

CAP MEETING – 8 January 2025

ITEM 8.1

DEVELOPMENT NO.:	24008556
APPLICANT:	Quartz Building Design
ADDRESS:	15 HUGHES PL LOBETHAL SA 5241
NATURE OF DEVELOPMENT:	Tourist accommodation
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Productive Rural Landscape • Township <p>Overlays:</p> <ul style="list-style-type: none"> • Environment and Food Production Area • Hazards (Bushfire - Medium Risk) • Hazards (Flooding - Evidence Required) • Limited Land Division • Mount Lofty Ranges Water Supply Catchment (Area 2) • Native Vegetation • Prescribed Water Resources Area • Regulated and Significant Tree • Traffic Generating Development • Urban Transport Routes • Water Resources <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Site Area (Minimum site area for a detached dwelling is 1,000 sqm; semi-detached dwelling is 1,000 sqm; row dwelling is 500 sqm; group dwelling is 500 sqm; residential flat building is 500 sqm)
LODGEMENT DATE:	17 Apr 2024
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.6 04/04/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Brendan Fewster & Doug Samardzija Consultant Planner
REFERRALS STATUTORY:	Native Vegetation Council
REFERRALS NON-STATUTORY:	Environmental Health - Waste

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DETAILED DESCRIPTION OF PROPOSAL

The application is proposing the construction of two (2) tourist accommodation units.

The following is a more detailed overview of the proposal:

- Construction of two (2) tourist accommodation units located at the eastern end of the allotment. The units are of identical design with a simple modern form comprising stone veneer and charred timber cladding, and a gable roof. The units have a floor area of 113m² and a roof height of 4.5 metres above natural ground level. Internally, the units have one bedroom, a small bathroom, and an open living and kitchen area.
- An existing vehicle access from Hughes Place will be utilised. This access will serve a new internal driveway for guests and fire-fighting vehicles. There is space adjacent to each unit for car parking.
- A 22000L rainwater tank dedicated for firefighting is to be provided between the two units. The wastewater system for the units will connect into the existing sewer main.
- The benched footings for the units and the driveway grades will result in up to 1.5 metres of cut and fill. The earthworks will be battered and landscaped.
- The applicant has confirmed that a maximum of two guests will be permitted in each unit with a maximum five-night stay.

BACKGROUND

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
25/03/83	563/2-097/83	Land Division
23/05/83	563/2-137/83	Storage shed
26/05/95	563/DA/00104/95	Domestic Storage and Farm Building
27/06/2019	473/773/16	Land division to create 15 additional allotments, the construction of retaining walls, the excavation and filling of the land, and the removal of two (2) Significant trees.

SUBJECT LAND & LOCALITY

Location reference: 15 HUGHES PL LOBETHAL SA 5241

Title ref.: CT 6272/883 **Plan Parcel:** D129557 AL18 **Council:** ADELAIDE HILLS COUNCIL

Site Description

The subject land comprises a single rural residential allotment located at 15 Hughes Place, Lobethal. The allotment is on the fringe of the Lobethal township.

The land is a rectangle shape with a dogleg at the north-western corner that provides access to Hughes Place, which is a newly constructed road with a residential subdivision. The subject land is approximately 135 metres wide, 210 metres deep and has a total site area of approximately 2.8 hectares.

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The land comprises a single allotment that is described as Allotment 18 in Deposited Plan 129557, Certificate of Title Volume 6272 Folio 883. The Certificate of Title indicates that there is an easement for electricity and drainage services that traverses the allotment adjacent to the western boundary. There are no other registered interests on the land title.

The land is vacant and has a moderate coverage of native vegetation.

The land is relatively flat and has a significant number of existing native trees, which are in addition to 900 plus trees that have been recently planted along the boundaries to the south and north and around an existing dam.

The land has a sloping topography with several depressions and an overall crossfall of over 25 metres (approximately 1 in 8.5 grade) in a westerly direction.

The subject land is primarily located within the Productive Rural Landscape Zone of the Code, with only the driveway handle and service easement located within the Township Zone.

Locality

The locality has a semi-rural character where land borders existing residential land to the south and west along Mount Torrens Road and Kenton Valley Road and the more open rural landscape to the north and east.

Residential allotments fronting Mount Torrens Road and Kenton Valley Road are typically around 1000m² and contain detached dwellings of varying size and style.

To the north of the subject site is a large construction and earthmoving business while land to the east small-scale includes grazing activities and rural living. There are vineyards further south of Mount Torrens Road.

The wider locality has a mixed character where township uses interface with rural land.

CONSENT TYPE REQUIRED

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Tourist accommodation: Code Assessed - Performance Assessed

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

- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**
The proposed tourist accommodation does not satisfy DPF 6.3 and 6.4 of the Productive Rural Landscape Zone and therefore did not meet the requirements of Table 5 public notification exemptions and, the application was publicly notified.

Public Notification period – 5 to 27 September 2024

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- **LIST OF REPRESENTATIONS**

Three (3) representations were received during the notification period, and all opposed the proposal. Two (2) representations have requested to be heard by the Panel.

Representor Name	Representor's Property Address	Wishes to be heard (Y/N)	Nominated Speaker (if relevant)
Roland Temesi	PO Box 241, Woodside	Yes	Self
Leanne Noske	Unit 5, 6 Euston Avenue, Highgate	Yes	Self
Renae Bettens	2 Memorial Court, Kersbrook	No	No

- **SUMMARY**

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

- Safety risks due to slope of land
- Traffic safety
- Security and privacy concerns
- Increased bushfire risk
- Insufficient management details
- Visual impact
- Inadequate boundary setbacks
- Inadequate boundary fencing
- Future development on the land

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

AGENCY REFERRALS

- **Native Vegetation Council**
No objection, with four (4) conditions of consent.

INTERNAL REFERRALS

- **Environmental Health Department**
The site already has a sewer connection point, so no wastewater application required.

PLANNING ASSESSMENT

Desired outcomes

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

Performance outcomes

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

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Designated performance features

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

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, 2.2, 6.3, 6.4 and 11.1	
DPFs: 1.1, 2.1, 2.2, 6.3 and 6.4	

The subject land is a rural residential allotment of approximately 2.8 hectares that sits between existing residential land to the south and west and open rural land to the east between Mount Torrens Road and Brettig Road. The subject land does not have any productive farm value due to its small size and sloping topography.

The proposal is seeking to use the land for small-scale tourist accommodation comprising of two small units each with one bedroom and a maximum occupancy of two guests.

The subject land is generally situated within the Productive Rural Landscape Zone of the Code, with only the driveway handle and service easement located within the Township Zone. DO 1 and DO 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, such as tourism development. DPF 1.1 identifies 'tourist accommodation' as an envisaged land use within the Zone.

While tourist accommodation is generally supported within the zone, the scale and intensity of such value-adding activities should be such that "the natural and rural character, identity, biodiversity and sensitive environmental areas and scenic qualities of the landscape" are conserved. This Desired Outcome is supported by PO 6.3 and 6.4 of the zone which provide guidance on the preferred nature, size and scale and the siting of tourist accommodation. DPF 6.3 and 6.4 of the zone are seeking tourist accommodation that:

- a. is associated with the primary use of the land for primary production to enhance and provide authentic visitor experiences.

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- b. does not exceed a cumulative total floor area of 100m²
- c. does not result in more than one tourist accommodation facility being located on the same allotment.
- d. is setback from all property boundaries by at least 40m.
- e. has a building height that does not exceed 7m above natural ground level.

While it is preferred that tourist accommodation is associated with existing primary production on the land, in this instance, the land is only 2.8 hectares in area and therefore does not have any substantial productive farm value. The proposed accommodation is also akin to a residential land use and given that the land is adjacent to established housing within the Township Zone, the proposal will not offend the Desired Outcome for the Productive Rural Landscape Zone and adjacent Township zone and is therefore appropriate from a land use perspective.

The proposed accommodation units are small-scale with a floor area of only 113m² and sensitively designed and sited with a relatively small amount of earthworks and reasonable significant spatial separation to avoid conflicts with existing land uses, as sought by PO/DPF 2.1, 6.4 and 11.1 of the Zone.

The visual impacts would not be significant given that:

- The units are single storey with a low roof height and modest floor area;
- External materials are non-reflective and finished in dark/earthy colours;
- A small amount of earthworks is required resulting in minimal disruption to the natural landform. The earthworks will be battered and landscaped;
- The units will be a minor visual element when viewed from neighbouring properties as they are located at the eastern end of the site away from the adjacent residential area to the west and are setback at least 29 metres from the side boundaries, which provides adequate separation given the small size of the allotment; and
- Existing vegetation will be retained where possible.

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 these reasons, the proposed development is of an appropriate nature, scale and intensity that would conserve the existing semi-rural character of the area while contributing to tourist and lifestyle opportunities. On balance, the DO 1 and PO 1.1, 6.3 and 6.4 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- Medium Risk) Overlay

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

The subject land is with the Hazards (Bushfire – Medium Risk) Overlay.

As required by the Overlay, the proposal includes the following bushfire safety measures:

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- A water supply of 22000 litres will be provided for the accommodation units for firefighting in accordance with *Ministerial Building Standard MBS 008 - Designated bushfire prone areas - additional requirements*;
- Buildings are not sited near any potentially hazardous vegetation;
- The new vehicles access and internal driveway is designed with a formed all-weather surface and a with gradient, dimension and turning areas that facilitate safe and convenient access for fire fighting vehicles (as per DPF 5.1); and
- Clear and unobstructed pedestrian pathways.

The bushfire risks have been adequately considered by the applicant with measures put in place that satisfy the requirements of the Hazards (Bushfire – Medium Risk) Overlay.

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.

As the site has a sewer connection point and will not require on-site wastewater disposal, the application was not required to be referred to the Environment Protection Authority (EPA).

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 PO's 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	

A Native Vegetation Clearance Report has been provided in accordance with Regulation 18(2)(a) of the Native Vegetation Regulations 2017 as the subject land is within a Native Vegetation Overlay and the proposal involves the removal of native vegetation. The report confirms that the proposal will result in Level 3 clearance and recommends a payment of \$2,647.13 into the Significant Environmental Benefit (SEB) fund.

The application has been referred to the Native Vegetation Council as the proposed vegetation clearance exceeds that of Level 2. The Native Vegetation Council has no objection to the proposed development based on the recommended Significant Environmental Benefit offset.

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The proposal is therefore consistent with DO 1 and PO 1.1 and 1.2 of the Native Vegetation Overlay.

Traffic Generating Development Overlay

Desired Outcomes	
DO1	Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users.
DO2	Provision of safe and efficient access to and from urban transport routes and major urban transport routes.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 1.2 and 1.3	
DPFs: 1.1, 1.2 and 1.3	

The proposed tourist accommodation is accessed from a local road and will generate minimal traffic.

The proposal will not impact on traffic flows along Mount Torrens Road and Kenton Valley Road, which are State Maintained Roads.

Urban Transport Routes Overlay

Desired Outcomes	
DO1	Safe and efficient operation of Urban Transport Routes for all road users.
DO2	Provision of safe and efficient access to and from Urban Transport Routes.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 2.1, 3.1 and 5.1	
DPFs: 1.1, 2.1, 3.1 and 5.1	

The proposal will utilise an existing access point on Hughes Place. The access is well removed from Urban Transport Routes and will generate a small amount of additional traffic.

The proposal will not impact on the safety and efficiency of Urban Transport Routes.

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 are no watercourses affecting the subject land. The proposal is consistent with the Water Resources Overlay.

General Development Policies

Design

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Desired Outcomes	
DO1	Development is: <ul style="list-style-type: none">a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate areab) 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 visitorsc) 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	

The proposal includes two accommodation units located at the eastern end of the allotment. The units are clustered together and are setback at least 29 metres from the nearest residential boundary.

It has been demonstrated that that the size, scale and design of the proposed tourist accommodation would respond appropriately to the character and amenity of the area.

Apart from some minor alterations to the natural topography for the new internal driveway and up to 1.5 metres of earthworks to provide a bench surface for the buildings, there will be limited disturbance to the natural ground levels. The proposal will not result in significant scarring of the land. 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 and PO 1.2 (Interface between Land Uses) seek to ensure that new development is operated in a manner that adequately protects the amenity of the locality.

The proposed units have one bedroom with capacity for only two guests (maximum of four guests on the site at any one time). The proposed tourist 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 the tourist accommodation will result in a maximum of two vehicles accessing the site when 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 internal driveway and the siting of the units well away from property boundaries will ensure the amenity and enjoyment of existing properties in the locality will not be detrimentally impacted.

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Similarly, the privacy of the representors (and that of other nearby properties) will not be impacted as the existing buildings are single storey and setback 29 metres from the nearest residential boundary to the south. 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.

Site Contamination

Desired Outcomes	
DO1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1 DPFs: 1.1	

As the proposal would not be changing the use of land to a more sensitive use. Whilst the subject land is currently vacant, this was not the case in the past. This allotment was recently part of one larger allotment that was subject to a land division in 2016 where the first half of the property that was in the Township Zone was subdivided into 15 additional allotments, with the area that was in the Productive Rural Landscape Zone and is now part of this application remained as a rural living allotment. Aerial images going back to 1949 as well as previous approvals granted on site show that the allotment was used for residential purposes with added uses for grazing of cattle and sheep and a small home garden for the family that resident on the land.

All things considered, it is accepted that whilst there is no existing land use on the subject land, the immediate previous use of the land was for residential purposes when it was all a singular allotment and therefore does not require a PSI in accordance with Practice Direction 14 Part 5 (d) (i).

DO 1 and PO 1.1 (Site Contamination) are reasonably addressed in this instance.

Tourist Development

Desired Outcomes	
DO1	Tourism development is built in locations that cater to the needs of visitors and positively contributes to South Australia's visitor economy.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1 and 1.2 DPFs:	

The proposed tourist accommodation facility will cater to the needs of visitors and contribute positively to the local tourism economy.

The clustering of the accommodation is supported by PO 1.2.

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	

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The proposal will utilise an existing vehicle access on Hughes Place. This access point will serve a new internal driveway for guests and fire-fighting vehicles.

Table 1 - General Off-Street Car Parking Requirements prescribes a parking rate of 1 space per tourist accommodation unit. Although not identified on the proposal plans, there is adequate area adjacent to each unit for car parking. PO/DPF 5.1 (Traffic, Access and Parking) is reasonably satisfied.

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.

CONSIDERATION OF SERIOUSLY AT VARIANCE

Having considered the proposal against the relevant provisions of the Planning and Design Code version 2024.6 dated 4 April 2024, 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 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 semi-rural allotment that is situated within Productive Rural Landscape Zone. The land does not have significant productive farm value due to its small size and sloping topography.

The proposed 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 units. The proposed units are sensitively designed and sited with minimal earthworks and significant spatial separation to complement the residential and rural character and avoid conflicts with existing land uses.

The 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:

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- 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 24008556 by Quartz Building Design for tourist accommodation at 15 Hughes Place, Lobethal is granted Planning Consent subject to the following conditions:**

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.**
- 2) The 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 person(s) having the benefit of this consent shall refrain from permitting the use of the buildings (or any part thereof) for provision long term accommodation or as separate dwellings. The tourist accommodation shall be used and operated on a short term rental arrangement with a maximum of a ninety day stay per occupancy.**

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

- 4) 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.**
- 5) 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.**
- 6) Prior to commencement of work, straw bales (or other soil erosion control methods as approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during construction.**
- 7) All roof runoff generated by the development hereby approved shall be managed on-site to the satisfaction of Council within one month of the roof cladding being installed 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. All stormwater including hard surface runoff shall be managed on site with no stormwater to trespass onto adjoining properties.

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- 8) Access to habitable buildings where the distance from the public road to the building is greater than 60 m shall be designed and constructed to facilitate the safe and effective: access, operation and evacuation of fire-fighting vehicles and emergency personnel evacuation of residents, occupants and visitors.**

Driveways shall be:

- **no greater than 600m in length**
- **constructed with a formed, all-weather surface**
- **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)**
- **a gradient of not more than 16 degrees (1-in-3.5) at any point along the driveway**
- **crossfall of not more than 6 degrees (1-in-9.5) at any point along the driveway**
- **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**
- **incorporate passing bays with a minimum width of 6m and length of 17m every 200m**
- **provide overhead clearance of not less than 4.0m between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures**
- **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**
- **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:**
 - a) **a loop road around the building OR**
 - b) **a turning area with a minimum radius of 12.5m OR**
 - c) **a 'T' or 'Y' shaped turning area with a minimum formed length of 11m and minimum internal radii of 9.5m (Figure 4)**
- **incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.**

Conditions imposed by Native Vegetation Council under Section 122 of the Act

- 9) Native Vegetation and trees retained in close proximity to the construction activity zone are to be protected with barriers (i.e. fencing or flagging) in accordance with the Australian Standard for Protection of Trees on Development Sites AS 4970-2009**
- 10) Stockpiled materials, including cleared vegetation and excavated soil is not to be placed under native trees or on top of native understorey outside the approved area**
- 11) Construction vehicles, equipment or materials are not to be stored or placed on top of native vegetation outside the approved clearance area**
- 12) Pruning is to be conducted in accordance with the Australian Standard for Pruning Amenity Trees (AS4373-2007). Branches or limbs are to be cut cleanly back to the nearest fork.**

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.**

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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 Native Vegetation Council under Section 122 of the Act

- 5) **The clearance of native vegetation must be undertaken in accordance with the approval of the Native Vegetation Council under the *Native Vegetation Act 1991* as set out in Decision Notification 2024/3126/473.**

OFFICER MAKING RECOMMENDATION

Name: Doug Samardzija
Title: Senior Statutory Planner



Gerald Ward
Director
Mitcham Consulting
2 Braemar Road
Torrens Park 5062
0411 102 206

Adelaide Hills Council

Attention: Doug Samardzija

19/08/2024

Dear Doug,

Tourist Accommodation at 15 Hughes Place, Lobethal

Title ref.: CT 6272/883 Plan Parcel: D129557 AL18 Council: ADELAIDE HILLS COUNCIL

Thank you for your letter regarding the above application and our subsequent meeting on Wednesday 12 June 2024. There were a number of matters raised and the response to those matters is provided below.

