

## COUNCIL ASSESSMENT PANEL MEETING

9 December 2020

### AGENDA – 9.1

<b>Applicant:</b> Hamish Price	<b>Landowner:</b> R C Smith & K A Yates
<b>Agent:</b> N/A	<b>Originating Officer:</b> Sarah Davenport
<b>Development Application:</b>	20/645/473
<b>Application Description:</b> Two storey detached dwelling, deck (maximum height 3.2m), 2x water tanks (maximum 22,500L), outbuilding, retaining wall (maximum height 1m) & associated earthworks	
<b>Subject Land:</b> Lot:3 Sec: P5124 DP:113831 CT:6184/986	<b>General Location:</b> 10A Pioneer Avenue Lobethal  <b>Attachment – Locality Plan</b>
<b>Development Plan Consolidated :</b> 8 August 2019 <b>Map AdHi/55</b>	<b>Zone/Policy Area:</b> Township Zone - Township (Lobethal) Policy Area
<b>Form of Development:</b> Merit	<b>Site Area:</b> 3697m <sup>2</sup>
<b>Public Notice Category:</b> Category 2 Merit -	<b>Representations Received:</b> 5  <b>Representations to be Heard:</b> 3

#### 1. EXECUTIVE SUMMARY

The purpose of this application is for the construction of a two storey detached dwelling, deck (maximum height 3.2m), 2x Water Tanks (maximum 22,500L), outbuilding, retaining wall (maximum height 1m) and associated earthworks.

The subject land is located within the Township Zone - Township (Lobethal) Policy Area and the proposal is a merit form of development. Three representations in opposition and two representations in support of the proposal were received during the Category 2 public notification period.

The proposed development is considered to align with the overall intent of the Township Zone and Lobethal Policy Area, which envisages low density residential development on infill sites, utilizing a mixture of contemporary designs. The design has utilized a mixture of materials and colours, improving articulation and overall appearance of the building. The subject land is susceptible to inundation. However, the dwelling has been well setback from the watercourse and located on a higher portion of land to reduce the risk of flooding. The dwelling can connect to mains sewer, minimizing risk to water quality.

The proposed outbuilding fails to satisfy numerical parameters but has been significantly altered from the initial proposal and will include landscaping and appropriate setbacks. The subject land has sufficient space on site for CFS manoeuvring, and the proposal includes independent water supply for fire-fighting purposes.

As per the CAP delegations, the CAP is the relevant authority for Category 2 applications where representors wish to be heard.

The main issues relating to the proposal are the size and scale of the overall proposal; specifically the siting and scale of the proposed outbuilding, stormwater management and potential flooding, overlooking and protection of privacy. Representors also raised concerns regarding privacy and stormwater management.

In consideration of all the information presented, and following an assessment against the relevant zone and Council Wide provisions within the Development Plan, staff are recommending that the proposal be **GRANTED** Development Plan Consent, subject to conditions.

## 2. DESCRIPTION OF THE PROPOSAL

The proposal is for the following:

- Two storey detached dwelling including deck (maximum height 3.2m) and double garage under main roof
- Domestic Outbuilding (12x 10x 3.1m) in Colorbond Monument.
- 2x 22,500L water tanks.
- Retaining Wall (maximum height 1m).

The proposed plans are included as ***Attachment – Proposal Plans***

## 3. BACKGROUND AND HISTORY

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
29 August 2018	16/250/473	Earthworks within flood prone area
25 November 2014	14/617/473	Land division to create two additional allotments

The initial proposal was lodged in June 2020 and incorporated a shed measuring 240m<sup>2</sup> with 5.4m overall height atop 1m of fill, forward of the dwelling. Following the initial request in July to amend the plans, three subsequent amendments were put forward altering the size and scale of the shed to various degrees. The final design was received in late September and was included as part of the public notification package of documents.

#### 4. REFERRAL RESPONSES

##### Engineering

- Access is existing and so acceptable.
- The catchment that this site contributes to experiences flooding issues downstream in Lobethal. A stormwater management plan and calculations demonstrating compliance with Council requirements is needed.
- Any new developments increasing runoff in this catchment need to manage stormwater such that post-development flows don't exceed 1:5ARI (20%AEP) pre-development flows for all storm events up to and including 1:100ARI (1%AEP) events.
- Very likely detention/retention will be required and they cannot discharge overflow from their tanks as they please
- Flooding potential of the creek doesn't appear to affect the house site based on flooding layer in SSA.

