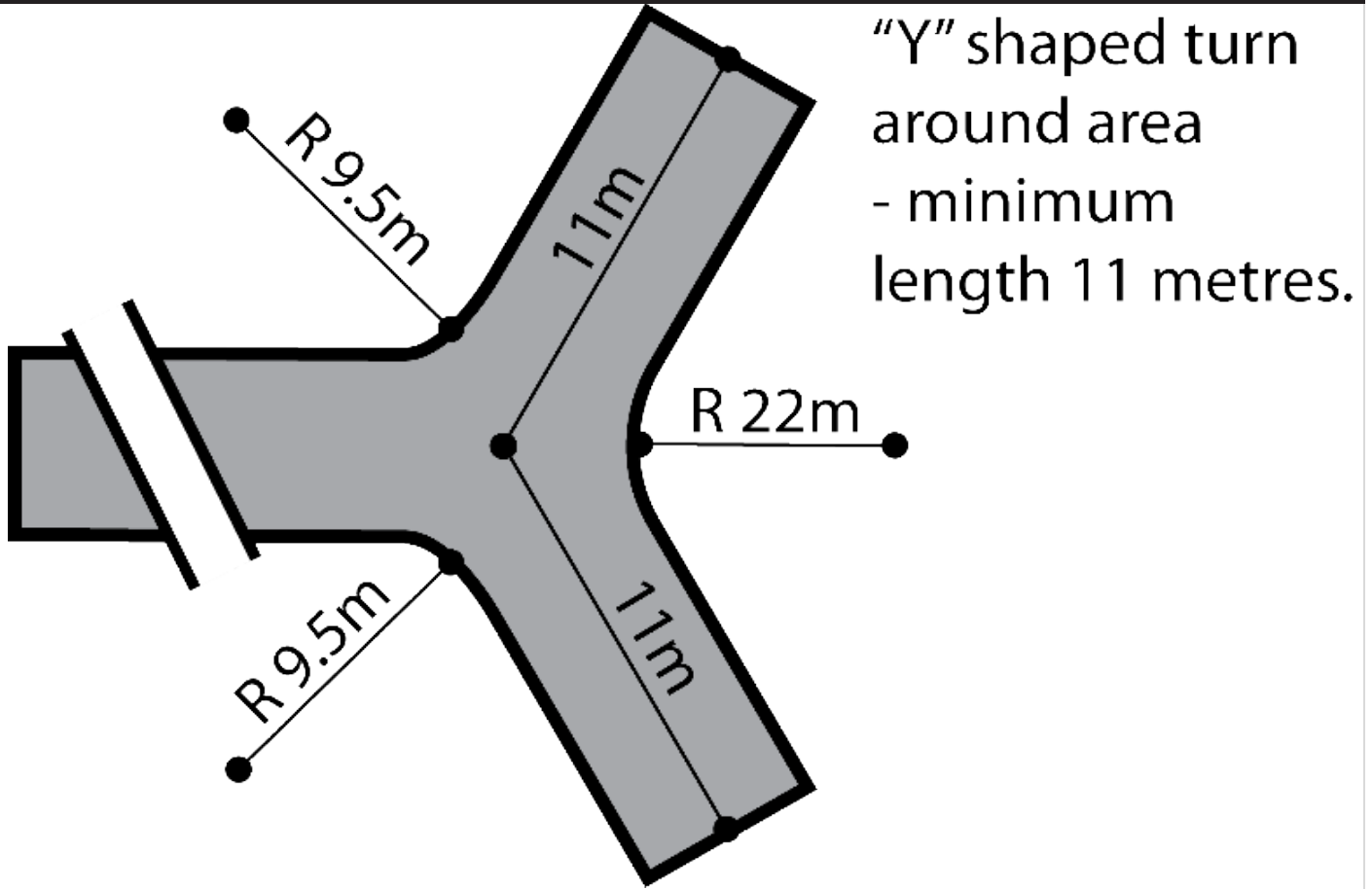
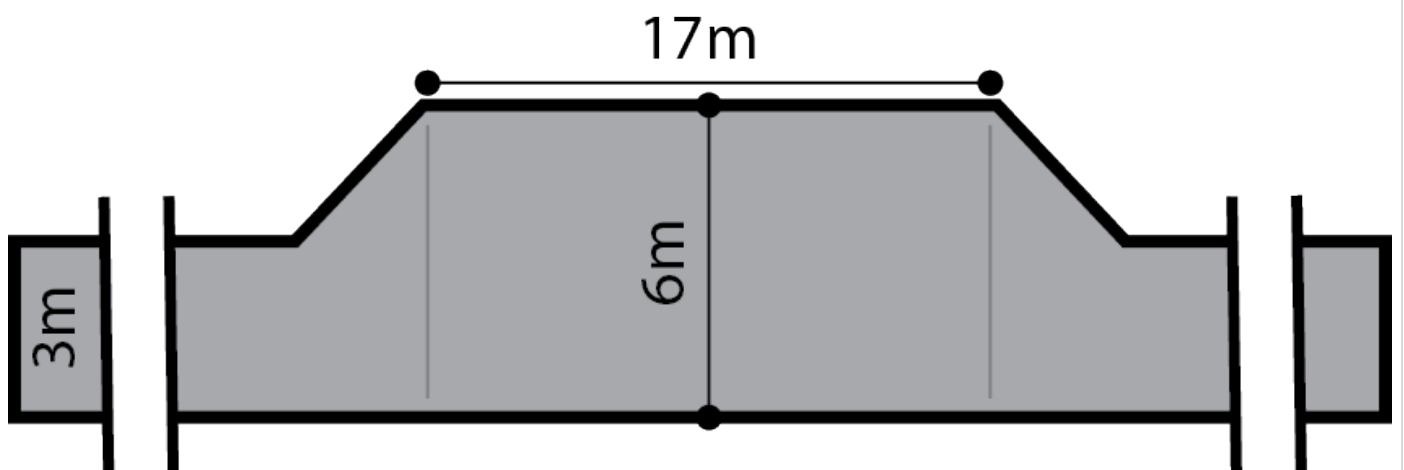