1. A Site Contamination review:

The proposal involves a change in use to a more sensitive land use (from vacant land to tourist accommodation). In accordance with Schedule 8 2A – Site contamination reports required for certain applications of the Planning, Development, and Infrastructure (General) Regulations 2017; the following information shall be provided.

- a) a site contamination declaration form; and*
- b) a preliminary site investigation report prepared by a suitably qualified practitioner; and*
- c) a copy of the certificate of title in relation to the land; and*

d) *any site contamination audit report that has been prepared in relation to the land (within the previous 5 years).*

The land owner Jason King has continued to graze the property with a small number of Cattle since he owned the land. His intention is to continue grazing the land and expand the number of cows to a sustainable level in the longer term. It is our understanding that provided the owner has maintained and continues to maintain the rural agricultural use of the property then a site contamination report is not required.

2. *Provide amended drawings.*

We understand that the drawings that were originally submitted were an out of date set and the proposal was for 3 tourist accommodation units. This was an error and the correct drawings should have shown only two tourist accommodation dwellings. For the avoidance of doubt please see the correct set of drawings attached with minor updates included.

3. *Provide amended plan detailing stormwater management from each of the proposed buildings.*

The details of Stormwater disposal are shown on the Drawings titled "Preliminary Footings Report" that were submitted with the application. Due to the large size of the allotment and the relatively small footprint of the buildings the proposed stormwater disposal is to carry the water clear of the buildings and then disperse the water via a spreader as detailed on the drawings "Spreader pipe detail". Overall site runoff will be the same as pre development for the rural parcel.

4. *Provide additional civil plan detailing driveway gradients to ensure they comply with Australian and CFS standards.*

The gradients of the proposed driveway are suitable for CFS access and the path of the driveway has been chosen to readily enable two wheel drive vehicles to traverse in all areas. The proposed driveway gradient will not exceed 1:3.5.

5. *Provide confirmation that the structures can connect to mains sewer. Alternatively, demonstrate that the on-site waste control system has been approved.*

The site and the tourist accommodation will be connected to mains sewer.

6. *Related to waste management, if the proposal is not able to connect to mains sewer provide details how the proposed development result in a neutral or beneficial effect on the quality of water draining from the site to ensure that quality of water catchment is maintained as per PO 1.1 in the Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay.*

N/A

7. *Provide further justification on how the proposal satisfies PO 1.1. In the planning report you only state that the proposal is listed in DPF 1.1, however just because it is listed in DPF does not mean it satisfies PO 1.1 because PO 1.1 seeks primary production uses as a main activity with tourist accommodation only envisaged as an additional value adding activity.*

The proposal does not limit the continuing rural use on the property and therefore preserve the productive rural value of the land. The property will continue to support small scale grazing activity and the inclusion of the tourist accommodation facilities will not interrupt its existing grazing operations. The appeal of the tourist accommodation is that it is located in a rural setting and showcases the rural and agricultural features of the locality without interrupting or detrimentally impacting on that rural character and existing rural productivity.

8. *Provide further justification on how the proposal satisfies PO 6.3. In the planning report you only state that it satisfies it because it is proposed on allotment adjoining primary production (animal keeping). How does animal keeping on adjoining allotment enhance and provide authentic visitor experiences as envisaged in PO 6.3.*

The proposed tourist accommodation occupies a small portion of an existing rural allotment and is ancillary to the small scale grazing that occurs on the property. The applicant intends to continue their grazing activities in keeping with the objectives of the zone. The proposed tourist accommodation is located away from existing dwellings in the township but is convenient to the surrounding attractions of Lobethal and adjacent rural/ tourist facilities such as wineries and other agricultural businesses. The location of the tourist accommodation provides the visitor with first hand access to rural activities on the site in the form of small scale grazing and access to the wider rural community by proximity to rural business and views of the adjacent rural landscapes.

The owner Jason King has been in discussions with local wineries specialising in agricultural production and events tourism. These business have expressed interest in reserving accommodation services when they have period of high demand – particularly accommodation to support their operations.

Please see attached correspondence from local wineries (Inga Lidums – Lobethal Road & Josie Mangini – Golding Wines) that have expressed interest in reserving local accommodation during peak times that supports tourism and the local economy.

The combination of locating the tourist accommodation in a rural setting and providing access to other rural businesses benefiting from tourism supports PO 6.3 by facilitating accommodation services in support of the local economy without comprising the attractive qualities of the area.

9. How does the proposed tourist development complements and contributes to local, natural, cultural, or historical context?

The proposal will enhance opportunities for visitors to Lobethal and showcase the rural, cultural qualities of the township without disrupting the fabric of the rural landscape. It provides economic activity to local businesses without detrimentally affecting the character of the township as it is appropriately located within a large rural allotment, and small scale so that its impact is limited. The short stay nature of the accommodation will ensure that a wide range of visitors are exposed to the features of the township and the rural surrounds.

10. Is the development connected to an appropriate water supply to meet the ongoing requirements of the intended use.

The proposal is connected to the town water supply.

11. Documents submitted show that a third tourist accommodation is also envisaged at some point. Provide further details in relation to this.

Please refer point 2 above. The proposal is for 2 x tourist accommodation cabins.

12. *Provide additional details in relation to how the tourist accommodation is going to operate. The details that can be included but not limited to this are: Details of the operation of the accommodation are included in the application.*

Further information is provided below.

a) *Maximum number of guests at any one time.*

Maximum 2 x Adults per cabin

b) *Maximum number of days that units could be rented out at any one time?*

Maximum Stay 5 nights.

13. *Details of external colours and materials*

Finishes and colours are provided on the attached plans. The intention is to adopt earthy tones that are compatible with the surrounding landscape.

We hope that the response above addresses the queries raised with the exception of point 1 to be discussed in the meeting scheduled for 12/06/2024.

Please feel free to call me with any questions on 0411 102 206.

Yours sincerely



Gerald Ward

Director

Mitcham Consulting

16 August 2024

To whom it may concern,

We write to express our support for the Klaer Ridge Luxury Accommodation Villas.

The development will assist in providing more quality accommodation that will contribute to our business and at the same time will contribute valuable tourism dollars into the local economy and create direct tourism jobs for the area.

Due to the nature of the accommodation and the standard it will provide, Golding Wines would support the project, and look forward to developing a complimentary partnership with Klaer Ridge Luxury Accommodation Villas. Joint marketing would enhance our cellar door and restaurant, increases the regions capabilities and capacity to host luxury groups, especially on events like "winter reds", as well as allowing us to develop Wedding and Bridal Party Packages.

It would be a short drive from our location and very convenient for many of our guests that frequent our establishment. We hold many Adelaide Hills events at Goldings and our guests are often looking for accommodation close by, this offer will satisfy a need for them.

Yours Sincerely



Josie Mangini
General Manager

Lobethal Road. ADELAIDE HILLS

15 August 2024

To Whom It May Concern

Accommodation - Lobethal

Lobethal Road Wines has been provided with an overview of the proposed development of two x one-bedroom holiday villas, to be located in Hughes Place, Lobethal. We understand that they will be self-contained, luxury tourist accommodation hosting a maximum of two adults for short stays of up to five nights.

We totally support this development, especially in this part of the Adelaide Hills. As a cellar door we welcome tourists to our area and encourage visitors to stay a few nights in the Adelaide Hills. This allows for a more leisurely experience, visiting numerous allied businesses (restaurants, cafes, wineries, breweries, distilleries, cheesemakers, galleries, retail outlets etc). This is also encouraged by South Australian Tourism.

Lobethal, and surrounds, is a growing area with many drawcards in the immediate vicinity, including the soon to open Fabrik development. However, the town lacks suitable tourist accommodation options, with visitors often having to look further afield to areas such as Hahndorf for accommodation. It goes without saying that visitors tend to visit places near their accommodation rather than travelling further afield. I believe this results in our part of the Hills potentially 'missing out' on tourist visitation.

We are often asked to recommend accommodation to visitors, and we would be happy to recommend this development when completed. We also see it as an opportunity to work with the accommodation owners to provide unique wine tasting and lunch experiences for their guests.

The proposed accommodation will meet the growing demand in the area and bring long term benefits to Lobethal and the broader Adelaide Hills region. We therefore strongly support the development of the proposed accommodation. If you have any queries, please contact me on ph: 0417 022 870.

Regards

Inga Lidums
Owner

REAL PROPERTY ACT, 1886



South Australia

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 6272 Folio 883

Parent Title(s) CT 5474/956
Creating Dealing(s) RTC 13767001
Title Issued 18/07/2022 **Edition** 2 **Edition Issued** 04/08/2022

Estate Type

FEE SIMPLE

Registered Proprietor

TONI LORRAINE KING
JASON SCOTT KING
OF 11A WOODSIDE ROAD LOBETHAL SA 5241
AS JOINT TENANTS

Description of Land

ALLOTMENT 18 DEPOSITED PLAN 129557
IN THE AREA NAMED LOBETHAL
HUNDRED OF ONKAPARINGA

Easements

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED D ON D129557 TO DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000) (T 1580361)

SUBJECT TO SERVICE EASEMENT(S) OVER THE LAND MARKED C ON D129557 FOR DRAINAGE PURPOSES TO THE COUNCIL FOR THE AREA (223LG RPA)

Schedule of Dealings

Dealing Number	Description
13846075	ENCUMBRANCE TO BLUE EAGLE NOMINEES PTY. LTD. (ACN: 100 124 267)
13846076	MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD. (ACN: 005 357 522)

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL

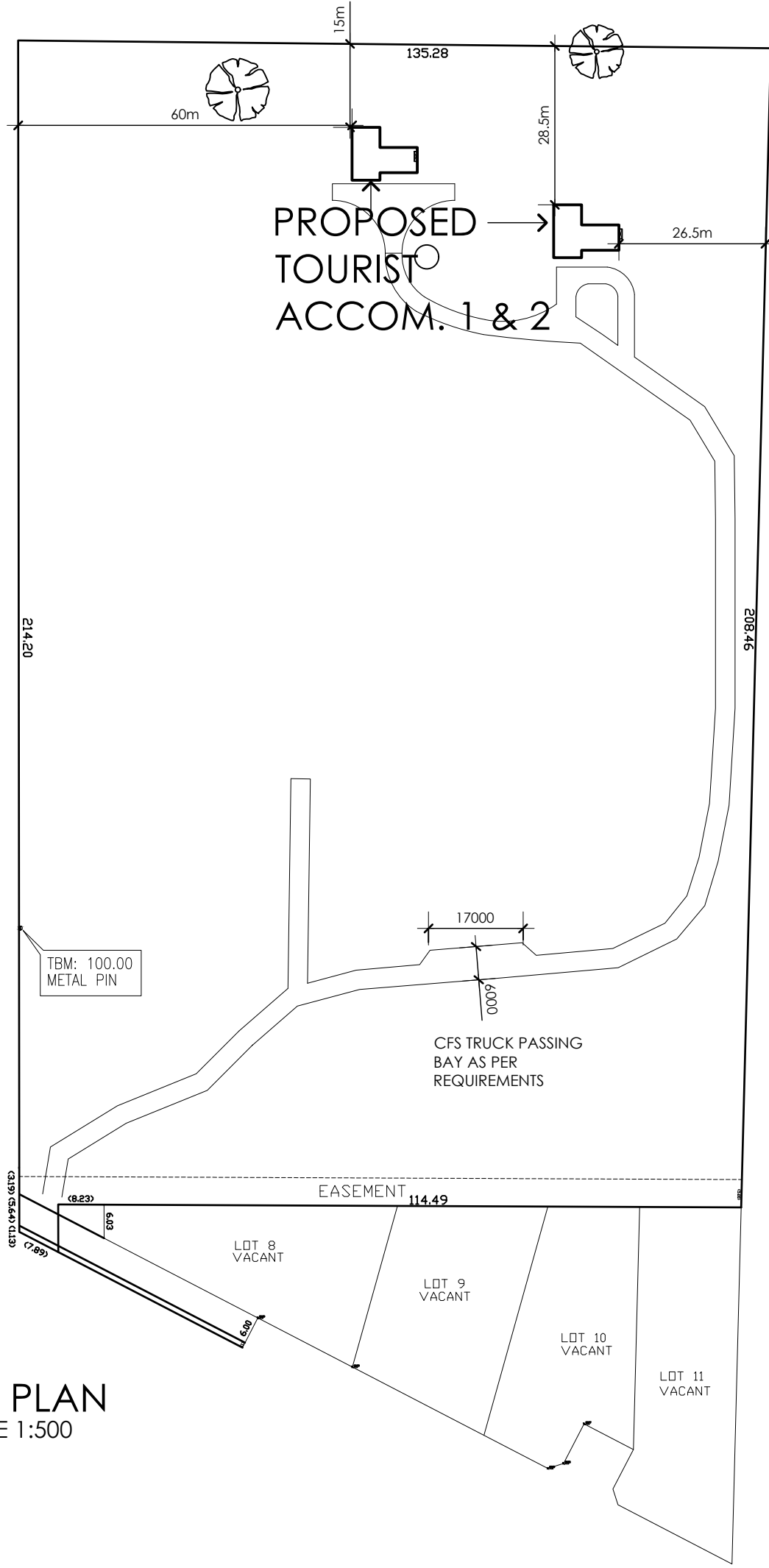
Certificate of Title

Title Reference: CT 6272/883
Status: CURRENT
Parent Title(s): CT 5474/956
Dealing(s) Creating Title: RTC 13767001
Title Issued: 18/07/2022
Edition: 2

Dealings

Lodgement Date	Completion Date	Dealing Number	Dealing Type	Dealing Status	Details
01/08/2022	04/08/2022	13846076	MORTGAGE	REGISTERED	AUSTRALIA & NEW ZEALAND BANKING GROUP LTD. (ACN: 005 357 522)
01/08/2022	04/08/2022	13846075	ENCUMBRANCE	REGISTERED	BLUE EAGLE NOMINEES PTY. LTD. (ACN: 100 124 267)
01/08/2022	04/08/2022	13846074	TRANSFER	REGISTERED	TONI LORRAINE KING, JASON SCOTT KING

SITE PLAN
SCALE 1:500



QUARTZ
BUILDING DESIGN

28 GIBSON STREET,
WEST BEACH SA 5024
Phone: 0412 022 948
Email: paul@quartzbd.com.au
Web: www.quartzbd.com.au
ABN: 22 141 732 660

Drawing Title: **SITE PLAN 1**

Drawing Issue: **PLANNING ISSUE**
Client: **J KING**
Project Address: **LOT 18 HUGHES PLACE LOBETHAL**