The above responses are included as **Attachment – Referral Responses**.

#### 5. CONSULTATION

The application was categorised as a Category 2 form of development in accordance with Section 38(2) (a) of the *Development Act (1993)* and Township Zone procedural matters requiring formal public notification. Five (5) representations were received. Of these three (3) representations are opposing the proposal, and two (2) are in support of the proposal. All were from adjacent properties.

The following representors wish to be heard:

Name of Representor	Representor's Property Address	Nominated Speaker
Suzanne Hughes	143 Main Street Lobethal and 30-31 Pioneer Avenue Lobethal	Matt Hughes
Lynn Rawlings	10 Pioneer Avenue Lobethal	Lynn Rawlings
Jeanne Lorraine	2/133 Main Street Lobethal	Jeanne Lorraine

The applicants and/or their representative – Phil Harnett from URPS may be in attendance.

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

- Concerns about flooding and stormwater management
- Concerns about “boggy” soil and request for footing details
- Cleanliness/upkeep of property
- Overlooking / Privacy

These issues are discussed in the following sections of the report.

A copy of the submissions is included as **Attachment – Representations** and the response is provided in **Attachment – Applicant’s Response to Representations**.

## 6. PLANNING & TECHNICAL CONSIDERATIONS

This application has been evaluated in accordance with the following matters:

i. The Site’s Physical Characteristics

The subject land is a quadrilateral shaped allotment which measures approximately 3,697m<sup>2</sup> in area. The land gently slopes up to the North, away from Pioneer Avenue. There are no significant or regulated trees on site. However, there are a number of smaller shrubs along the eastern boundary which is roughly defined by an unnamed creek. An easement runs parallel with the eastern boundary for the purposes of council drainage and 2 smaller easements in the southern portion of the allotment exist for SA Water and the Minister of Infrastructure.

ii. The Surrounding Area

The immediate locality is defined by residential land uses on medium to small sized allotments, allotments on the northern side of Pioneer Avenue are roughly 1000m<sup>2</sup>, while allotments on the Southern side of Pioneer Avenue range between 1500m<sup>2</sup> to 650m<sup>2</sup>. Dwellings on Pioneer Avenue are of the post war era with no obvious examples of more contemporary dwelling designs. Dwellings on the land directly to the South are sited within 10 metres Pioneer Avenue, dwellings on land to the East are sited on long narrow blocks with dwellings also sited within 5 metres of close to the Main Street . The two neighbouring dwellings to the West are setback from the “front” boundary and the allotment to the rear is currently vacant and forms the last allotment in the Township Zone.

There are no heritage listed items in the vicinity of the proposed development.

iii. Development Plan Policy considerations

a) *Policy Area/Zone Provisions*

The subject land lies within the Township Zone - Township (Lobethal) Policy Area and these provisions seek:

- *A zone primarily accommodating residential development and local ancillary service facilities to serve the needs of the community.*
- *Services and facilities grouped together to serve the local community and the visiting public.*
- *Increased mix in the range of dwellings available to cater for changing demographics, particularly smaller household sizes and supported accommodation.*
- *Conservation and enhancement of the main road streetscape and scenic rural setting of the township*
- *Development which contributes to the desired character of the zone*

The following are considered to be the relevant Policy Area provisions:

*Objectives:* 1, 2, 3

*PDCs:* 1, 3

The following are considered to be the relevant Zone provisions:

*Objectives:* 1, 3, 4, 5

*PDCs:* 1, 4, 5, 7,

#### Accordance with Zone

*The Township zone fundamentally envisages residential development, at low densities and the introduction of a broader range of housing stock. In alignment with the Desired Character Statement, Objective 1, PDC1, and PDC 4 the proposed development will result in a detached dwelling, utilizing a contemporary design yet with a traditional gable roof and eaves and traditional materials. Objective 3 and PDC 5 for the Zone allows for 2 storey dwellings, in conjunction with the designated setbacks. Whilst the proposed dwelling offends the rear setback of 8m, the reduced setback is not considered fatal as it allows for increased setbacks from the southern and eastern boundaries. The reduced setback also allows for sufficient setback from the water course and the projected flood prone area on-site. In alignment with Objective 4 of the Zone, the proposed dwelling will be well setback from the primary road and will incorporate landscaping along the western boundary and in front of the shed to improve the visual attractiveness of the site.*

*The desired character statement encourages a variety of dwelling designs, including two storey dwellings. However, the statement discourages two storey dwellings which will be likely to cause overshadowing and overlooking. Due to the considerable setbacks from boundaries (particularly the southern) overlooking is considered to be unlikely.*

The proposed outbuilding has a floor area of 120m<sup>2</sup>, and a wall height of 3.1m. The outbuilding is at variance with PDC 7 for the Zone both in terms of wall height and floor area. The proposal has incorporated, landscaping and increased setbacks to compensate for the outbuilding size. In comparison with the initially proposed shed design and subsequent amendments, the proposed shed design is considered to now align with the Zone provisions relating to outbuildings in the Township Zone.