Figure 5 - Driveway Passing Bays

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



Hazards (Flooding - Evidence Required) Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

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

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

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

Procedural Matters (PM) - Referrals

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

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

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

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Water Quality	
<p>PO 1.1</p> <p>Development results in a neutral or beneficial effect on the quality of water draining from the site to maintain and enhance the role of the catchment as a water supply.</p>	<p>DTS/DPF 1.1</p> <p>None are applicable.</p>
Wastewater	
<p>PO 2.1</p> <p>Development that generates human wastewater, including alterations and additions, are established at an intensity and in a manner to minimise potential adverse impact on water quality within secondary reservoir and weir catchment areas.</p>	<p>DTS/DPF 2.1</p> <p>Development including alterations and additions, in combination with existing built form and activities within an allotment:</p> <ul style="list-style-type: none"> (a) do not generate a combined total of more than 1500 litres of wastewater per day and (b) will be connected to the same on-site wastewater system that is compliant with relevant South Australian standards <p>or is otherwise connected to a sewer or community wastewater management system.</p>
<p>PO 2.3</p> <p>Development that generates trade or industrial wastewater is designed to ensure wastewater disposal avoids adverse impacts on the quality of water draining into secondary public water supply reservoirs and weirs.</p>	<p>DTS/DPF 2.3</p> <p>Development that generates trade or industrial wastewater is connected to:</p> <ul style="list-style-type: none"> (a) a sewer or community wastewater management system with sufficient hydraulic and treatment capacity to accept the inflow or (b) an on-site wastewater holding tank which has storage capacity of more than four days total flow during peak operations and is contained within an impervious, bunded area with a total liquid holding capacity of more than 120 percent of the total holding tank capacity, prior to transporting for off-site disposal.
<p>PO 2.4</p> <p>Wastewater management systems result in a neutral or beneficial effect on the quality of water draining from the site.</p>	<p>DTS/DPF 2.4</p> <p>Development results in:</p> <ul style="list-style-type: none"> (a) a building or land use that is currently connected to an existing on-site wastewater system that is non-compliant with relevant South Australian standards being connected to a new or upgraded system that complies with such standards