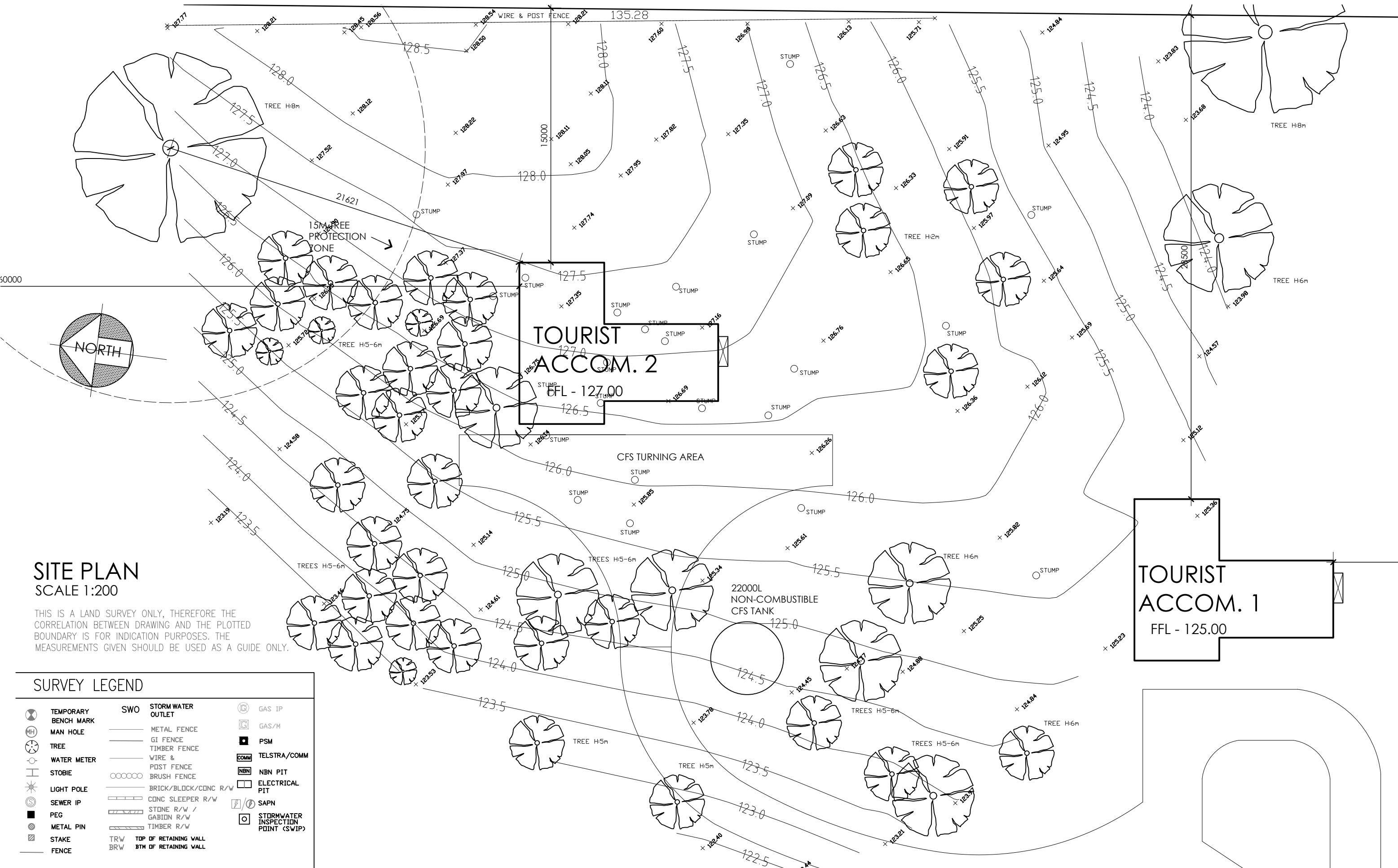
Project Type: **TOURIST ACCOMMODATION**

Scale @ A3: **1:500**
Date: **19-Nov-24**
Revision: **A** Page: **1**

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Rev:	Date:	Notes:
-	-	-



SITE PLAN
SCALE 1:200

THIS IS A LAND SURVEY ONLY, THEREFORE THE CORRELATION BETWEEN DRAWING AND THE PLOTTED BOUNDARY IS FOR INDICATION PURPOSES. THE MEASUREMENTS GIVEN SHOULD BE USED AS A GUIDE ONLY.

SURVEY LEGEND		
	TEMPORARY BENCH MARK	
	MAN HOLE	
	TREE	
	WATER METER	
	STOBIE	
	LIGHT POLE	
	SEWER IP	
	PEG	
	METAL PIN	
	STAKE	
	FENCE	
	STORM WATER OUTLET	
	METAL FENCE	
	GI FENCE	
	TIMBER FENCE	
	WIRE & POST FENCE	
	BRUSH FENCE	
	BRICK/BLOCK/CONC R/W	
	CONC SLEEPER R/W	
	STONE R/W / GABION R/W	
	TIMBER R/W	
	TRW TOP OF RETAINING WALL	
	BRW BTM OF RETAINING WALL	
	GAS IP	
	GAS/M	
	PSM	
	TELSTRA/COMM	
	NBN PIT	
	ELECTRICAL PIT	
	SAPN	
	STORMWATER INSPECTION POINT (SWIP)	



28 GIBSON STREET,
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Web: www.quartzbd.com.au

ABN: 22 141 732 660

Drawing Title: SITE PLAN 2	
Drawing Issue: PLANNING ISSUE	Client: J KING
Project Type: TOURIST ACCOMMODATION	Project Address: LOT 18 HUGHES PLACE LOBETHAL

Scale @ A3: 1:200	
Date: 19-Nov-24	
Revision A	Page 2

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	-	-	-

NOTES

ALL KITCHEN & WET AREA LAYOUTS SHOWN ON THIS PLAN ARE INDICATIVE ONLY. REFER TO JOINERY PLANS FOR CORRECT LAYOUTS AND PLUMBING POSITIONS

PROVIDE ELECTRICAL CONDUIT IN SLAB TO KITCHEN ISLAND BENCH WHERE APPLICABLE

* 2.4 HIGH OPENING HEIGHT/ INTERNAL DOOR (2340 HIGH)

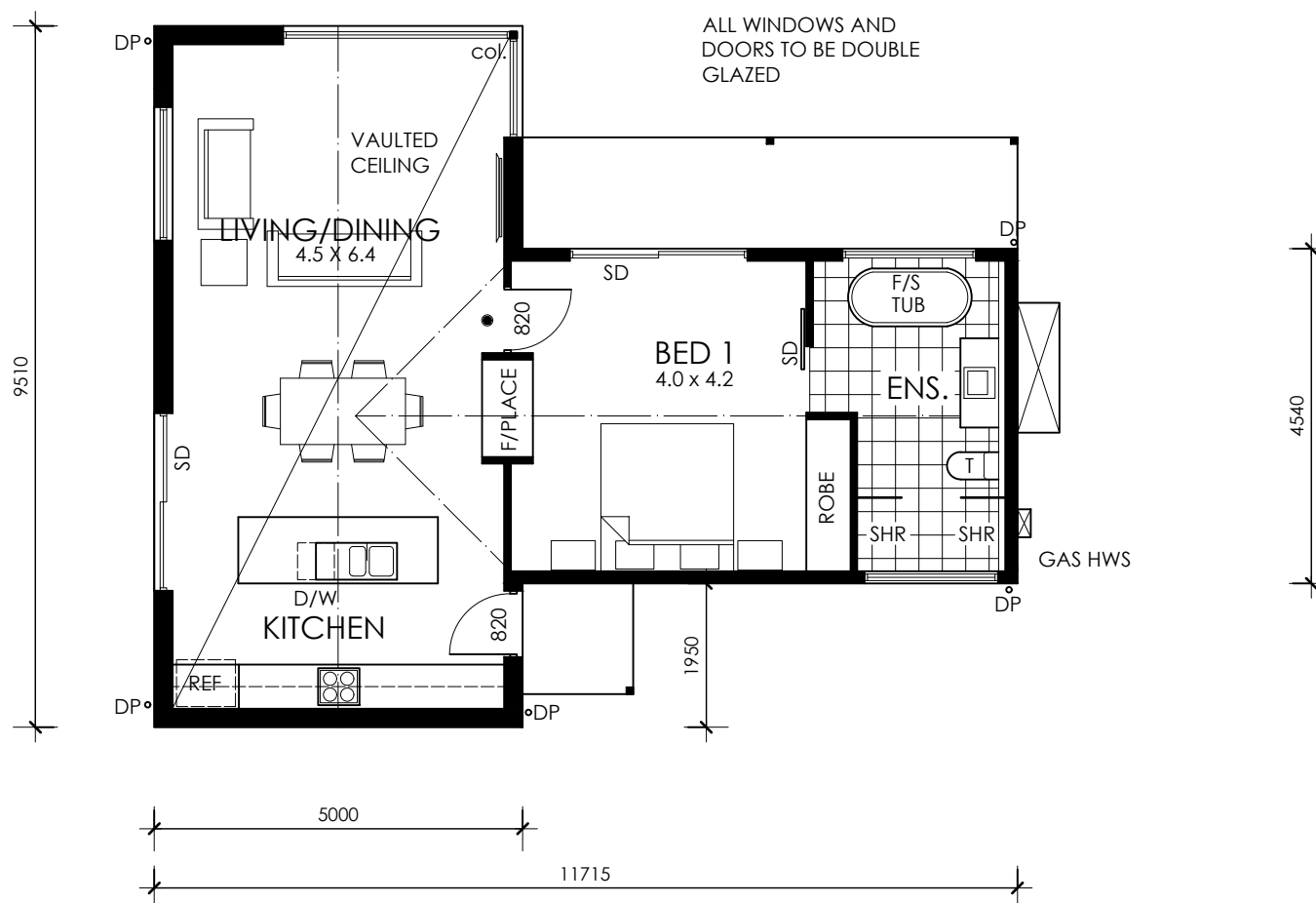
● HARDWIRED SMOKE DETECTOR WITH BATTERY BACK-UP INSTALLED IN ACCORDANCE WITH AS 3786-2014

DP○ 75 Ø ROUND PVC DOWNPIPES (PAINTED)

DP/RH □ DOWNPIPE WITH SELECTED COLORBOND/ PAINTED ZINCALUME RAINHEAD

□ 1000L RAINWATER STORAGE TANK PLUMBED TO WC & L'DRY COLD TAP IN ACCORDANCE WITH AS 3500

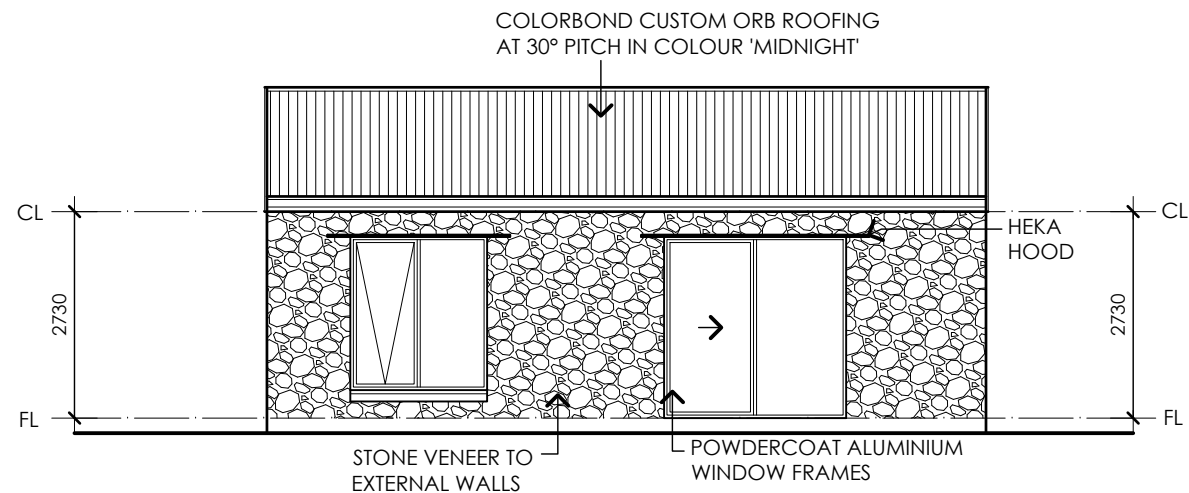
col. ■ STEEL COLUMN AS PER ENGINEER'S DETAILS



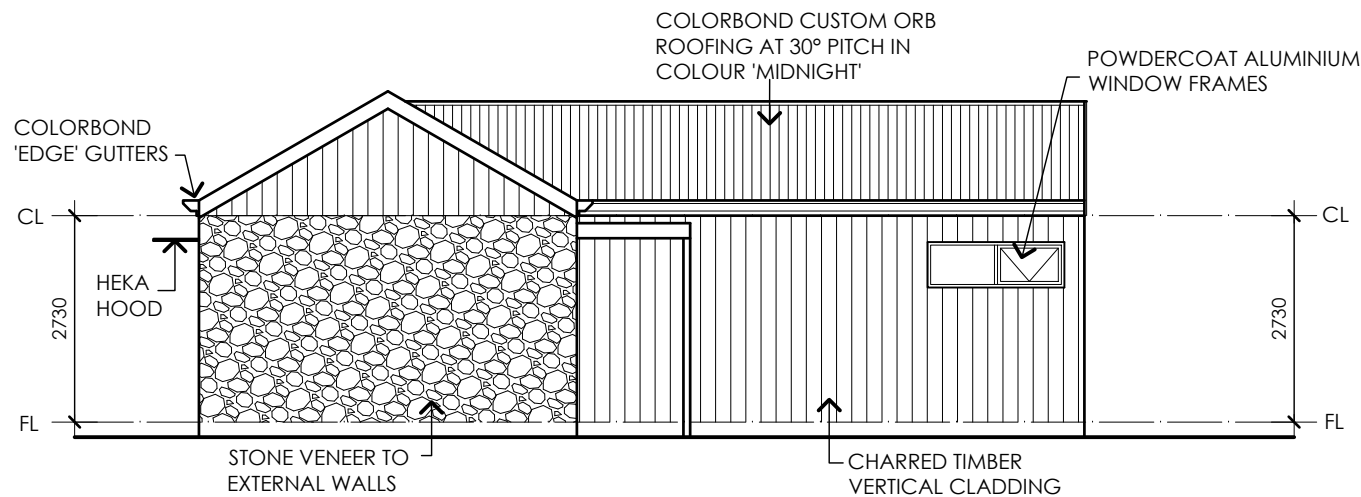
FLOOR PLAN (1 & 2)
SCALE 1:100

AREAS	m2
LIVING	: 67.6
TOTAL	: 67.6

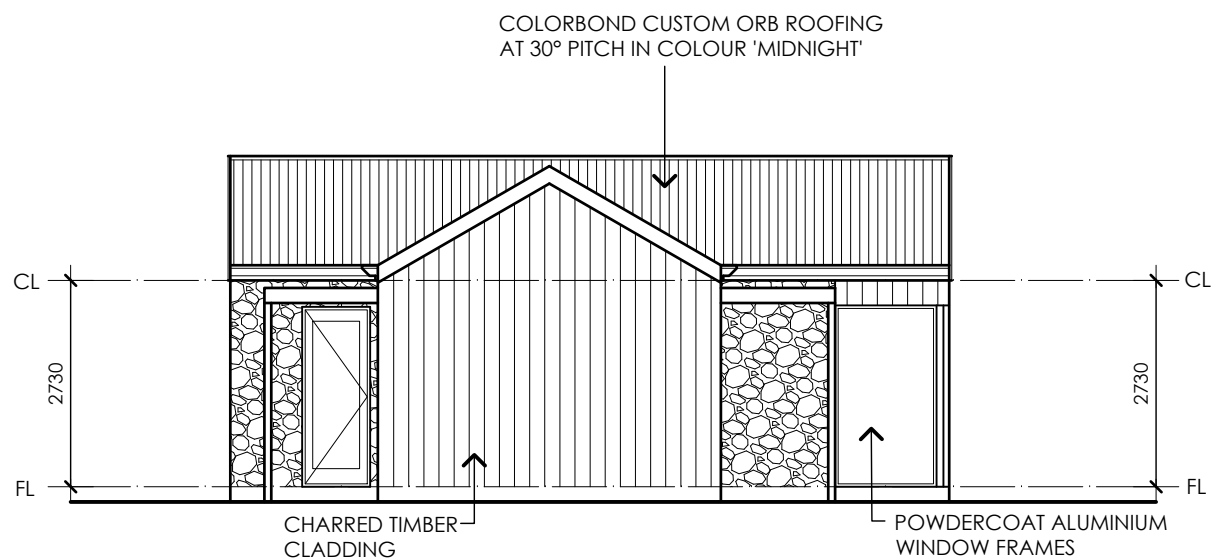
<p>28 GIBSON STREET, WEST BEACH SA 5024</p> <p>Phone: 0412 022 948 Email: paul@quartzbd.com.au Web: www.quartzbd.com.au</p> <p>ABN: 22 141 732 660</p>	Drawing Title: FLOOR PLAN		Scale @ A3: 1:100		© COPYRIGHT These drawings are copyright and remain the exclusive property of Quartz Building Design. Reproduction of the whole or any part of these drawings without written permission is prohibited.	Figured dimensions shall take preference over scaled drawings. Contractors shall verify all dimensions prior to commencement. It is the builders/contractors responsibility to check and confirm all drawing & details prior to ordering of materials and or quoting of the project and or commecmen of construction. Quartz Building Design will not be responsible for errors or omissions.	Rev: - Date: - Notes: -	
	Drawing Issue: PLANNING ISSUE		Client: J KING					
	Project Type: TOURIST ACCOMMODATION		Project Address: LOT 18 HUGHES PLACE LOBETHAL					
	Revision: A	Page: 3						