#### *b) Council Wide provisions*

The following are considered to be the relevant Council Wide provisions:

#### Design and Appearance

*Objectives:* 1,

*PDCs:* 1, 3, 5, 7, 17, 18, 22

The proposed dwelling has been architecturally designed, and incorporates a hip roof and a range of materials such as fibre cement, Scyon cladding and Colorbond roofing. The dwelling includes verandahs and a mixture of window dimensions to improve

articulation and break up the bulk of the building- pursuant to PDC 22. The proposed colours and materials schedule suggests the proposed dwelling will be finished in mid grey coloured tones, in accordance with PDC 3. The proposed design is deemed to address Objective 1 and PDC 1 with regard to design and appropriateness of colour selection. It has been noted that, the building height and mass is notably different from other housing stock in the locality, however as the zone provisions envisage the introduction of new housing stock and contemporary designs the departure from PDC 1(a) is considered acceptable.

PDCs 7 and 17 call for development which will not encroach on neighbouring properties' access to sunlight. The proposed dwelling has been well set back from front and side boundaries, avoiding overshadowing of private space areas.

PDC 18 calls for new buildings to avoid overlooking via generous building setbacks, siting of balconies and screening. It is noted that some representors have raised concerns as to whether their privacy will be maintained should the development be supported. In accordance with PDC 5 the dwelling incorporates one balcony which is to be located at the upper level to the rear of the dwelling. The allotment to the rear is currently vacant. However, if the development submitted by the representor came to fruition, the balcony would overlook a detention basin rather than new allotment. The upper level windows to the East and South-east have incorporated louvres and obscure window film to improve privacy. These windows are also set back some 25-30m from the closest rear boundary of the allotments to the East. The proposal has satisfactorily addressed PDC 18.

#### Hazards

*Objectives:* 2, 4, 5,

*PDCs:* 1, 2, 3, 4, 5, 6, 7, 8, 9,

The subject land is located both within a flood prone area and a medium bushfire risk area. In accordance with Objective 2 and Objective 4 the proposed dwelling is well setback from the watercourse and projected flood area. The dwelling and outbuilding are situated on the higher portion of the land to avoid the entry of floodwaters in a 1 in 100 storm event, in compliance with PDC 3. Pursuant to PDC 1, PDC 2 and PDC 4 the proposed dwelling will not require significant earthworks or mitigation measures to avoid entry of flood waters, and no part of the development involves earthworks in proximity to the watercourse. The development will not include new fencing, and as such the development will allow the free flow of water across the boundary in the event of a flood in accordance with PDC 5.

The subject land is located in the medium bushfire risk area and proposed development is required to comply with the Minister's Code: Undertaking Development in Bushfire Protection Areas, in accordance with PDCs 6 and 7. PDCs 8 and 9 call for development which is located away from unacceptable fire risk and has adequate access and water supply for fire-fighting purposes. The proposed development includes 2 water tanks at 22,500L capacity, despite only requiring 2000L under the Code. The subject land is connected to a main road, mains water and has sufficient area for a CFS truck to manoeuvre on site. The land has a slight incline and is relatively free from vegetation.

The proposed development includes additional water storage and is not on a particularly high bushfire risk site with regard to access, vegetation or slope.

Residential Development

*Objectives:* 1, 2, 4

*PDCs:* 1, 2, 3, 4, 5, 7, 8, 9, 10, 13, 14, 15, 27

In accordance with Residential Development Objectives 1, 2 and 4 and PDCs 1 and 2: the proposed dwelling will be located on a large infill site and will utilize a contemporary design, including a variety of materials. The development incorporates landscaping, with screening trees on the western boundary and to the South facing portion of the outbuilding, pursuant to PDC 4 and 8 in order to limit the visual impact of the shed on neighbouring properties and from Pioneer Avenue. Should Development Plan Consent be granted it is recommended that a condition be included to reinforce the planting, and retention of this landscaping (Refer recommended condition 11.)