	<p>or</p> <p>(b) an existing on-site wastewater system being decommissioned and wastewater being disposed of to a sewer or community wastewater management system that complies with relevant South Australian standards.</p>
<p>PO 2.5</p> <p>Surface and groundwater protected from wastewater discharge pollution.</p>	<p>DTS/DPF 2.5</p> <p>All components of an effluent disposal area are:</p> <p>(a) setback 50 metres or more from a watercourse</p> <p>(b) setback 100 metres or more from a public water supply reservoir</p> <p>(c) located on land with a slope no greater than 1-in-5 (20%)</p> <p>(d) located on land with 1.2m or more depth to bedrock or a seasonal or permanent water table</p> <p>(e) above the 10% AEP flood level.</p>
Stormwater	
<p>PO 3.1</p> <p>Post-development peak stormwater discharge quantities and rates do not exceed pre-development quantities and rates to maintain water quality leaving the site.</p>	<p>DTS/DPF 3.1</p> <p>None are applicable.</p>
<p>PO 3.2</p> <p>Stormwater run-off from areas not likely to be subject to pollution diverted away from areas that could cause pollution.</p>	<p>DTS/DPF 3.2</p> <p>None are applicable.</p>
<p>PO 3.3</p> <p>Polluted stormwater is treated prior to discharge from the site.</p>	<p>DTS/DPF 3.3</p> <p>None are applicable.</p>
<p>PO 3.4</p> <p>Stormwater from carports, verandahs, outbuildings and agricultural buildings captured to protect water quality.</p>	<p>DTS/DPF 3.4</p> <p>Development includes:</p> <p>(a) rainwater tanks with a minimum capacity of 1,000L connected to carports, verandahs and outbuildings or</p> <p>(b) rainwater tanks with a minimum capacity of 4,500L connected to agricultural buildings exceeding 100m².</p>
<p>PO 3.9</p> <p>Stormwater from excavated and filled areas is managed to protect water quality.</p>	<p>DTS/DPF 3.9</p> <p>Excavation and/or filling satisfy all the following:</p> <p>(a) is located 50m or more from watercourses</p> <p>(b) is located 100m or more from public water supply reservoirs and diversion weirs</p> <p>(c) does not involve excavation exceeding a vertical height of 0.75m</p> <p>(d) does not involve filling exceeding a vertical height of 0.75m</p> <p>(e) does not involve a total combined excavation and filling vertical height of 1.5m.</p>
Landscapes and Natural Features	

PO 4.1 Development minimises the need to modify landscapes and natural features.	DTS/DPF 4.1 None are applicable.
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Procedural Matters (PM)

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

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

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

Native Vegetation Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

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

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

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

<p>(c) native vegetation that is significant because it is located in an area which has been extensively cleared</p> <p>(d) native vegetation that is growing in, or in association with, a wetland environment.</p>	
<p>PO 1.3</p> <p>Intensive animal husbandry, commercial forestry and agricultural activities are sited, set back and designed to minimise impacts on native vegetation, including impacts on native vegetation in an adjacent State Significant Native Vegetation Area, from:</p> <p>(a) in the case of commercial forestry, the spread of fires from a plantation</p> <p>(b) the spread of pest plants and phytophthora</p> <p>(c) the spread of non-indigenous plants species</p> <p>(d) excessive nutrient loading of the soil or loading arising from surface water runoff</p> <p>(e) soil compaction</p> <p>(f) chemical spray drift.</p>	<p>DTS/DPF 1.3</p> <p>Development within 500 metres of a boundary of a State Significant Native Vegetation Area does not involve any of the following:</p> <p>(a) horticulture</p> <p>(b) intensive animal husbandry</p> <p>(c) dairy</p> <p>(d) commercial forestry</p> <p>(e) aquaculture.</p>

Procedural Matters (PM) - Referrals

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

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
<p>Development that is the subject of a report prepared in accordance with Regulation 18(2)(a) of the <i>Native Vegetation Regulations 2017</i> that categorises the clearance, or potential clearance, as 'Level 3 clearance' or 'Level 4 clearance'.</p>	<p>Native Vegetation Council</p>	<p>To provide expert assessment and direction to the relevant authority on the potential impacts of development on native vegetation.</p>	<p>Development of a class to which Schedule 9 clause 3 item 11 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.</p>

Scenic Quality Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Development complements natural and rural character, and areas of scenic value.