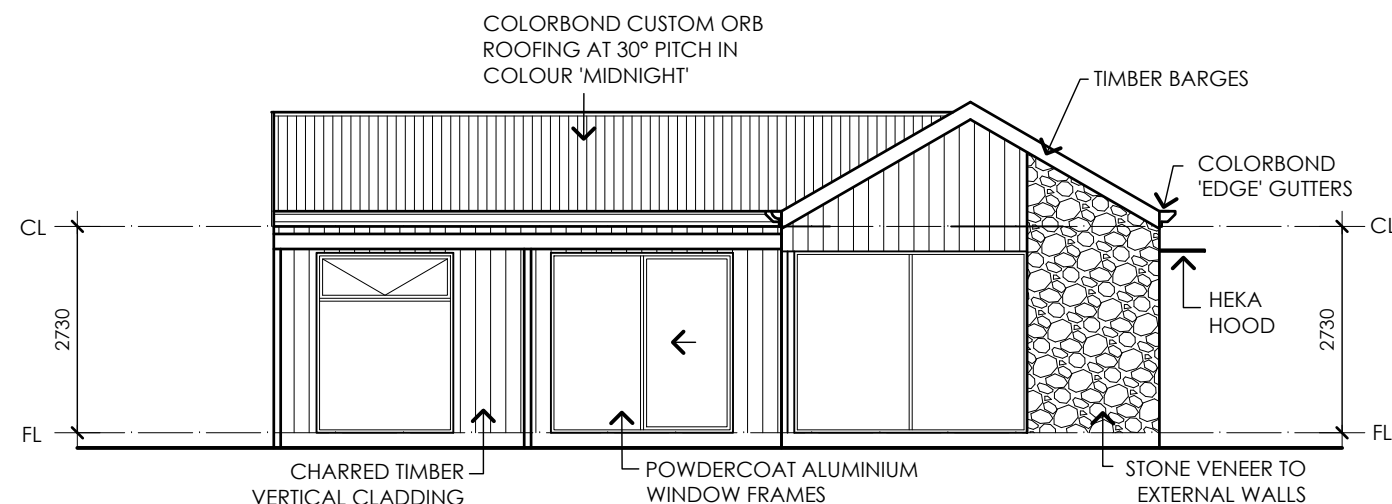
NORTH ELEVATION
SCALE 1:100



WEST ELEVATION
SCALE 1:100



SOUTH ELEVATION
SCALE 1:100



EAST ELEVATION
SCALE 1:100



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ABN: 22 141 732 660

Drawing Title: ELEVATIONS (RES 1 & 2)	
Drawing Issue: PLANNING ISSUE	Client: J KING
Project Type: TOURIST ACCOMMODATION	Project Address: LOT 18 HUGHES PLACE LOBETHAL

Scale @ A3: 1:100	
Date: 19-Nov-24	
Revision A	Page 4

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Rev:	Date:	Notes:
-	-	-



URPS

Adelaide
27 Halifax Street
Enter via Symonds Pl
Adelaide SA 5000

08 8333 7999

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Podium, Level 7
530 Collins Street
Melbourne VIC 3000

03 8593 9650

urps.com.au

1 November 2024

Mr Doug Samardzija
Adelaide Hills Council
Submitted via Planning Portal

Dear Doug

Application ID 24008556 – 15 Hughes Place, Lobethal

Introduction

Thanks for meeting with us on 22 October 2024.

URPS has been engaged by the applicant to assist with Application ID 24008556 for 15 Hughes Place, Lobethal.

As discussed, you would like further information regarding the following questions that you previously raised:

7. Provide further justification on how the proposal satisfies PO 1.1. In the planning report you only state that the proposal is listed in DPF 1.1, however just because it is listed in DPF does not mean it satisfies PO 1.1 because PO 1.1 seeks primary production uses as a main activity with tourist accommodation only envisaged as an additional value adding activity.

8. Provide further justification on how the proposal satisfies PO 6.3. In the planning report you only state that it satisfies it because it is proposed on allotment adjoining primary production (animal keeping). How does animal keeping on adjoining allotment enhance and provide authentic visitor experiences as envisaged in PO 6.3.

It was accepted that you would provide feedback on these matters before we respond to the representations received during the public notification period.

Recent Supreme Court Findings

In providing this response I have reviewed the findings of the Supreme Court of South Australia in relation to Geber Super Pty Ltd v The Barossa Assessment Panel.

The proposal at 252 Murray Street, Tanunda, as per Supreme Court case, was substantially different to that proposed herein, noting that the tourist accommodation development was substantially larger and displaced viable primary production land. That development comprised 7,700 square metres of floor area.

Our views differ somewhat from the findings in Geber Super Pty Ltd v The Barossa Assessment Panel. We believe standalone tourist accommodation (on suitable allotments) can add value to the economic base of the Productive Rural Landscape Zone, Rural Zone or wider region.

We accept that in most circumstances this should not be at the expense of viable primary production land.

Our view regarding the proposed development and the interpretation of the Productive Rural Landscape Zone is below.

The Proposed Development and the Productive Rural Landscape Zone

Desired Outcomes provide guidance for interpreting the intent of a Zone and clarifying the interpretation of Performance Outcomes.

Policy Difference between Desired Outcomes

Desired Outcomes 1, 2 and 3 of the Productive Rural Landscape Zone seek:

- 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. (Underlining Added)*

Agriculture and horticulture are clearly a land use focus in the Productive Rural Landscape Zone.

The Desired Outcomes above differ to those within the Rural Zone, as they do not use the word "primarily".

Instead, the Desired Outcomes seek:

- Diverse range of land uses.

- Appropriate scale.
- Capitalise on tourist opportunities.
- Conserving rural character.
- Promote agriculture, horticulture, and value-adding uses.
- Support new and continuing investment.
- Promote co-existence.

By comparison, Desired Outcome 1 of the Rural Zone (i.e. not applicable to the proposal) states:

DO 1 *A zone supporting the economic prosperity of South Australia primarily through the production, processing, storage and distribution of primary produce, forestry and the generation of energy from renewable sources. (Underlining Added)*

The exclusion of the word “primarily” in the Desired Outcomes of the Productive Rural Landscape Zone is intentional. I suggest a slightly different focus to that of the Rural Zone which places greater emphasis on primary production being the primary use of the land.

The Desired Outcomes of the Productive Rural Landscape Zone seek a more diverse range of land uses and co-existence.

Value Adding

Performance Outcome 1.1 of the Productive Rural Landscape Zone does not use the word “primarily”. Instead, it states:

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.*
(Underlining Added)

Designated Performance Feature 1.1 of the Productive Rural Landscape Zone also states:

DPF 1.1 *Development comprises one or more of the following:...*
(w) *Tourist accommodation...* (underlining added)

Given that tourist accommodation is not “primary production”, it must be “value-adding” development that “expands the economic base”, given it is listed in DPF 1.1. This aligns with the wording of DO 2 also quoted above.

PO 1.1 specifically states that “tourism is supported”.

Your interpretation of PO 1.1 is that value-adding development must always be directly “associated” with primary production activities. I do not interpret this provision so narrowly.

DPF 1.1 indicates that development can comprise “one or more of the following” before listing “tourist accommodation”. This suggests that tourist accommodation on its own, or not as the primary use of land, satisfies PO 1.1.

Of note, DPF 1.1 of the Tourism Development Zone is more specific as it states:

- “Dwellings ancillary to tourist accommodation”.
- “Office ancillary to tourist accommodation”.

DPF 1.1 of the Tourism Development Zone more clearly indicates that these uses be ancillary to satisfy the associated PO, whereas DPF 1.1. of the Productive Rural Landscape Zone is not so specific.

The proposal further satisfies PO 1.1 in that tourists will mostly visit the region for a rural experience. Tourists will contribute to the local rural economy (i.e. add value) thus contributing to the support, protection, and maintenance of the locality’s productive rural activities.

Link to Primary Production

Performance Outcome 6.3 of the Productive Rural Landscape Zone states:

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. (underlining added)

You have inferred that you interpret PO 6.3 to mean that all tourist accommodation in the Productive Rural Landscape Zone should be intrinsically linked to primary production or primary production related value adding industry on the same site.

Again, I do not interpret this provision so narrowly. There are circumstances in the Zone where primary production is simply not viable. In these circumstances, an alternate value adding activity is appropriate.

PO 6.3 encourages tourist accommodation in association with primary production or primary production related value adding industry. The stated purpose of this is “to enhance visitor experiences”. Yet much of the associated DPF 6.3 is targeted at limiting the size and location of tourist accommodation to preserve the primary production or value-adding industry as primary land uses when occurring on the same site:

DPF 6.3 Tourist accommodation:

- (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 100m² or*
 - (ii) *where in an existing building, does not exceed a total floor area of 150m² and*
- (c) *does not result in more than one tourist accommodation facility being located on the same allotment. (underlining added)*

In my view, the primary intent of the Productive Rural Landscape Zone is to facilitate a range of land uses (including agriculture, horticulture and value-adds), capitalise on tourist opportunities while conserving natural and rural character as indicated in DO 1 previously quoted.

The Zone clearly promotes agriculture, horticulture and value adding opportunities as per DO 2.

It is not the intent of the Productive Rural Landscape Zone to limit “value-adding” land uses in an unnecessarily restrictive way. I consider that it is sufficient to have tourist accommodation near non-allied primary production if it does not introduce land use conflicts and can co-exist as per DO 3.

Land in this locality comprises primary production, but also residential development in the adjacent Township Zone. Various smaller allotments are therefore situated in the locality and comprise dwellings, which are anticipated land uses in each respective Zone.

The subject site is a relatively small allotment in the Productive Rural Landscape Zone at approximately 26,400 square metres (2.64 hectares). It also comprises substantial vegetation, steep and undulating terrain and borders sensitive residential land uses. The site is not currently, and cannot be, used for viable primary production activities.

This means that the proposed tourist accommodation does not displace any existing primary production.

The land available on the subject site for primary production is very limited. Even if the entire site was available, this would also have limited primary production value.

As an aside, your more conservative interpretation of PO 6.3 could result in a sub-optimal outcome where some of the farming land on the neighbouring property were removed to make way for tourist accommodation. Meanwhile, the development of the same tourist accommodation on the subject site would be refused because that land is not used for more intense primary production at present. This outcome could not be what is intended by the Zone.

In summary, I consider that it is not the intent of the Productive Rural Landscape Zone to limit “value-adding” land uses in an unnecessarily restrictive way. The proposed tourist accommodation does not alienate or displace productive agricultural land.

The proposed land use is clearly anticipated in the Productive Rural Landscape Zone and adds value to existing primary production activities in this locality. The proposal will expand the economic base of the region without displacing primary production. The most relevant land use provisions of the Code are satisfied.

Previous Comments

Primary Production on the Land

As above, PO 6.3 seeks that tourist accommodation is associated with primary production. This is not always possible and thus an alternative “value adding” land use is appropriate.

Notwithstanding this, the applicant intends to provide some primary production on the land despite limited opportunities. The applicant has previously explained:

“The proposal does not limit the continued rural use on the property and therefore preserves the productive rural value of the land”.

“The property will continue to support small scale grazing activity and the inclusion of the tourist accommodation facilities will not interrupt its existing grazing operations”.

“The proposed tourist accommodation occupies a small portion of an existing rural allotment and is ancillary to the small-scale grazing that occurs on the property”.

As above, the primary production capacity of the land is constrained by:

- Undulating topography.
- Extensive native vegetation.
- Limited allotment size.
- Interface with sensitive residential land uses within the Township Zone. The Zone suggests a 40-metre setback between some land uses.

The attached map identifies areas where some form of primary production could be possible, however this area is steep and limited to 4,500 square metres (0.45 hectares).

Some images showing these constraints are also attached below.

Promoting Regional Identity, Economic Base and Value Adding

As above, the Zone anticipates development that expands the economic base of the region and adds value to primary production.

Visitors residing at the proposed tourist accommodation will spend money on the accommodation itself, at local cafes, restaurants, wineries, and cellar doors.

All these activities will contribute to the local economy in which a range of tourist accommodation options are fundamental. It is clearly accepted in Australia that tourism positively contributes to local economies.

In addition, the applicant has previously explained/provided:

“Local wineries specialising in agricultural production and events tourism have expressed interest in reserving accommodation services when they have period of high demand”.

“Correspondence from local wineries (Lobethal Road and Golding Wines) that have expressed interest in reserving local accommodation during peak times that supports tourism and the local economy”.

“The proposal will provide accommodation services in support of the local economy without comprising the attractive qualities of the area”.

The proposal satisfies the Zone in this regard.

Visitor Experience

As above, PO 6.3 seeks to provide an authentic visitor experience.

Visitors within the proposed accommodation will receive an authentic rural experience when acknowledging:

- The rural character of the land and locality. The visitors will be able to enjoy rural vistas from their proposed accommodation.
- The presence of native vegetation provides a rural and isolated character on the land, but also attracts native fauna. This contributes to the rural experience.
- The applicant will continue grazing the land with rural animals such as sheep. This contributes to the visitor experience.
- The tourist accommodation will be positioned centrally in the Adelaide Hills with great access to rural landscapes, wineries and other activities. It is surrounded by features that provide an authentic Adelaide Hills experience.

The applicant has also previously stated:

“The appeal of the tourist accommodation is that it is in a rural setting and showcases the rural and agricultural features of the locality without interrupting or detrimentally impacting on that rural character and existing rural productivity”.

“The location of the tourist accommodation provides the visitor with firsthand access to rural activities on the site in the form of small-scale grazing and access to the wider rural community by proximity to rural business and views of the adjacent rural landscapes”.

While the land will not comprise intensive primary production, we believe the proposal will provide an authentic visitor experience and contribute to the achievement of the Desired Outcomes of the Zone as explained above.

I am available to discuss this in further detail as needed and request your views on before progressing our response to the representations received during the public notification period.

Please contact the undersigned on (08) 8333 7999 if you have any queries.

Yours sincerely



Phil Harnett

Associate Director

Attachment 1: Site Photos

Image 1: Only available land for primary production on the land, note the gradient.



Image 2: Native Vegetation on the Land Contributing to Visitor Experience



Image 3: Native Vegetation on the Land Contributing to Visitor Experience



Image 4: Native Vegetation on the Land Contributing to Visitor Experience



Image 5: Rural Vistas Contributing to Visitor Experience



Image 6: Interface with nearby Residential Properties





URPS

Image 7: Interface with nearby Residential Properties





URPS

Image 8: Interface with nearby Residential Properties



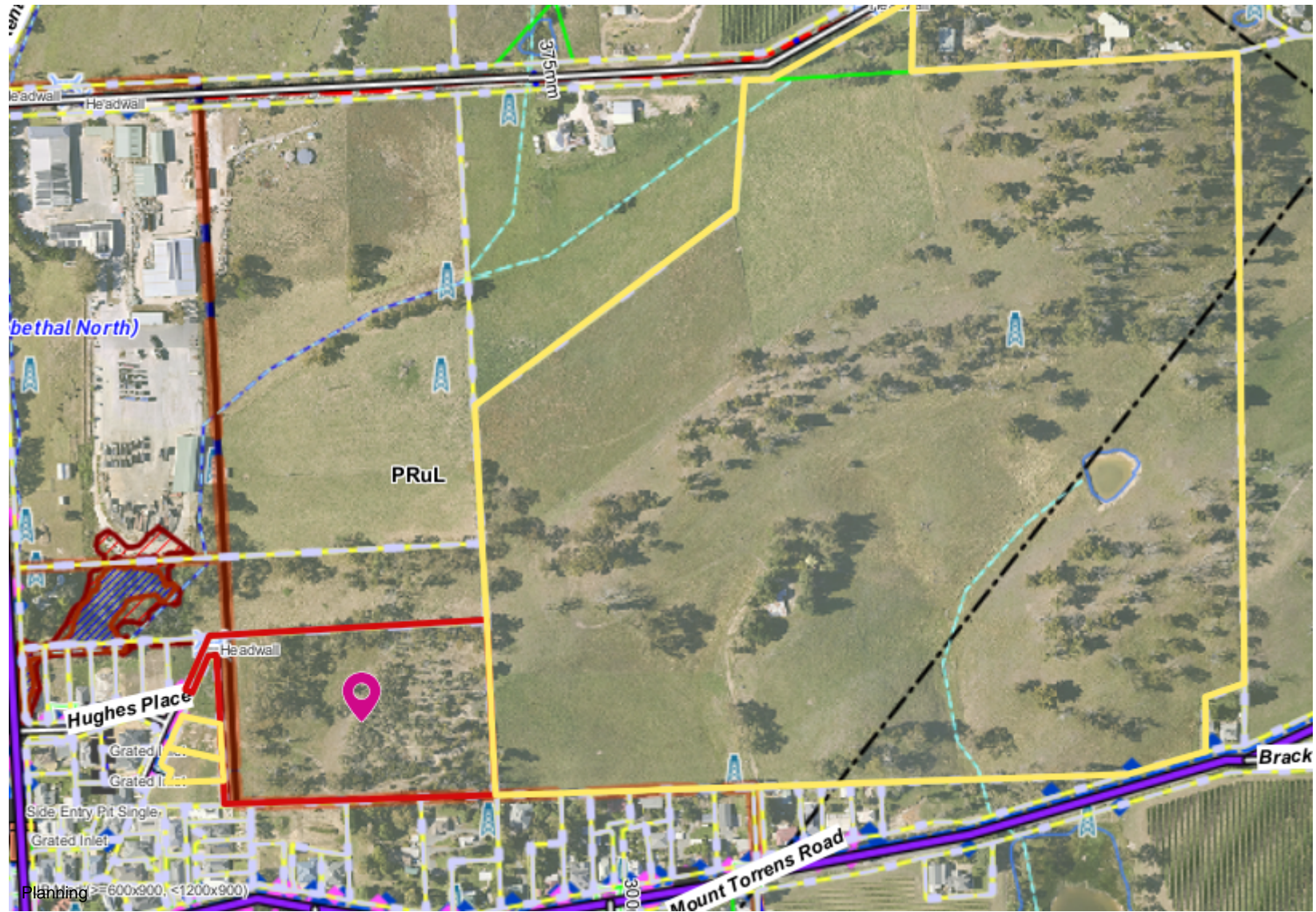


URPS





Image 9: Interface with nearby Residential Properties







Annotations

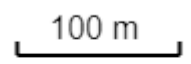
-  Representors Land 3
-  Representors Land 2
-  Representors Land 1
-  Subject Land