In alignment with PDCs 5 and 7, the subject land is connected to SA Water sewer and Council stormwater infrastructure, However Council's engineers have requested further details on the stormwater detention scenario to ensure the current system is not overloaded as a result of the development. Due to the size of the land, it is likely that the site can facilitate a detention system and make use of portion of the water storage potentially for this purpose. A condition is recommended in relation to the stormwater calculations and design. (Refer to recommended condition 7).

As discussed in earlier in the report, the proposed dwelling is a 2 storey, contemporary style dwelling. The dwelling will have primary access to the South with living areas facing North. The street facing (southern) façade has incorporated fenestration of varying dimensions, different materials and roof pitches improving presentation and views from the street. The development is considered to adequately address PDCs 8, 9 and 10.

PDC 15 designates numerical guidelines for outbuildings, however the Zone designates its specific maximum outbuilding guidelines. The proposed is at variance with both the zone provisions and Residential Development numerical provisions. As previously detailed in the report, the outbuilding has gone through numerous revisions, with the current proposed plan of 120 m<sup>2</sup> being the most acceptable outcome. The western and southern perimeter of the outbuilding is to be planted with *Leptospermums* which are an evergreen species which can grow up to 5 metres in height. Whilst the shed is to be located forward of the dwelling, landscaping has been included to screen views of the outbuilding from the primary road and side boundary. The outbuilding is acceptable with regard to colours as it will match with the proposed dwelling.

## 7. SUMMARY & CONCLUSION

The application has been reviewed and assessed against the relevant provisions of the Development Plan. The proposed development is considered to align with the overall intent of the Township zone and Lobethal Policy Area which envisages low density residential development on infill sites, utilizing a mixture of contemporary designs. The design has utilized a variety of materials, fenestration and mid grey colour schemes, improving articulation and overall appearance of the building in the opinion of staff. Though the subject land is susceptible inundation, the dwelling has been well setback from the watercourse and located on a higher portion of land to avoid the risk of flooding. The proposed outbuilding fails to satisfy numerical parameters but has been drastically altered from the initial proposal and the applicant has implemented increased setbacks and evergreen landscaping to reduce the overall visual impact of the outbuilding. The subject land has sufficient space on site manoeuvring and has allowed for independent water supply for fire-fighting purposes.

The proposal is sufficiently consistent with the relevant provisions of the Development Plan, and it is considered the proposal is not seriously at variance with the Development Plan. In the view of staff, the proposal has sufficient merit to warrant consent. Staff therefore recommend that Development Plan Consent be **GRANTED**, subject to conditions.

## 8. RECOMMENDATION

**That the Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and GRANTS Development Plan Consent to Development Application 20/645/473 by Hamish Price for Two storey detached dwelling, deck (maximum height 3.2m), 2x Water Tanks (maximum 22,500L), outbuilding, retaining wall (maximum height 1m) & associated earthworks at 10A Pioneer Avenue Lobethal subject to the following conditions:**

### (1) Development In Accordance With The Plans

**The development herein approved shall be undertaken in accordance with the following plans, details and written submissions accompanying the application, unless varied by a separate condition:**

- **Location Plan, prepared by Hamish Price Architects, dated 28 September 2020, A-072-HOC-PL01, Revision E received by Council 28 September 2020**
- **Site Plan, prepared by Hamish Price Architects, dated 28 September 2020, A-072-HOC-PL02, Revision E received by Council 28 September 2020**
- **Proposed Lower Floor Plan, prepared by Hamish Price Architects, dated 28 September 2020, A-072-HOC-PL04, Revision E received by Council 28 September 2020**
- **Proposed Upper Floor Plan, prepared by Hamish Price Architects, dated 28 September 2020, A-072-HOC-PL05, Revision E received by Council 28 September 2020**
- **North and East Elevations, prepared by Hamish Price Architects, dated 28 September 2020, A-072-HOC-PL07, Revision E received by Council 28 September 2020**

- South and West Elevations, prepared by Hamish Price Architects, dated 28 September 2020, A-072-HOC-PL08, Revision E received by Council 28 September 2020
- North and East Shed Elevations, prepared by Hamish Price Architects, dated 28 September 2020, A-072-HOC-PL09, Revision E received by Council 28 September 2020
- South and West Shed Elevations, prepared by Hamish Price Architects, dated 28 September 2020, A-072-HOC-PL10, Revision E received by Council 28 September 2020
- Correspondence from URPS, received 27 November 2020