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use and Intensity	
PO 1.1 Land uses that complement and enhance the natural and rural character.	DTS/DPF 1.1 None are applicable.
Built Form and Character	
PO 2.1 Development is carefully sited and designed to: <ul style="list-style-type: none"> (a) complement rural or natural character (b) minimise disruption to natural landform (c) integrate existing natural environmental features (d) minimise impacts on scenic features (e) be low-scale (f) be visually unobtrusive and blend in with the surrounding area 	DTS/DPF 2.1 None are applicable.
Landscaping	
PO 3.1 Landscaping comprises locally indigenous species to enhance landscape quality and habitat restoration.	DTS/DPF 3.1 Landscaping plantings exclusively constitute locally indigenous plant species.
Earthworks	
PO 4.1 Excavation and filling of land is limited to that required to reduce the visual prominence of buildings and make provision for water storage facilities to maintain natural landforms and landscapes.	DTS/DPF 4.1 Excavation and/or filling is associated with a building or water storage facility and satisfies all of the following: <ul style="list-style-type: none"> (a) does not involve excavation exceeding a vertical height of 750mm (b) does not involve filling exceeding a vertical height of 750mm (c) does not involve a total combined excavation and filling vertical height of 1.5m (d) any scree slope is covered in topsoil and landscaped.

Procedural Matters (PM) - Referrals

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

Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

State Significant Native Vegetation Areas Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Protect, retain and restore significant areas of native vegetation.

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Environmental Protection	
<p>PO 1.1</p> <p>Development enhances biodiversity and habitat values through revegetation and avoiding native vegetation clearance except to promote an appreciation and awareness of wildlife areas, including visitor parking and amenities, or for the administration and management of a reserve or park established for the protection and conservation of wildlife.</p>	<p>DTS/DPF 1.1</p> <p>An application is accompanied by either (a) or (b):</p> <ul style="list-style-type: none"> (a) a declaration stating that the proposal will not , or would not, involve clearance of native vegetation under the <i>Native Vegetation Act 1991</i>, including any clearance that may occur: <ul style="list-style-type: none"> (i) in connection with a relevant access point and / or driveway (ii) within 10m of a building (other than a residential building or tourist accommodation) (iii) within 20m of a dwelling or addition to an existing dwelling for fire prevention and control (iv) within 50m of residential or tourist accommodation in connection with a requirement under a relevant overlay to establish an asset protection zone in a bushfire prone area (b) a report prepared in accordance with Regulation 18(2) (a) of the <i>Native Vegetation Regulations 2017</i> that confirms that the clearance is categorised as 'Level 1 clearance'.

Procedural Matters (PM) - Referrals

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

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
<p>The following classes of development:</p> <ul style="list-style-type: none"> (a) land division where a report prepared in accordance with Regulation 18(2)(a) of the <i>Native Vegetation Regulations 2017</i> in connection with a development application categorises the clearance, or potential clearance, as 'Level 2 clearance', 'Level 3 clearance' or 'Level 4 clearance' (b) all other classes of development other than where DTS/DPF 1.1(a) or DTS/DPF 1.1(b) is achieved. 	Native Vegetation Council	To provide expert assessment and direction to the relevant authority on the potential impacts of development on native vegetation.	Development of a class to which Schedule 9 clause 3 item 11 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

Water Resources Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

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

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Water Catchment	
<p>PO 1.1</p> <p>Watercourses and their beds, banks, wetlands and floodplains (1% AEP flood extent) are not damaged or modified and are retained in their natural state, except where modification is required for essential access or maintenance purposes.</p>	<p>DTS/DPF 1.1</p> <p>None are applicable.</p>