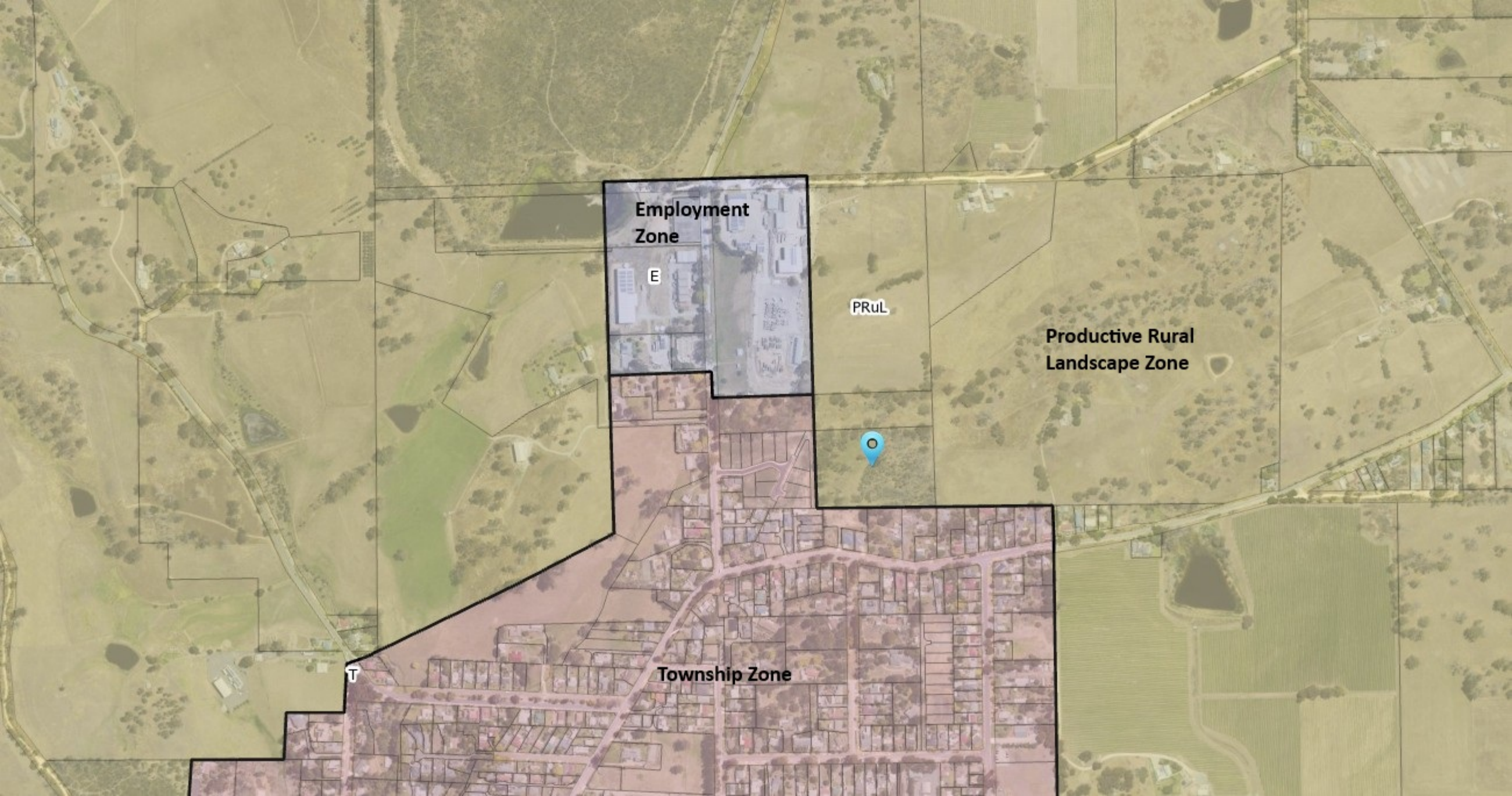
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**Employment
Zone**

E

PRuL

**Productive Rural
Landscape Zone**



Township Zone

T

Details of Representations

Application Summary

Application ID	24008556
Proposal	Tourist accommodation
Location	15 HUGHES PL LOBETHAL SA 5241

Representations

Representor 1 - Roland Temesi

Name	Roland Temesi
Address	PO Box 241 WOODSIDE SA, 5244 Australia
Submission Date	24/09/2024 04:46 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

Longer representation has been attached via supporting documentation at step 3, please refer to step 3 attachment.

Attached Documents

Letter-of-contention-to-council-of-15-hughes-pl-lobethal-1407247-9319689.pdf

Mr Roland Temesi & Mrs Racheal Thomas-Temesi
PO BOX 241
WOODSIDE SA 5244

Date: 18/09/2024

Assessment Panel at Adelaide Hills Council
63 mount Barker Road
STIRLING SA 5152

Email: developmentadmin@ahc.sa.gov.au

Dear Sir/Madam,

Re: Objection to Development Application for Short-stay Accommodation at Lot 15 Hughes Place LOBETHAL SA 5241, Application ID 24008556

I am writing to formally lodge my objection to the development application for the establishment of multiple short-stay accommodation at 15 Hughes Place LOBETHAL SA 5241, which is adjacent to my property at Lot 10 Hughes Place LOBETHAL SA 5241. I have several concerns regarding this proposal that I believe will negatively impact the safety, privacy, and security of my home and the surrounding neighbourhood.

1. Safety Risks – Steep Slope and Driveway Placement

The proposed development includes a driveway located on a steep slope that runs directly behind my property. This presents significant safety risks for the following reasons:

- a) The steep incline increases the risk of accidents, especially during inclement weather conditions, which are common in the Adelaide Hills region.
- b) The influx of unfamiliar short-term renters/clients may heighten the risk of traffic accidents due to their lack of knowledge about the terrain and gradient of said driveway.

2. Security Concerns

The operation of a short-term rental will bring a transient population into the neighbourhood, raising concerns about security:

- a) The constant turnover of guests could increase the risk of theft, trespassing, and other security breaches, particularly because short-term renters may not be as invested in the security of the neighbourhood as long-term residents.
- b) The current fence along the backside of our property is insufficient for maintaining security, safety, and privacy. This existing fencing would require a significant upgrade to address these issues effectively. Specifically, the lack of a robust barrier increases the risk of unauthorized access, reduces privacy, and may not adequately protect against potential safety threats posed by guests of the short-term rental. Without substantial improvements to the fencing, these concerns remain unresolved and could impact the overall security and comfort of our property.

3. Privacy Issues

The positioning of the driveway and the inadequacy of the existing fence between our properties raise concerns about privacy:

- a) The current fence does not provide adequate screening, allowing short-term guests easy visibility into my property, which undermines my right to privacy.
- b) Noise pollution from guests using the driveway or outdoor spaces, particularly during social gatherings, will disturb the quiet enjoyment of my home.

4. Privacy Issues / Lighting

The submitted plans for the development do not specify or reflect the placement of outdoor lighting, particularly flood lighting. This omission raises significant concerns regarding the potential impact of improperly positioned lighting on our privacy. Without clear information on the proposed lighting placement, there is a risk that flood lights could be directed towards our property, leading to intrusive light exposure that would disrupt the privacy and peaceful enjoyment of our home.

5. Privacy Issues / CCTV

The proposal does not indicate whether CCTV cameras will be installed on the property or specify their potential locations. This lack of information raises significant privacy concerns, as the placement of CCTV cameras could intrude upon the privacy of neighbouring properties. Without clear details on the presence and positioning of any surveillance equipment, there is a risk that these cameras could be directed towards our property, further compromising our privacy and peaceful enjoyment.

6. Fire Danger Season Risks

The Adelaide Hills region is particularly vulnerable during the fire danger season, and the introduction of short-term guests poses an additional risk:

- a) Guests unfamiliar with local fire regulations may inadvertently increase the risk of fire outbreaks, particularly through careless activities such as lighting barbecues or disposing of cigarettes improperly, and the usage of firepits/open fire.
- b) Given the property's location in a bushfire-prone area, the council should assess the elevated fire risks and ensure that adequate fire safety measures are in place, such as clear signage and education for guests about fire danger protocols.

7. Concerns Regarding Smoking and Alcohol Consumption

The short-term rental may result in increased smoking and alcohol consumption, which are activities that raise further concerns:

- a) Smoking on the property, especially during the fire danger season, poses a significant risk of igniting bushfires, endangering not only the rental property but also surrounding homes and the local environment.
- b) The potential for noise disturbances and unruly behaviour increases with the likelihood of alcohol consumption by short-term guests, affecting the peaceful atmosphere of the neighbourhood and posing a nuisance to surrounding residents.

8. Concerns regarding further accommodation premises

The proposal mentioned the possibility of constructing additional accommodation premises, but it did not elaborate further on the specific details relative to future proposals. This uncertainty exacerbates all the aforementioned risks, including those related to safety, privacy, and security. The potential for further development increases the impact of these concerns, as it could lead to even greater issues with traffic, noise, and privacy intrusion, and compound the overall risks associated with the initial proposal.

9. Concerns regarding house rules and compliance.

- a) **Maximum Number of Guests and Pets:** The proposal addressed the maximum number of guests allowed per short-term accommodation but did not specify who would be responsible for enforcing these limits or the consequences of non-compliance. This lack of clarity raises concerns about potential overcrowding and its impact on local resources and neighbourhood peace.
- b) **Pet Policy:** The proposal does not clarify whether pets are permitted on the premises, which raises additional concerns about securing pets, potential noise issues from barking, and overall safety.
- c) **Quiet Hours and Visitor Policies:** There is no specification of 'quiet hours' or limitations on the number of visitors and vehicles allowed, which is particularly concerning given that the accommodation is likely to attract weekend guests and potentially host parties. While the proposal mentions a limit of two adults per accommodation, it does not address whether additional visitors are permitted, raising further concerns about noise, security, and the presence of multiple unknown individuals in the area.

Conclusion

In light of the concerns outlined above, I respectfully request that the Adelaide Hills Council carefully consider the potential impacts of this development. The proposed short-term accommodation at 15 Hughes Place LOBETHAL SA 5241 will, in our opinion, have detrimental effects on the safety, privacy, and security of the local community. Additionally, the heightened fire risks and potential for nuisance behaviour are issues that should not be overlooked.

I ask the council to either reject the application or, at a minimum, impose stringent conditions to address the driveway safety, fire risk management, fencing adequacy, and guest behaviour related to smoking and alcohol consumption.

Thank you for your attention to this matter. I look forward to your response.

Yours sincerely,

Roland Temesi & Racheal Thomas-Temesi

CC:

The Honourable Dan Cregan MP

Local member for Kavel

Special Minister of State

The Honourable Nick Champion MP

Minister for Housing and Urban Development

Minister for Housing Infrastructure

Minister for Planning

Representations

Representor 2 - Leeanne Noske

Name	Leeanne Noske
Address	UNIT 5 6 EUSTON AVENUE HIGHGATE SA, 5063 Australia
Submission Date	25/09/2024 09:26 AM
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 Refer attached	

Attached Documents

Representation-Opposes-24008556-LeeanneNoske-9323078.pdf

REPRESENTATION ON APPLICATION

Planning, Development and Infrastructure Act 2016

Applicant:	Quartz Building Design
Development Number:	24008556
Nature of Development:	Tourist accommodation
Zone/Sub-zone/Overlay:	Productive Rural Landscape & Township
Subject Land:	15 HUGHES PL LOBETHAL SA 5241, LOT 18, D129557AL18, CT6272/883
Contact Officer:	Doug Samardzija, Adelaide Hills Council
Phone Number:	08 8408 0400
Close Date:	25/09/2024

My name*: Leanne Noske	My phone number:
My postal address*: U5/ 6 Euston Avenue, Highgate SA 5063	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 consent should be refused are:

Both of the two proposed tourist accommodation units are located too close to my boundary (ie Unit 1 is 27.5m from my boundary and Unit 2 is 14m from my boundary) which will negatively impact the visual appearance of the landscape from my property and my privacy. The proposed tourist accommodation also presents an increased fire risk to my property associated with the numerous different occupants of the tourist accommodation units (who may not be familiar with Adelaide Hills fire risks and safety) lighting fires outside or in fire pits and leaving them unattended, cooking outside, smoking etc.

The numerous different occupants of the two tourist accommodation units will be unsupervised for a large proportion of the time as the property owners do not reside on the property which increases potential fire risk and livestock biosecurity risk to my property.

I also note that most of the windows of the accommodation units appear to face towards my boundary (East).

The proposed development is for two tourist accommodation units of approximately 113 sqm each.

Productive Rural Landscape Zone DTS/DPF 6.4 guidelines state: Tourist accommodation in new buildings: (a) is setback from all property boundaries by at least 40m.



Productive Rural Landscape Zone DTS/DPF 6.3 guidelines state: Tourist accommodation
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 100 sqm
and
c) does not result in more than one tourist accommodation facility being located on the same allotment.

I request all the proposed accommodation units be setback from my boundary by at least 40m to reduce the visual impact from my property, conserve the natural and rural character, identity and scenic qualities of the landscape, preserve privacy and reduce fire risks and livestock biosecurity risks to my property etc.

Refer attached 2 photos taken from my property boundary fence (East boundary)

If the proposed Tourist Accommodation is approved, I request that:

The visual and privacy impact, livestock biosecurity risks, fire risks and other safety risks to my property by the tourist accommodation development be mitigated by:

1. Increasing the setback of all tourist accommodation units to at least 40m from my property boundary.
2. The access gate to my property in the South East corner of the allotment be replaced with a new gate and an additional strainer post enabling it to be locked securely to avoid occupants of the tourist accommodation entering my property for livestock biosecurity and safety purposes. (At the expense of the property owner of 15 Hughes Place, Lobethal)
3. Occupants of the tourist accommodation:
 - a. be prevented from lighting any outside fires at **all times of the year** and
 - b. be required to comply with CFS – “ Within Fire Danger Season” restrictions **at all times of the year** in relation to outside barbeques, outside cooking appliances and smoking – refer below

Extract - CFS Restrictions for Within Fire Danger Season

<https://www.cfs.sa.gov.au/warnings-restrictions/restrictions/what-can-i-do-what-cant-i-do.jsp>

Within the Fire Danger Season

Can I use a gas or electric barbecue or cooking appliance?

YES

Providing:

- the barbecue/cooking appliance is clear of all flammable vegetation to a distance of at least 4 metres
- a person who is able to control the fire is present at the site of the fire until it is extinguished
- an appropriate extinguisher is at hand.

Can I use a solid fuel (wood/charcoal) kettle barbecue?

YES

Provided that:

- the barbecue is clear of all flammable vegetation to a distance of at least 4 metres
- a person who is able to control the fire is present at the site of the fire until it is extinguished
- an appropriate extinguisher is at hand.

Can I smoke cigarettes?

YES

But:

- You must not smoke within 2 metres of flammable bush or grass outside of a township (Penalty: \$1250).
- You must not throw a cigarette butt from a vehicle (Penalty: \$500).
- You must not drop or throw a cigarette butt where it will come into contact with flammable vegetation (Penalty: \$500).