PO 1.2 Development avoids interfering with the existing hydrology or water regime of swamps and wetlands other than to improve the existing conditions to enhance environmental values.	DTS/DPF 1.2 None are applicable.
PO 1.3 Wetlands and low-lying areas providing habitat for native flora and fauna are not drained, except temporarily for essential management purposes to enhance environmental values.	DTS/DPF 1.3 None are applicable.
PO 1.4 Watercourses, areas of remnant native vegetation, or areas prone to erosion that are capable of natural regeneration are fenced off to limit stock access.	DTS/DPF 1.4 None are applicable.
PO 1.5 Development that increases surface water run-off includes a suitably sized strip of vegetated land on each side of a watercourse to filter runoff to: (a) reduce the impacts on native aquatic ecosystems (b) minimise soil loss eroding into the watercourse.	DTS/DPF 1.5 A strip of land 20m or more wide measured from the top of existing banks on each side of the watercourse is free from development, livestock use and revegetated with locally indigenous vegetation.
PO 1.6 Development resulting in the depositing or placing of an object or solid material in a watercourse or lake occurs only where it involves any of the following: (a) the construction of an erosion control structure (b) devices or structures used to extract or regulate water flowing in a watercourse (c) devices used for scientific purposes (d) the rehabilitation of watercourses.	DTS/DPF 1.6 None are applicable.
PO 1.7 Watercourses, floodplains (1% AEP flood extent) and wetlands protected and enhanced by retaining and protecting existing native vegetation.	DTS/DPF 1.7 None are applicable.
PO 1.8 Watercourses, floodplains (1% AEP flood extent) and wetlands are protected and enhanced by stabilising watercourse banks and reducing sediments and nutrients entering the watercourse.	DTS/DPF 1.8 None are applicable.

Procedural Matters (PM) - Referrals

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

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

None	None	None	None
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Part 4 - General Development Policies

Clearance from Overhead Powerlines

Assessment Provisions (AP)

Desired Outcome (DO)

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

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
PO 1.1 Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.	DTS/DPF 1.1 One of the following is satisfied: (a) a declaration is provided by or on behalf of the applicant to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the <i>Electricity Act 1996</i> (b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.

Design

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
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

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
All development	
External Appearance	
<p>PO 1.4</p> <p>Plant, exhaust and intake vents and other technical equipment is integrated into the building design to minimise visibility from the public realm and negative impacts on residential amenity by:</p> <ul style="list-style-type: none"> (a) positioning plant and equipment in unobtrusive locations viewed from public roads and spaces (b) screening rooftop plant and equipment from view (c) when located on the roof of non-residential development, locating the plant and equipment as far as practicable from adjacent sensitive land uses. 	<p>DTS/DPF 1.4</p> <p>Development does not incorporate any structures that protrude beyond the roofline.</p>
On-site Waste Treatment Systems	
<p>PO 6.1</p> <p>Dedicated on-site effluent disposal areas do not include any areas to be used for, or could be reasonably foreseen to be used for, private open space, driveways or car parking.</p>	<p>DTS/DPF 6.1</p> <p>Effluent disposal drainage areas do not:</p> <ul style="list-style-type: none"> (a) encroach within an area used as private open space or result in less private open space than that specified in Design Table 1 - Private Open Space (b) use an area also used as a driveway (c) encroach within an area used for on-site car parking or result in less on-site car parking than that specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas.
Carparking Appearance	
<p>PO 7.4</p> <p>Street level vehicle parking areas incorporate tree planting to provide shade and reduce solar heat absorption and reflection.</p>	<p>DTS/DPF 7.4</p> <p>None are applicable.</p>
<p>PO 7.5</p> <p>Street level parking areas incorporate soft landscaping to improve visual appearance when viewed from within the site and from public places.</p>	<p>DTS/DPF 7.5</p> <p>None are applicable.</p>

Earthworks and sloping land	
<p>PO 8.1</p> <p>Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.</p>	<p>DTS/DPF 8.1</p> <p>Development does not involve any of the following:</p> <ul style="list-style-type: none"> (a) excavation exceeding a vertical height of 1m (b) filling exceeding a vertical height of 1m (c) a total combined excavation and filling vertical height of 2m or more.

Infrastructure and Renewable Energy Facilities

Assessment Provisions (AP)

Desired Outcome (DO)

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

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Water Supply	
<p>PO 11.1</p> <p>Development is connected to an appropriate water supply to meet the ongoing requirements of the intended use.</p>	<p>DTS/DPF 11.1</p> <p>Development is connected, or will be connected, to a reticulated water scheme or mains water supply with the capacity to meet the on-going requirements of the development.</p>
Wastewater Services	
<p>PO 12.1</p> <p>Development is connected to an approved common wastewater disposal service with the capacity to meet the requirements of the intended use. Where this is not available an appropriate on-site service is provided to meet the ongoing requirements of the intended use in accordance with the following:</p> <ul style="list-style-type: none"> (a) it is wholly located and contained within the allotment of the development it will service 	<p>DTS/DPF 12.1</p> <p>Development is connected, or will be connected, to an approved common wastewater disposal service with the capacity to meet the requirements of the development. Where this is not available it is instead capable of being serviced by an on-site waste water treatment system in accordance with the following:</p> <ul style="list-style-type: none"> (a) the system is wholly located and contained within the allotment of development it will service; and

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

Interface between Land Uses

Assessment Provisions (AP)

Desired Outcome (DO)

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

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Interface with Rural Activities	
<p>PO 9.3</p> <p>Sensitive receivers are located and designed to mitigate potential impacts from lawfully existing land-based aquaculture activities and do not prejudice the continued operation of these activities.</p>	<p>DTS/DPF 9.3</p> <p>Sensitive receivers are located at least 200m from the boundary of a site used for land-based aquaculture and associated components in other ownership.</p>
<p>PO 9.4</p> <p>Sensitive receivers are located and designed to mitigate potential impacts from lawfully existing dairies including associated wastewater lagoons and liquid/solid waste storage and disposal facilities and do not prejudice the continued operation of these activities.</p>	<p>DTS/DPF 9.4</p> <p>Sensitive receivers are sited at least 500m from the boundary of a site used for a dairy and associated wastewater lagoon(s) and liquid/solid waste storage and disposal facilities in other ownership.</p>
<p>PO 9.5</p> <p>Sensitive receivers are located and designed to mitigate the</p>	<p>DTS/DPF 9.5</p> <p>Sensitive receivers are located away from the boundary of a</p>

<p>potential impacts from lawfully existing facilities used for the handling, transportation and storage of bulk commodities (recognising the potential for extended hours of operation) and do not prejudice the continued operation of these activities.</p>	<p>site used for the handling, transportation and/or storage of bulk commodities in other ownership in accordance with the following:</p> <ul style="list-style-type: none"> (a) 300m or more, where it involves the handling of agricultural crop products, rock, ores, minerals, petroleum products or chemicals to or from any commercial storage facility (b) 300m or more, where it involves the handling of agricultural crop products, rock, ores, minerals, petroleum products or chemicals at a wharf or wharf side facility (including sea-port grain terminals) where the handling of these materials into or from vessels does not exceed 100 tonnes per day (c) 500m or more, where it involves the storage of bulk petroleum in individual containers with a capacity up to 200 litres and a total on-site storage capacity not exceeding 1000 cubic metres (d) 500m or more, where it involves the handling of coal with a capacity up to 1 tonne per day or a storage capacity up to 50 tonnes (e) 1000m or more, where it involves the handling of coal with a capacity exceeding 1 tonne per day but not exceeding 100 tonnes per day or a storage capacity exceeding 50 tonnes but not exceeding 5000 tonnes.
<p>Interface with Mines and Quarries (Rural and Remote Areas)</p>	
<p>PO 10.1 Sensitive receivers are separated from existing mines to minimise the adverse impacts from noise, dust and vibration.</p>	<p>DTS/DPF 10.1 Sensitive receivers are located no closer than 500m from the boundary of a Mining Production Tenement under the <i>Mining Act 1971</i>.</p>

Site Contamination

Assessment Provisions (AP)

Desired Outcome (DO)

<h2 style="margin: 0;">Desired Outcome</h2>	
<p>DO 1</p>	<p>Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.</p>

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

<h2 style="margin: 0;">Performance Outcome</h2>	<h2 style="margin: 0;">Deemed-to-Satisfy Criteria / Designated Performance Feature</h2>
<p>PO 1.1 Ensure land is suitable for use when land use changes to a more sensitive use.</p>	<p>DTS/DPF 1.1 Development satisfies (a), (b), (c) or (d):</p> <ul style="list-style-type: none"> (a) does not involve a change in the use of land