[attach additional pages as needed]

Note: In order for this submission to be valid, it must:

- be in writing; and
- include the name and address of the person (or persons) who are making the representation; and
- set out the particular reasons why consent should be granted or refused; and
- comment only on the performance-based elements (or aspects) of the proposal, which does not include the:
 - [Click here to enter text.](#) *[list any accepted or deemed-to-satisfy elements of the development].*

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: 23/09/2024

Return Address: Assessment Panel, Adelaide Hills Council, 63 Mount Barker Road, Stirling SA 5152 or

Email: developmentadmin@ahc.sa.gov.au or

Complete online submission: plan.sa.gov.au/have_your_say/notified_developments





Representations

Representor 3 - Renae Bettens

Name	Renae Bettens
Address	2 Memorial Court KERSBROOK SA, 5231 Australia
Submission Date	27/09/2024 05:03 PM
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 oppose the development

Reasons

Safety Risks – Steep Slope and Driveway Placement The proposed development includes a driveway located on a steep slope that runs directly behind my property. This presents significant safety risks for the following reasons: a) the steep incline increases the risk of accidents, especially during inclement weather conditions, which are common in the Adelaide Hills region. b) the influx of unfamiliar short-term renters/clients may heighten the risk of traffic accidents due to their lack of knowledge about the terrain and gradient of said driveway.

Security Concerns The operation of a short-term rental will bring a transient population into the neighbourhood, raising concerns about security: a) The constant turnover of guests could increase the risk of theft, trespassing, and other security breaches, particularly because short-term renters may not be as invested in the security of the neighbourhood as long-term residents. b) The current fence along the backside of our property is insufficient for maintaining security, safety, and privacy. This existing fencing would require a significant upgrade to address these issues effectively. Specifically, the lack of a robust barrier increases the risk of unauthorized access, reduces privacy, and may not adequately protect against potential safety threats posed by guests of the short-term rental. Without substantial improvements to the fencing, these concerns remain unresolved and could impact the overall security and comfort of our property.

Privacy Issues The positioning of the driveway and the inadequacy of the existing fence between our properties raise concerns about privacy: a) The current fence does not provide adequate screening, allowing short-term guests easy visibility into my property, which undermines my right to privacy. b) Noise pollution from guests using the driveway or outdoor spaces, particularly during social gatherings, will disturb the quiet enjoyment of my home.

Privacy Issues / Lighting The submitted plans for the development do not specify or reflect the placement of outdoor lighting, particularly flood lighting. This omission raises significant concerns regarding the potential impact of improperly positioned lighting on our privacy. Without clear information on the proposed lighting placement, there is a risk that flood lights could be directed towards our property, leading to intrusive light exposure that would disrupt the privacy and peaceful enjoyment of our home.

Privacy Issues / CCTV The proposal does not indicate whether CCTV cameras will be installed on the property or specify their potential locations. This lack of information raises significant privacy concerns, as the placement of CCTV cameras could intrude upon the privacy of neighbouring properties. Without clear details on the presence and positioning of any surveillance equipment, there is a risk that these cameras could be directed towards our property, further compromising our privacy and peaceful enjoyment.

Concerns regarding further accommodation premises The proposal mentioned the possibility of constructing additional accommodation premises, but it did not provide specific details. This uncertainty exacerbates all the aforementioned risks, including those related to safety, privacy, and security. The potential for further development increases the impact of these concerns, as it could lead to even greater issues with traffic, noise, and privacy intrusion, and compound the overall risks associated with the initial proposal.

Attached Documents



URPS

Adelaide
27 Halifax Street
Enter via Symonds Pl
Adelaide SA 5000

08 8333 7999

ADL | MEL | PER

urps.com.au

18 December 2024

Mr Doug Samardzija
Adelaide Hills Council

Uploaded via PlanSA Portal

Dear Doug

Application ID 24008556 – 15 Hughes Place, Lobethal

Introduction

Thank you for providing the representations in relation to Application ID 24008556. I provide our response to these below. This should be read in connection with our response dated 1 November 2024 to Council's information request which satisfactorily to our understanding addresses related matters.

Response to Representations

The following representations were received during the public notification period:

Representor	Address	Support / Oppose / Withdrawn	Wishes to be heard by CAP
Roland Temesi	PO Box 241, Woodside	Oppose	Yes
Leeanne Noske	Unit 5, 6 Euston Avenue, Highgate	Oppose	Yes
Renae Bettens	2 Memorial Court, Kersbrook	Oppose	No

The three representors oppose the proposal. Rather than address each representor individually I have collated the comments and addressed them below under the respective headings.

Primary Use of Land

Additional information was provided to Council in November in relation to value adding land use development in the zone. Below, I repeat some of this information to acknowledge and respond to similar concerns raised by the representors.

The subject site is a relatively small allotment in the Productive Rural Landscape Zone at approximately 26,400m² (2.64 hectares). It comprises substantial vegetation, steep and undulating terrain and borders residential uses. The site is not currently, and cannot be, used for viable primary production activities, and any alternative appropriate use of this land will not displace existing primary production.

The primary intent of the Productive Rural Landscape Zone is to facilitate a range of uses (including agriculture, horticulture and value-adds) which includes tourist opportunities which conserve the natural and rural character of the Zone as sought in Desired Outcome (DO) 1. DO 2 further strengthens this and promotes value adding development.

It is not the intent of zone to limit “value-adding” land use in a restrictive way. Rather, the provisions of the zone support tourist accommodation near non-allied primary production if it does not introduce land use conflict and can co-exist as per DO 3.

Performance Outcome 1.1 of the Productive Rural Landscape Zone states:

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.
(Underlining Added)

This provision specifically states ‘...*tourism is supported, protected and maintained*’.

Designated Performance Feature 1.1 of the Zone also states:

DPF 1.1 Development comprises one or more of the following: ...

(w) Tourist accommodation... (underlining added)

Given tourist accommodation is not “primary production” it must be considered “value-adding” development that expands the economic base of land use in the zone, noting it is specifically listed as such in DPF 1.1. Overall, tourist accommodation is an appropriate land use, and the assessment of this application ought to turn on the degree to which the development manages impacts, including siting and design matters addressed below.

Scale and Intensity

Land in this locality comprises primary production, but also residential development in the adjacent Township Zone. Various smaller allotments are therefore situated in the locality and comprise dwellings, which are anticipated land uses in both zones, and result in very similar intensity and impact considerations – but in general are complementary uses and compatible with each other.

Siting and Design/Interface Management

In relation to tourist accommodation, the Code specifically sets out the following:

DPF 6.3 Tourist accommodation:

- (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 100m² or*
 - (ii) *where in an existing building, does not exceed a total floor area of 150m² and*
- (c) *does not result in more than one tourist accommodation facility being located on the same allotment. (underlining added)*

Amended plans demonstrating a reduction in floor area have been supplied to Council. I consider the proposed reduction responds to concerns around floor area, noting that our client has also put considerable effort into siting and design of the units to manage perceived impacts.

Any further reduction would compromise both functionality and market appeal, noting as single bedroom units the balance of floor space to provide the necessary level of internal amenity (i.e. kitchen, dining and living space) would be considerably compromised with any further reduction.

Some representors are concerned about the setback of the development from their property. While the proposed setbacks represent a minor departure from the provisions of the Code, given the size of the land, the size and location of accommodation units relative to neighbouring residents, along with the topography and established vegetation on the site, these are considered to more than appropriate to manage unreasonable amenity impacts.

Some representors have raised concern about noise from the proposed driveway gradient and location. While it is acknowledged that the subject land is undulating, it is proposed that the driveway will be maintained to an appropriate standard to ensure acceptable safety of use by guests.

In instances of inclement weather, operational decisions will be by the operator as to the safety of guests in traversing the land, although we consider the likelihood that this will be required to be very low, if at all. Our client would be amenable to a condition of planning consent, requiring regular maintenance of the driveway to ensure the safety of vehicle users / guests.

Finally, some concerns were expressed about traffic noise. I do not consider that a development of the intensity proposed would result in any unreasonable noise impacts to adjacent land holders. In terms of vehicle movements as related to the operational use of the accommodation, these will generally coincide with check in (2pm) and check out (10am) with any movements in between these times expected to occur during the day and early evening as guests take advantage of the range of tourism and hospitality offerings within Lobethal and its surrounds. The volume of traffic movements associated with a proposal of this nature is by any measure, low.

Other matters

Biosecurity

Some of the representors are concerned about biosecurity with visitors entering their land. I consider it unlikely guests would seek to trespass and enter adjacent land. In terms of biosecurity generally, this is not a matter that necessitates an in-depth analysis for the purposes of a planning assessment for small scale tourist accommodation. Nevertheless, the operator will ensure measures are taken with guests to avoid any possibility guests would venture outside of the bounds of the subject land.

Security

Some representors are concerned about the presence of visitors with respect to their security. A small-scale tourist accommodation development of this nature is highly unlikely to represent a security risk to neighbouring residents. The development is small scale, suitable for singles and couples, with a maximum of four guests across both units.

Should concerns about security eventuate this is a matter for law enforcement and is not an issue that could be reasonably addressed or resolved through a planning assessment process. The operator will ensure that guests are advised of their obligations to show consideration for neighbouring residents, particularly after daylight hours.

Privacy

Some representors have explained that the shared fence between their property and the subject land will not offer adequate privacy. One of the representors is also concerned about the direction of the windows from the accommodation units.

The siting and design of the proposed tourist accommodation has been undertaken with a view to maximise guest privacy and a quiet rural experience. By extension those efforts will ensure levels of privacy for neighbouring residents are maintained, albeit in my view, given the size of the land, the location of the accommodation and the topography and vegetation also work to prevent any unreasonable privacy impacts.

Smoking, Alcohol and Behaviour

Some of the representors are concerned about behaviour of guests. As set out above in relation to security, these are not matters that can be addressed through a planning assessment. I do however understand the sentiment being expressed by representors who wish to ensure quiet use and enjoyment of their properties, and as such the operator will again ensure guests are advised of their obligations around respectful neighbourly conduct. Again, should any anti-social behaviour eventuate, this would be a matter for law enforcement and is not an issue that could be reasonably addressed or resolved prior through a planning assessment process.

Lighting

Some representors have requested information about the position of any flood lighting. I am advised that no floodlighting is proposed, and that all lighting will be domestic in nature and of an intensity suitable for small scale tourist accommodation.

Fire Risk

Some of the representors are concerned about visitors being unaware of local fire risk and laws. I endorse the residents' concerns around fire risk in this location, and the operator is aware of such risks. A Bushfire Management Plan will be prepared by the landowner which will involve safety and evacuation protocols for guests in the event of a bushfire. Other operational aspects such as directions around smoking and disposing of cigarettes in a safe way will be communicated to guests. The operator is also aware of fire danger ratings, and total fire ban protocols, and will communicate these matters to guests in an appropriate way when required.

Additional Accommodation

No additional accommodation is proposed. Any expansion would be required to be the subject of a new planning application.

Maximum Number of Guests

The maximum number of guests is four.

Pets

Pets are not proposed to be permitted.

Summary

Overall, I am of the opinion the proposal warrants Planning Approval and I request the opportunity to present in support of the proposed development at the Assessment Panel meeting.

Please feel free to contact me on (08) 8333 7999 or pharnett@urps.com.au should you wish to discuss any matter herein.

Yours sincerely,



Phil Harnett
Associate Director

Referral Snapshot

Development Application number:
24008556

Consent:
Planning Consent

Relevant authority:
Adelaide Hills Council

Consent type for distribution:

Referral body:
Native Vegetation Council

Response type:
Schedule 9 (3)(11) Native Vegetation Overlay

Referral type:
Direction

Response date:
15 May 2024

Advice:
With comments, conditions and/or notes

Condition 1

Native Vegetation and trees retained in close proximity to the construction activity zone are to be protected with barriers (i.e. fencing or flagging) in accordance with the Australian Standard for Protection of Trees on Development Sites AS 4970-2009

Condition 2

Stockpiled materials, including cleared vegetation and excavated soil is not to be placed under native trees or on top of native understorey outside the approved area

Condition 3

Construction vehicles, equipment or materials are not to be stored or placed on top of native vegetation outside the approved clearance area

Condition 4

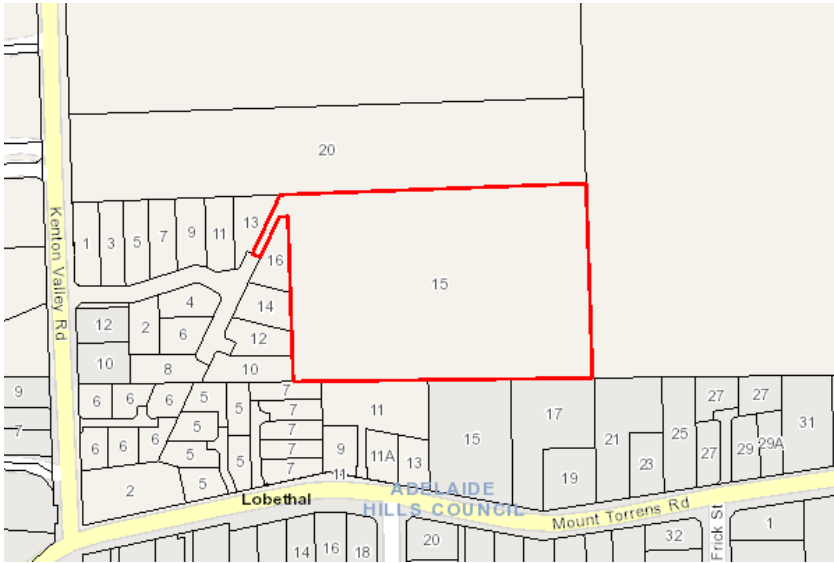
Pruning is to be conducted in accordance with the Australian Standard for Pruning Amenity Trees (AS4373-2007). Branches or limbs are to be cut cleanly back to the nearest fork

Advisory Note 1

The clearance of native vegetation must be undertaken in accordance with the approval of the Native Vegetation Council under the *Native Vegetation Act 1991* as set out in Decision Notification 2024/3126/473.

Address: 15 HUGHES PL LOBETHAL SA 5241

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



Property Zoning Details

Zone

Productive Rural Landscape
Township

Overlay

- Environment and Food Production Area
- Hazards (Bushfire - Medium Risk)
- Hazards (Flooding - Evidence Required)
- Limited Land Division
- Mount Lofty Ranges Water Supply Catchment (Area 2)
- Native Vegetation
- Prescribed Water Resources Area
- Regulated and Significant Tree
- Traffic Generating Development
- Urban Transport Routes
- Water Resources

Local Variation (TNV)

Minimum Site Area (Minimum site area for a detached dwelling is 1,000 sqm; semi-detached dwelling is 1,000 sqm; row dwelling is 500 sqm; group dwelling is 500 sqm; residential flat building is 500 sqm)

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

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	
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 (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 Large buildings designed and sited to reduce impacts on scenic and rural vistas by:	DTS/DPF 11.1 None are applicable.

<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. 	
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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.

Class of Development (Column A)	Exceptions (Column B)
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.	None specified.
2. Any development involving any of the following (or of any combination of any of the following): <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 (n) outbuilding (o) pergola (p) private bushfire shelter (q) protective tree netting structure 	None specified.

<ul style="list-style-type: none"> (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.