	<ul style="list-style-type: none"> (b) involves a change in the use of land that does not constitute a change to a more sensitive use (c) involves a change in the use of land to a more sensitive use on land at which site contamination is unlikely to exist (as demonstrated in a site contamination declaration form) (d) involves a change in the use of land to a more sensitive use on land at which site contamination exists, or may exist (as demonstrated in a site contamination declaration form), and satisfies both of the following: <ul style="list-style-type: none"> (i) a site contamination audit report has been prepared under Part 10A of the <i>Environment Protection Act 1993</i> in relation to the land within the previous 5 years which states that- <ul style="list-style-type: none"> A. site contamination does not exist (or no longer exists) at the land or B. the land is suitable for the proposed use or range of uses (without the need for any further remediation) or C. where remediation is, or remains, necessary for the proposed use (or range of uses), remediation work has been carried out or will be carried out (and the applicant has provided a written undertaking that the remediation works will be implemented in association with the development) and (ii) no other class 1 activity or class 2 activity has taken place at the land since the preparation of the site contamination audit report (as demonstrated in a site contamination declaration form).
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Tourism Development

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Tourism development is built in locations that cater to the needs of visitors and positively contributes to South Australia's visitor economy.

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
General	
PO 1.1 Tourism development complements and contributes to local, natural, cultural or historical context where: <ul style="list-style-type: none"> (a) it supports immersive natural experiences (b) it showcases South Australia's landscapes and produce (c) its events and functions are connected to local food, wine and nature. 	DTS/DPF 1.1 None are applicable.
PO 1.2 Tourism development comprising multiple accommodation units (including any facilities and activities for use by guests and visitors) is clustered to minimise environmental and contextual impact.	DTS/DPF 1.2 None are applicable.
Caravan and Tourist Parks	
PO 2.1 Potential conflicts between long-term residents and short-term tourists are minimised through suitable siting and design measures.	DTS/DPF 2.1 None are applicable.
PO 2.2 Occupants are provided privacy and amenity through landscaping and fencing.	DTS/DPF 2.2 None are applicable.
PO 2.3 Communal open space and centrally located recreation facilities are provided for guests and visitors.	DTS/DPF 2.3 12.5% or more of a caravan park comprises clearly defined communal open space, landscaped areas and areas for recreation.
PO 2.4 Perimeter landscaping is used to enhance the amenity of the locality.	DTS/DPF 2.4 None are applicable.
PO 2.5 Amenity blocks (showers, toilets, laundry and kitchen facilities) are sufficient to serve the full occupancy of the development.	DTS/DPF 2.5 None are applicable.
PO 2.6 Long-term occupation does not displace tourist accommodation, particularly in important tourist destinations such as coastal and riverine locations.	DTS/DPF 2.6 None are applicable.
Tourist accommodation in areas constituted under the National Parks and Wildlife Act 1972	
PO 3.1	DTS/DPF 3.1

<p>Tourist accommodation avoids delicate or environmentally sensitive areas such as sand dunes, cliff tops, estuaries, wetlands or substantially intact strata of native vegetation (including regenerated areas of native vegetation lost through bushfire).</p>	<p>None are applicable.</p>
<p>PO 3.2 Tourist accommodation is sited and designed in a manner that is subservient to the natural environment and where adverse impacts on natural features, landscapes, habitats and cultural assets are avoided.</p>	<p>DTS/DPF 3.2 None are applicable.</p>
<p>PO 3.3 Tourist accommodation and recreational facilities, including associated access ways and ancillary structures, are located on cleared (other than where cleared as a result of bushfire) or degraded areas or where environmental improvements can be achieved.</p>	<p>DTS/DPF 3.3 None are applicable.</p>
<p>PO 3.4 Tourist accommodation is designed to prevent conversion to private dwellings through:</p> <ul style="list-style-type: none"> (a) comprising a minimum of 10 accommodation units (b) clustering separated individual accommodation units (c) being of a size unsuitable for a private dwelling (d) ensuring functional areas that are generally associated with a private dwelling such as kitchens and laundries are excluded from, or physically separated from individual accommodation units, or are of a size unsuitable for a private dwelling. 	<p>DTS/DPF 3.4 None are applicable.</p>

Transport, Access and Parking

Assessment Provisions (AP)

Desired Outcome (DO)

<h2 style="text-align: center;">Desired Outcome</h2>	
<p>DO 1</p>	<p>A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.</p>