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 - Medium Risk) Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Development, including land division responds to the medium level of bushfire risk and potential for ember attack and radiant heat by siting and designing buildings in a manner that mitigates the threat and impact of bushfires on life and property taking into account the increased frequency and intensity of bushfires as a result of climate change.
DO 2	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Siting	
PO 1.1 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 1.1 None are applicable.
Built Form	
PO 2.1 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 2.1 None are applicable.
PO 2.2 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 2.2 Outbuildings and other ancillary structures are sited no closer than 6m from the habitable building.
Habitable Buildings	

<p>PO 3.1</p> <p>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) is sited on the flatter portion of allotments away from steep slopes.</p>	<p>DTS/DPF 3.1</p> <p>None are applicable.</p>
<p>PO 3.2</p> <p>Residential, 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 3.2</p> <p>Residential, tourist accommodation and habitable buildings for vulnerable communities are provided with asset protection zone(s) in accordance with (a) and (b):</p> <p>(a) the asset protection zone has a minimum width of at least:</p> <ul style="list-style-type: none"> (i) 50 metres to unmanaged grasslands (ii) 100 metres to hazardous bushland vegetation <p>(b) the asset protection zone is contained wholly within the allotment of the development.</p>
<p>PO 3.3</p> <p>Residential, 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 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>.</p>	<p>DTS/DPF 3.3</p> <p>None are applicable.</p>
<p>Vehicle Access - Roads, Driveways and Fire Tracks</p>	
<p>PO 5.1</p> <p>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 5.1</p> <p>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) (g) incorporating cul-de-sac endings or dead end roads 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) <p>or</p>

	<p>(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)</p> <p>(h) 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 5.2</p> <p>Access to habitable buildings is designed and constructed to facilitate the safe and effective:</p> <p>(a) access, operation and evacuation of fire-fighting vehicles and emergency personnel</p> <p>(b) evacuation of residents, occupants and visitors.</p>	<p>DTS/DPF 5.2</p> <p>Access is in accordance with (a) or (b):</p> <p>(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</p> <p>(b) driveways:</p> <p>(i) do not exceed 600m in length</p> <p>(ii) are constructed with a formed, all-weather surface</p> <p>(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)</p> <p>(iv) have a gradient of not more than 16 degrees (1-in-3.5) at any point along the driveway</p> <p>(v) have a crossfall of not more than 6 degrees (1-in-9.5) at any point along the driveway</p> <p>(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)</p> <p>(vii) incorporate passing bays with a minimum width of 6m and length of 17m every 200m (Figure 5)</p> <p>(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)</p> <p>(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)</p> <p>(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:</p> <p>A. a loop road around the building or</p> <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>

	(xi) incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.
<p>PO 5.3 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 5.3 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
None	None	None	None

Figures and Diagrams

Fire Engine and Appliance Clearances

Figure 1 - Overhead and Side Clearances

MINIMUM 4 METRES OVERHEAD CLEARANCE

CLEARANCE

4 METRES

0.5m

CARRIAGE WIDTH

0.5m

(3m Minimum for Driveways)
(6m Minimum for Roads)

A MINIMUM 0.5 METRES CLEARANCE IS TO BE PROVIDED ON EACH SIDE OF CARRIAGEWAY / DRIVEWAY

Roads and Driveway Design

Figure 2 - Road and Driveway Curves

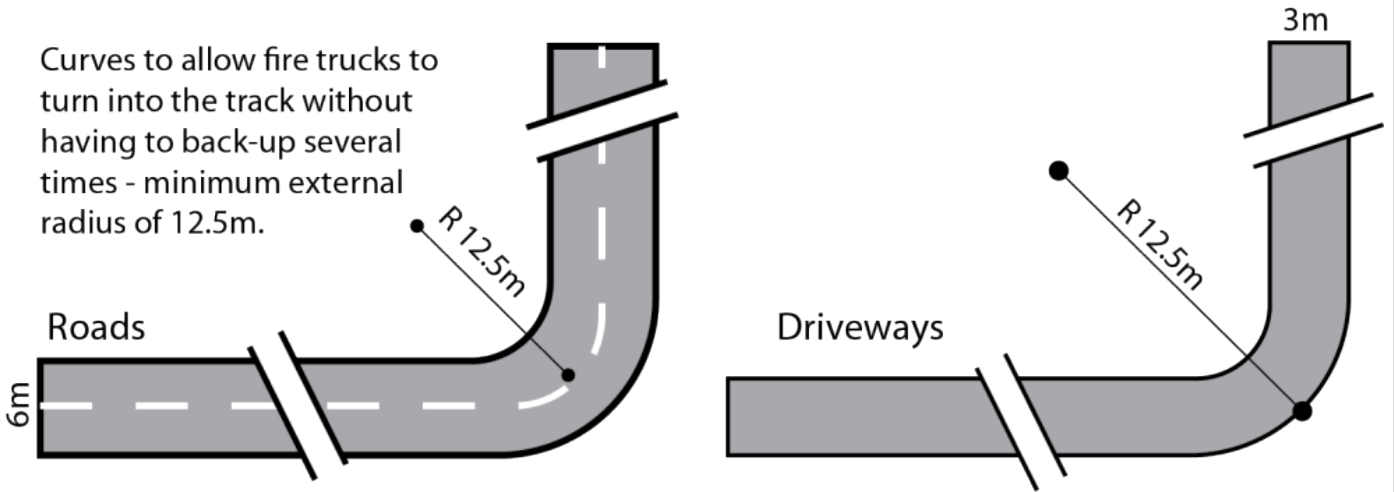


Figure 3 - Full Circle Turning Area

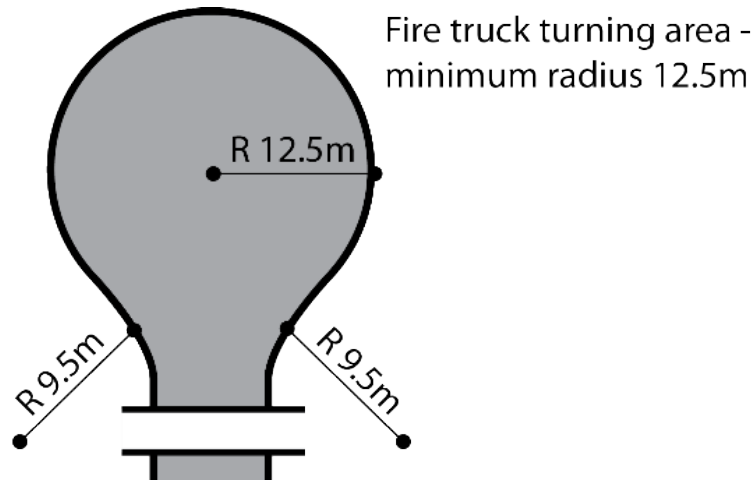
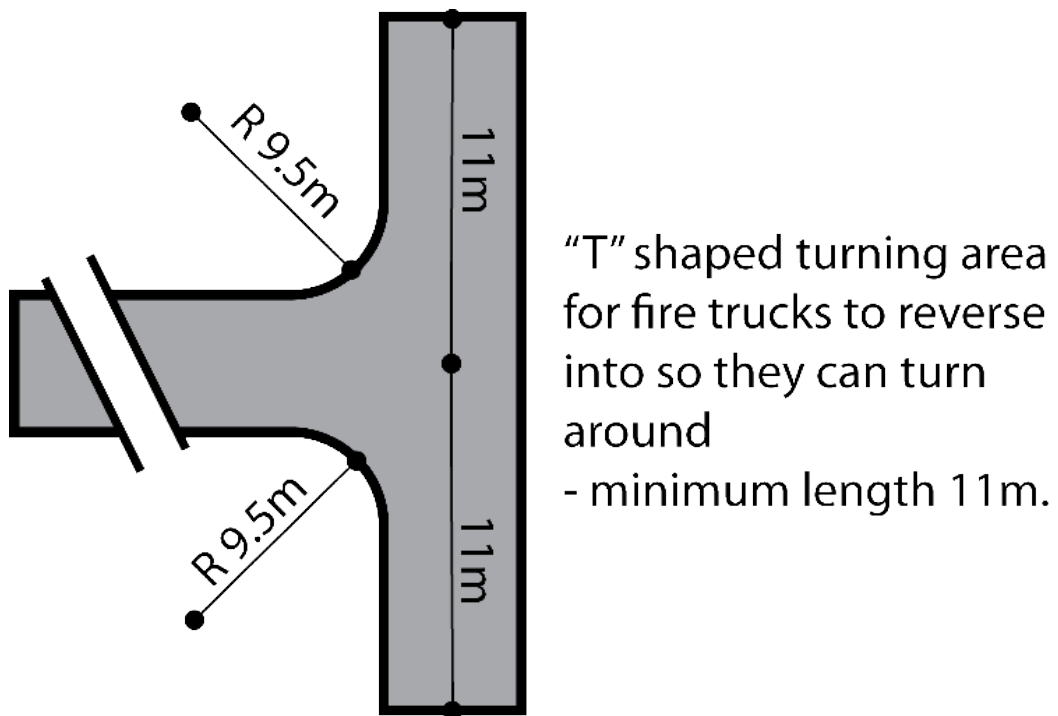


Figure 4 - 'T' or 'Y' Shaped Turning Head



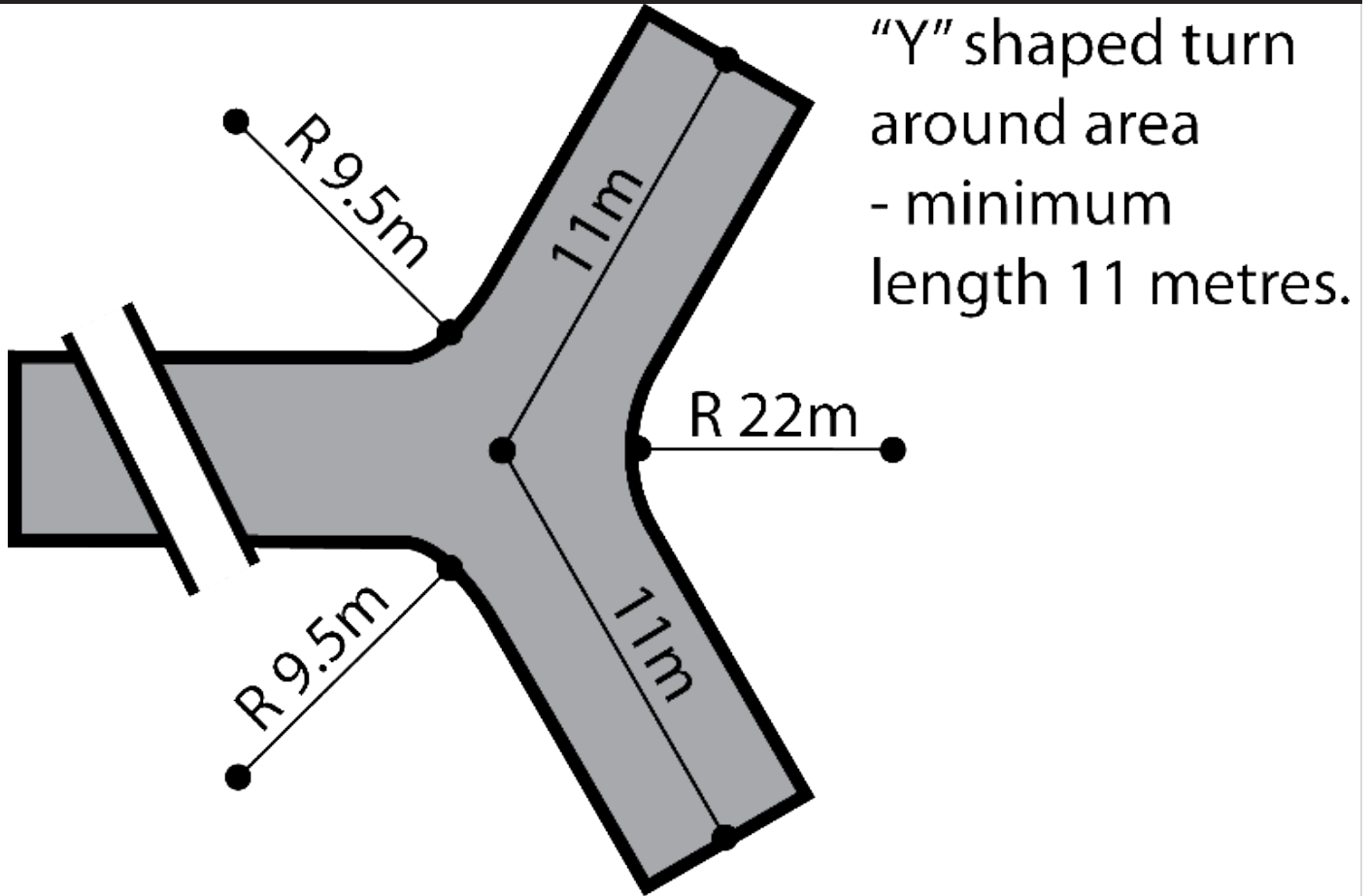
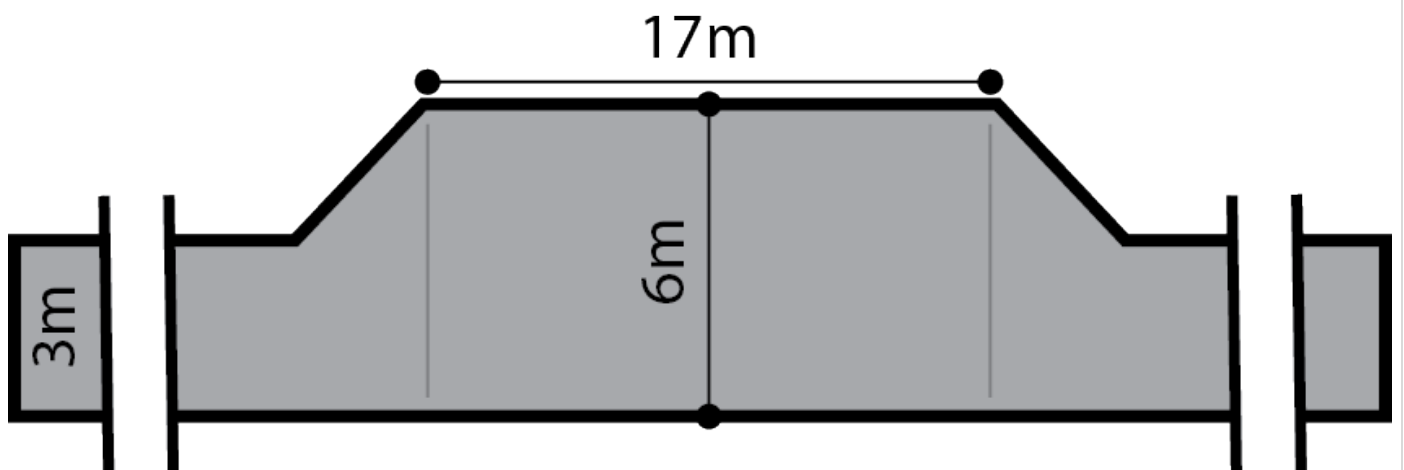


Figure 5 - Driveway Passing Bays

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: (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	
PO 1.1 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.	DTS/DPF 1.1 None are applicable.
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 or (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>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> <ul style="list-style-type: none"> (a) setback 50 metres or more from a watercourse (b) setback 100 metres or more from a public water supply reservoir (c) located on land with a slope no greater than 1-in-5 (20%) (d) located on land with 1.2m or more depth to bedrock or a seasonal or permanent water table (e) above the 10% AEP flood level.

PO 3.1 Post-development peak stormwater discharge quantities and rates do not exceed pre-development quantities and rates to maintain water quality leaving the site.	DTS/DPF 3.1 None are applicable.
PO 3.2 Stormwater run-off from areas not likely to be subject to pollution diverted away from areas that could cause pollution.	DTS/DPF 3.2 None are applicable.
PO 3.3 Polluted stormwater is treated prior to discharge from the site.	DTS/DPF 3.3 None are applicable.
PO 3.4 Stormwater from carports, verandahs, outbuildings and agricultural buildings captured to protect water quality.	DTS/DPF 3.4 Development includes: (a) rainwater tanks with a minimum capacity of 1,000L connected to carports, verandahs and outbuildings or (b) rainwater tanks with a minimum capacity of 4,500L connected to agricultural buildings exceeding 100m ² .
PO 3.9 Stormwater from excavated and filled areas is managed to protect water quality.	DTS/DPF 3.9 Excavation and/or filling satisfy all the following: (a) is located 50m or more from watercourses (b) is located 100m or more from public water supply reservoirs and diversion weirs (c) does not involve excavation exceeding a vertical height of 0.75m (d) does not involve filling exceeding a vertical height of 0.75m (e) does not involve a total combined excavation and filling vertical height of 1.5m.
Landscapes and Natural Features	
PO 4.1 Development minimises the need to modify landscapes and natural features.	DTS/DPF 4.1 None are applicable.

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
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:	Environment Protection Authority.	To provide expert technical assessment and direction to the relevant authority on whether a proposed development will have a	Development of a class to which Schedule 9 clause 3 item

<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 (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 (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>neutral or beneficial impact on water quality.</p>	<p>9 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.</p>
<p>Composting works (excluding a prescribed approved activity) - being a depot, facility or</p>			

works with the capacity to treat, during a 12 month period more than 200 tonnes of organic waste or matter (EPA Licence)			
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)			
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			
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)			
Dairies - carrying on of a dairy with a total processing capacity exceeding 100 milking animals at any one time.			

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	DTS/DPF 1.1 An application is accompanied by:

<p>account the siting of buildings, access points, bushfire protection measures and building maintenance.</p>	<p>(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:</p> <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 <p>or</p> <p>(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'.</p>
<p>PO 1.2 Native vegetation clearance in association with development avoids the following:</p> <ul style="list-style-type: none"> (a) significant wildlife habitat and movement corridors (b) rare, vulnerable or endangered plants species (c) native vegetation that is significant because it is located in an area which has been extensively cleared (d) native vegetation that is growing in, or in association with, a wetland environment. 	<p>DTS/DPF 1.2 None are applicable.</p>
<p>PO 1.3 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> <ul style="list-style-type: none"> (a) in the case of commercial forestry, the spread of fires from a plantation (b) the spread of pest plants and phytophthora (c) the spread of non-indigenous plants species (d) excessive nutrient loading of the soil or loading arising from surface water runoff (e) soil compaction (f) chemical spray drift. 	<p>DTS/DPF 1.3 Development within 500 metres of a boundary of a State Significant Native Vegetation Area does not involve any of the following:</p> <ul style="list-style-type: none"> (a) horticulture (b) intensive animal husbandry (c) dairy (d) commercial forestry (e) aquaculture.

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
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<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>
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Urban Transport Routes Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Safe and efficient operation of Urban Transport Routes for all road users.
DO 2	Provision of safe and efficient access to and from Urban Transport Routes.