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

<h2 style="text-align: center;">Performance Outcome</h2>	<h2 style="text-align: center;">Deemed-to-Satisfy Criteria / Designated Performance Feature</h2>
<p>Movement Systems</p>	

<p>PO 1.4</p> <p>Development is sited and designed so that loading, unloading and turning of all traffic avoids interrupting the operation of and queuing on public roads and pedestrian paths.</p>	<p>DTS/DPF 1.4</p> <p>All vehicle manoeuvring occurs onsite.</p>
<p>Vehicle Access</p>	
<p>PO 3.1</p> <p>Safe and convenient access minimises impact or interruption on the operation of public roads.</p>	<p>DTS/DPF 3.1</p> <p>The access is:</p> <ul style="list-style-type: none"> (a) provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land or (b) not located within 6m of an intersection of 2 or more roads or a pedestrian activated crossing.
<p>PO 3.5</p> <p>Access points are located so as not to interfere with street trees, existing street furniture (including directional signs, lighting, seating and weather shelters) or infrastructure services to maintain the appearance of the streetscape, preserve local amenity and minimise disruption to utility infrastructure assets.</p>	<p>DTS/DPF 3.5</p> <p>Vehicle access to designated car parking spaces satisfy (a) or (b):</p> <ul style="list-style-type: none"> (a) is provided via a lawfully existing or authorised access point or an access point for which consent has been granted as part of an application for the division of land (b) where newly proposed, is set back: <ul style="list-style-type: none"> (i) 0.5m or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset owner (ii) 2m or more from the base of the trunk of a street tree unless consent is provided from the tree owner for a lesser distance (iii) 6m or more from the tangent point of an intersection of 2 or more roads (iv) outside of the marked lines or infrastructure dedicating a pedestrian crossing.
<p>Access for People with Disabilities</p>	
<p>PO 4.1</p> <p>Development is sited and designed to provide safe, dignified and convenient access for people with a disability.</p>	<p>DTS/DPF 4.1</p> <p>None are applicable.</p>
<p>Vehicle Parking Rates</p>	
<p>PO 5.1</p> <p>Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that</p>	<p>DTS/DPF 5.1</p> <p>Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant:</p>

<p>may support a reduced on-site rate such as:</p> <ul style="list-style-type: none"> (a) availability of on-street car parking (b) shared use of other parking areas (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared (d) the adaptive reuse of a State or Local Heritage Place. 	<ul style="list-style-type: none"> (a) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas if the development is a class of development listed in Table 2 and the site is in a Designated Area (b) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements where (a) does not apply (c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.
<p>Vehicle Parking Areas</p>	
<p>PO 6.1</p> <p>Vehicle parking areas are sited and designed to minimise impact on the operation of public roads by avoiding the use of public roads when moving from one part of a parking area to another.</p>	<p>DTS/DPF 6.1</p> <p>Movement between vehicle parking areas within the site can occur without the need to use a public road.</p>
<p>PO 6.2</p> <p>Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced, and the like.</p>	<p>DTS/DPF 6.2</p> <p>None are applicable.</p>
<p>PO 6.6</p> <p>Loading areas and designated parking spaces for service vehicles are provided within the boundary of the site.</p>	<p>DTS/DPF 6.6</p> <p>Loading areas and designated parking spaces are wholly located within the site.</p>

Table 1 - General Off-Street Car Parking Requirements

<h2>Class of Development</h2>	<h2>Car Parking Rate (unless varied by Table 2 onwards)</h2> <p>Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.</p>
<p>Tourist</p>	
<p>Tourist accommodation other than a caravan and tourist park</p>	<p>1 car parking space per accommodation unit / guest room.</p>

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

Class of Development	Car Parking Rate		Designated Areas
	Minimum number of spaces	Maximum number of spaces	
Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.			
Non-residential development			
Tourist accommodation	1 space for every 4 bedrooms up to 100 bedrooms plus 1 space for every 5 bedrooms over 100 bedrooms	1 space per 2 bedrooms up to 100 bedrooms and 1 space per 4 bedrooms over 100 bedrooms	City Living Zone Urban Activity Centre Zone when the site is also in a high frequency public transit area Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone (except for Bowden)