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Access - Safe Entry and Exit (Traffic Flow)	
<p>PO 1.1</p> <p>Access is designed to allow safe entry and exit to and from a site to meet the needs of development and minimise traffic flow interference associated with access movements along adjacent State maintained roads.</p>	<p>DTS/DPF 1.1</p> <p>An access point satisfies (a), (b) or (c):</p> <ul style="list-style-type: none"> (a) where servicing a single (1) dwelling / residential allotment: <ul style="list-style-type: none"> (i) it will not result in more than one access point (ii) vehicles can enter and exit the site in a forward direction (iii) vehicles can cross the property boundary at an angle between 70 degrees and 90 degrees (iv) passenger vehicles (with a length up to 5.2m) can enter and exit the site wholly within the kerbside lane of the road (v) it will have a width of between 3m and 4m (measured at the site boundary) (b) where the development will result in 2 and up to 6 dwellings: <ul style="list-style-type: none"> (i) it will not result in more than one access point servicing the development site (ii) vehicles can enter and exit the site in a forward direction (iii) vehicles can cross the property boundary at an angle between 70 degrees and 90 degrees

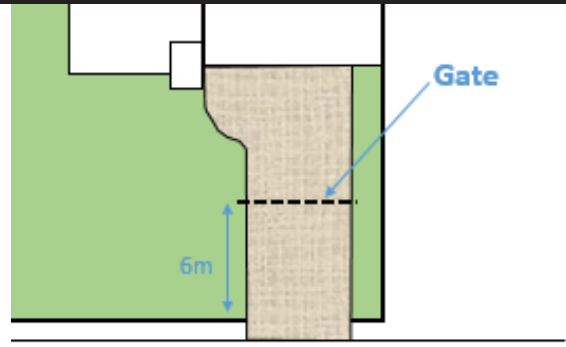
	<ul style="list-style-type: none"> (iv) passenger vehicles (with a length up to 5.2m) can enter and exit the site wholly within the kerbside lane of the road (v) it will have a width of between 5.8m to 6m (measured at the site boundary) and an access depth of 6m (measured from the site boundary into the site) <p>(c) where the development will result in 7 or more dwellings, or is a non-residential land use:</p> <ul style="list-style-type: none"> (i) it will not result in more than one access point servicing the development site (ii) vehicles can enter and exit the site using left turn only movements (iii) vehicles can enter and exit the site in a forward direction (iv) vehicles can cross the property boundary at an angle between 70 degrees and 90 degrees (v) it will have a width of between 6m and 7m (measured at the site boundary), where the development is expected to accommodate vehicles with a length of 6.4m or less (vi) it will have a width of between 6m and 9m (measured at the site boundary), where the development is expected to accommodate vehicles with a length from 6.4m to 8.8m (vii) it will have a width of between 9m and 12m (measured at the site boundary), where the development is expected to accommodate vehicles with a length from 8.8m to 12.5m (viii) provides for simultaneous two-way vehicle movements at the access: <ul style="list-style-type: none"> A. with entry and exit movements for vehicles with a length up to 5.2m vehicles being fully within the kerbside lane of the road and B. with entry movements of 8.8m vehicles (where relevant) being fully within the kerbside lane of the road and the exit movements of 8.8m vehicles do not cross the centreline of the road.
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Access - On-Site Queuing

PO 2.1
 Sufficient accessible on-site queuing adjacent to access points is provided to meet the needs of development so that all vehicle queues can be contained fully within the boundaries of the development site, to minimise interruption on the functional performance of the road and maintain safe vehicle movements.

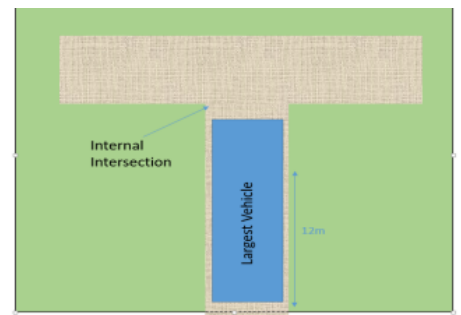
DTS/DPF 2.1
 An access point in accordance with one of the following:

- (a) will not service, or is not intended to service, more than 6 dwellings and there are no internal driveways, intersections, car parking spaces or gates within 6.0m of the access point (measured from the site boundary into the site) as shown in the following diagram:



- (b) will service, or is intended to service, development that will generate less than 60 vehicle movements per day, and:
 - (i) is expected to be serviced by vehicles with a length no greater than 6.4m
 - (ii) there are no internal driveways, intersections, parking spaces or gates within 6.0m of the access point (measured from the site boundary into the site)

- (c) will service, or is intended to service, development that will generate less than 60 vehicle movements per day, and:
 - (i) is expected to be serviced by vehicles with a length greater than a 6.4m small rigid vehicle
 - (ii) there are no internal driveways, intersections, parking spaces or gates within 6.0m of the access point (measured from the site boundary into the site)
 - (iii) any termination of or change in priority of movement within the main car park aisle is located far enough into the site so that the largest vehicle expected on-site can store fully within the site before being required to stop
 - (iv) all parking or manoeuvring areas for commercial vehicles are located a minimum of 12m or the length of the longest vehicle expected on site from the access (measured from the site boundary into the site) as shown in the following diagram:



Access - (Location Spacing) - Existing Access Point	
<p>PO 3.1</p> <p>Existing access points are designed to accommodate the type and volume of traffic likely to be generated by the development.</p>	<p>DTS/DPF 3.1</p> <p>An existing access point satisfies (a), (b) or (c):</p> <ul style="list-style-type: none"> (a) it will not service, or is not intended to service, more than 6 dwellings (b) it is not located on a Controlled Access Road and will not service development that will result in a larger class of vehicle expected to access the site using the existing access (c) is not located on a Controlled Access Road and development constitutes: <ul style="list-style-type: none"> (i) a change of use between an office <500m² gross leasable floor area and a consulting room <500m² gross leasable floor area or vice versa (ii) a change in use from a shop to an office, consulting room or personal or domestic services establishment (iii) a change of use from a consulting room or office <250m² gross leasable floor area to shop <250m² gross leasable floor area (iv) a change of use from a shop <500m² gross leasable floor area to a warehouse <500m² gross leasable floor area (v) an office or consulting room with a <500m² gross leasable floor area (vi) a change of use from a residential dwelling to a shop, office, consulting room or personal or domestic services establishment with <250m² gross leasable floor area.

Access – Location (Spacing) – New Access Points

<p>PO 4.1</p> <p>New access points are spaced apart from any existing access point or public road junction to manage impediments to traffic flow and maintain safe and efficient operating conditions on the road.</p>	<p>DTS/DPF 4.1</p> <p>A new access point satisfies (a), (b) or (c):</p> <ul style="list-style-type: none"> (a) where a development site is intended to serve between 1 and 6 dwellings, access to the site is from the local road network (not being a Controlled Access Road) and is located outside of the bold lines shown in the following diagram: <div style="text-align: center; margin: 10px 0;"> <p style="font-size: small; margin-top: 5px;">TP = Tangent point</p> </div> <p style="font-size: x-small; margin-top: 5px;">NOTE: The points marked X₁ and X are respectively at the median end on a divided road and at the intersection of the main road centre-line and the extensions of the side road property lines shown as dotted lines, on an undivided road. On a divided road, dimension Y-Y' extends to Point Y₁.</p> (b) where the development site is intended to serve between 1 and 6 dwellings, the new access: <ul style="list-style-type: none"> (i) is not located on a Controlled Access Road
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- (ii) is not located on a section of road affected by double barrier lines
 - (iii) will be on a road with a speed environment of 70km/h or less
 - (iv) is located outside of the bold lines on the diagram shown in the diagram following part (a)
 - (v) is located a minimum of 6m from a median opening or pedestrian crossing
- (c) where DTS/DPF 4.1 part (a) and (b) do not apply and access from an alternative local road at least 25m from the State Maintained Road is not available, and the access is not located on a Controlled Access Road, the new access is separated in accordance with the following:

Speed Limit	Separation between access points	Separation from public road junctions and merging/terminating lanes
50 km/h or less	No spacing requirement	20m
60 km/h	5m (for development intended to serve between 1 and 6 dwellings) and 10m for all other cases	73m
70 km/h	40m	92m
80 km/h	50m	114m
90 km/h	65m	139m
100 km/h	80m	165m
110 km/h	100m	193m

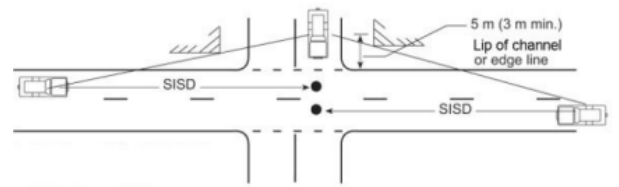
Access - Location (Sight Lines)

PO 5.1
 Access points are located and designed to accommodate sight lines that enable drivers and pedestrians to navigate potential conflict points with roads in a controlled and safe manner.

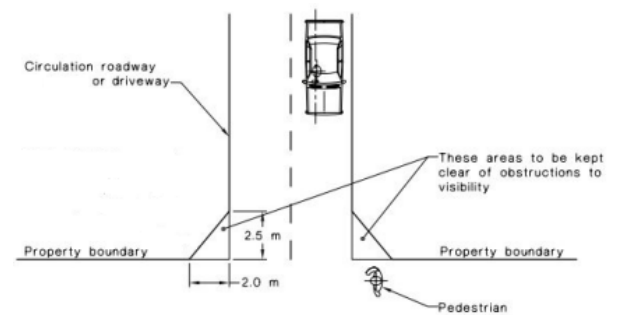
DTS/DPF 5.1
 An access point satisfies (a) and (c) or (b) and (c):

- (a) the development site does or is intended to serve between 1 and 6 dwellings and utilises an existing access point
or
- (b) drivers approaching or exiting an access point have an unobstructed line of sight in accordance with the following (measured at a height of 1.1m above the surface of the road):

Speed Limit	Access point serving 1-6 dwellings	Access point serving all other development
40 km/h or less	47m	73m
50 km/h	63m	97m
60 km/h	81m	123m
70 km/h	100m	151m
80 km/h	121m	181m
90 km/h	144m	226m
100 km/h	169m	262m
110km/h	195m	300m



and
(c) pedestrian sightlines in accordance with the following diagram:



Access – Mud and Debris

PO 6.1
Access points constructed to minimise mud or other debris being carried or transferred onto the road to ensure safe road operating conditions.

DTS/DPF 6.1
Where the road has an unsealed shoulder and the road is not kerbed, the access way is sealed from the edge of seal on the road for a minimum of 10m or to the property boundary (whichever is closer).

Access - Stormwater

PO 7.1
Access points are designed to minimise negative impact on roadside drainage of water.

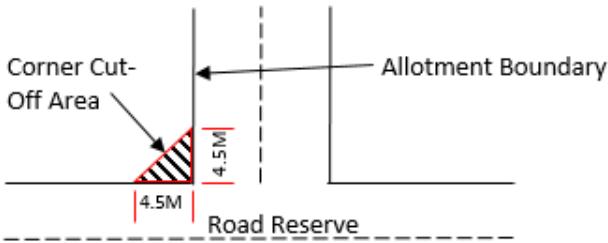
DTS/DPF 7.1
Development does not:

- (a) decrease the capacity of an existing drainage point
- (b) restrict or prevent the flow of stormwater through an existing drainage point and system
- (c) result in access points becoming stormwater flow paths directly onto the road.

Building on Road Reserve

PO 8.1
Buildings or structures that encroach onto, above or below road reserves are designed and sited to minimise impact on

DTS/DPF 8.1
Buildings or structures are not located on, above or below the road reserve.

safe movements by all road users.	
Public Road Junctions	
<p>PO 9.1</p> <p>New junctions with a public road (including the opening of unmade public road junctions) or modifications to existing road junctions are located and designed to ensure safe operating conditions are maintained on the State Maintained Road.</p>	<p>DTS/DPF 9.1</p> <p>Development does not comprise any of the following:</p> <ul style="list-style-type: none"> (a) creating a new junction with a public road (b) opening an unmade public road junction (c) modifying an existing public road junction.
Corner Cut-Offs	
<p>PO 10.1</p> <p>Development is located and designed to maintain sightlines for drivers turning into and out of public road junctions to contribute to driver safety.</p>	<p>DTS/DPF 10.1</p> <p>Development does not involve building work, or building work is located wholly outside the land shown as 'Corner Cut-Off Area' in the following diagram:</p>  <p>The diagram illustrates a corner cut-off area at a road junction. A red hatched triangular area is shown at the corner, with a width of 4.5M. A vertical dashed line represents the Allotment Boundary, and a horizontal dashed line represents the Road Reserve. The 4.5M dimension is also indicated for the road reserve width.</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 where all of the relevant deemed-to-satisfy criteria are met, development (including the division of land) that involves any of the following to/on a State Maintained Road or within 25 metres of an intersection with any such road:</p> <ul style="list-style-type: none"> (a) creation of a new access or junction (b) alterations to an existing access or public road junction (except where deemed to be minor in the opinion of the relevant authority) (c) development that changes the nature of vehicular movements or increase the number or frequency of movements through an existing access (except where deemed to be minor in the opinion of the relevant authority). 	Commissioner of Highways.	To provide expert technical assessment and direction to the Relevant Authority on the safe and efficient operation and management of all roads relevant to the Commissioner of Highways as described in the Planning and Design Code.	Development of a class to which Schedule 9 clause 3 item 7 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	
PO 1.1 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.	DTS/DPF 1.1 None are applicable.
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: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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

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: <ul style="list-style-type: none"> (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	<p>Development is:</p> <ul style="list-style-type: none"> (a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area (b) durable - fit for purpose, adaptable and long lasting (c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors (d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.

Performance Outcomes (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</p>	<p>DTS/DPF 7.4</p> <p>None are applicable.</p>

provide shade and reduce solar heat absorption and reflection.	
PO 7.5 Street level parking areas incorporate soft landscaping to improve visual appearance when viewed from within the site and from public places.	DTS/DPF 7.5 None are applicable.
Earthworks and sloping land	
PO 8.1 Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.	DTS/DPF 8.1 Development does not involve any of the following: (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	
PO 11.1 Development is connected to an appropriate water supply to meet the ongoing requirements of the intended use.	DTS/DPF 11.1 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.
Wastewater Services	
PO 12.1 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: (a) it is wholly located and contained within the allotment of the development it will service	DTS/DPF 12.1 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: (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 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>DTS/DPF 9.5</p> <p>Sensitive receivers are located away from the boundary of a site used for the handling, transportation and/or storage of bulk commodities in other ownership in accordance with the following:</p> <p>(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</p>

	<ul style="list-style-type: none"> (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.
Interface with Mines and Quarries (Rural and Remote Areas)	
<p>PO 10.1</p> <p>Sensitive receivers are separated from existing mines to minimise the adverse impacts from noise, dust and vibration.</p>	<p>DTS/DPF 10.1</p> <p>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)

Desired Outcome	
DO 1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
<p>PO 1.1</p> <p>Ensure land is suitable for use when land use changes to a more sensitive use.</p>	<p>DTS/DPF 1.1</p> <p>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 (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) <p>and</p> <ul style="list-style-type: none"> (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 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).	DTS/DPF 3.1 None are applicable.
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.	DTS/DPF 3.2 None are applicable.
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.	DTS/DPF 3.3 None are applicable.
PO 3.4 Tourist accommodation is designed to prevent conversion to private dwellings through: <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 	DTS/DPF 3.4 None are applicable.

<p>(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>	
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Transport, Access and Parking

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Movement Systems	
<p>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.</p>	<p>DTS/DPF 1.4 All vehicle manoeuvring occurs onsite.</p>
Vehicle Access	
<p>PO 3.1 Safe and convenient access minimises impact or interruption on the operation of public roads.</p>	<p>DTS/DPF 3.1 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 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 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.
Access for People with Disabilities	
PO 4.1 Development is sited and designed to provide safe, dignified and convenient access for people with a disability.	DTS/DPF 4.1 None are applicable.
Vehicle Parking Rates	
PO 5.1 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 may support a reduced on-site rate such as: (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.	DTS/DPF 5.1 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: (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.
Vehicle Parking Areas	
PO 6.1 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.	DTS/DPF 6.1 Movement between vehicle parking areas within the site can occur without the need to use a public road.
PO 6.2 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.	DTS/DPF 6.2 None are applicable.
PO 6.6 Loading areas and designated parking spaces for service vehicles are provided within the boundary of the site.	DTS/DPF 6.6 Loading areas and designated parking spaces are wholly located within the site.

Table 1 - General Off-Street Car Parking Requirements

Class of Development	Car Parking Rate (unless varied by Table 2 onwards)
Tourist	
Tourist accommodation other than a caravan and tourist park	1 car parking space per accommodation unit / guest room.

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

Class of Development	Car Parking Rate		Designated Areas
	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.		
	Minimum number of spaces	Maximum number of spaces	
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, Brompton or Hindmarsh)