**REASON:** To ensure the proposed development is undertaken in accordance with the approved plans.

**(2) Requirement For Retaining Wall To Be Constructed Prior To Works Commencing**

The retaining wall on the western side of the property, as described on the site plan stamped as part of this authorisation, shall be constructed prior to the commencement of the construction of the dwelling and retaining walls over one (1) metre in height will require Building Rules Consent

**REASON:** To ensure the proposed development is undertaken in accordance with the approved plans.

**(3) Firefighting Water Supply – Mains Water Supply Available**

A supply of water independent of reticulated mains supply shall be available at all times for fire fighting purposes:

- a minimum supply of 2,000 (two thousand) litres of water shall be available for fighting purposes at all times; and
- the water supply shall be located such that it provides the required water; and
- the water supply shall be fitted with domestic fittings (standard household taps that enable an occupier to access a supply of water with domestic hoses or buckets for extinguishing minor fires); and
- the water supply outlet shall be located at least 400mm above ground level for a distance of 200mm either side of the outlet; and
- a water storage facility connected to mains water shall have an automatic float switch to maintain full capacity; and
- where the water storage facility is an above-ground water tank, the tank (including any support structure) shall be constructed of non-combustible material.

**REASON:** To minimise the threat and impact of fire on life and property as your property is located in a MEDIUM Bushfire Prone Area

**(4) Soil Erosion Control**

Prior to construction of the approved development 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 periods of rainfall.

**REASON: Development should prevent erosion and stormwater pollution before, during and after construction**

**(5) Decking/Balcony Screening**

**Prior to occupation of the approved development the balcony on the north elevation shall be fitted with obscure glazing or frosted obscure film screening to a minimum height of 1.7 metres above the balcony floor level. The screening shall be maintained in good condition at all times.**

**REASON: Buildings should be designed to not cause potential for overlooking of adjoining properties.**

**(6) Obscure Glazing To Windows**

**The upper level windows of the dwelling on the south and north elevations shall be glazed with fixed obscure glass to a minimum height of 1.7 metres above finished floor level. The glazing in these windows shall be maintained in good condition at all times.**

**REASON: Buildings should be designed to not cause potential for overlooking of adjoining properties.**

**(7) Prior to Building Rules Consent - Requirement For Stormwater Calculations and Final Stormwater Management and Drainage Plan**

**Prior to Building Rules Consent being granted all hydrological and hydraulic stormwater calculations shall be provided together with the final stormwater management and drainage plan. Discharge of stormwater to Council easement pipe shall be designed at a maximum flow of 70 L/s in a 100 year ARI storm , 20 minute event. Storage for the 100 year storm event shall be provided to prevent overflows into adjoining properties.**

**REASON: To minimise erosion, protect the environment and to ensure no ponding of stormwater resulting from development occurs on adjacent sites.**

**(8) Access Requirements**

**Private roads and access tracks shall provide safe and convenient access and egress for bushfire fighting vehicles as follows:**

- **Access to the site shall be of all-weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large fire-fighting vehicles.**
- **The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either –**
  - i. **A loop road around the building, OR**
  - ii. **A turning area with a minimum radius of 12.5 metres, OR**
  - iii. **A ‘T’ or ‘Y’ shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres.**
- **Private access shall have minimum internal radii of 9.5 metres on all bends.**
- **Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.**

- The gradient of the access road shall not exceed 16 degrees (29%), in steep terrain the construction of the public road or driveway shall be a sealed surface.
- The all-weather road shall be constructed such that it is protected from water erosion of the traffic surface. The road surface shall be profiled to manage storm water runoff to appropriate drains, at one or both sides of the traffic surface.
- The accumulated volumes of water shall be directed via:
  - i. open drains, or
  - ii. culverts and pipes under the traffic surface, and / or away from same, without causing further soil erosion, silting of adjacent areas or water courses or instability of any embankment or cutting.
- Solid crossings over waterways shall be provided to withstand the weight of large bushfire appliances (GVM 21 tonnes).

**REASON:** To provide safe access to properties in the event of a bushfire

**(9) Restriction on Use Of Outbuilding**

The approved outbuilding shall not be used for human habitation, commercial or industrial purposes. Any such activity may constitute a change in use and will require separate development approval.

**REASON:** To ensure the proposed development is undertaken in accordance with the approved plans

**(10) Residential Lighting**

All external lighting shall be directed away from residential development and, shielded if necessary to prevent light spill causing nuisance to the occupiers of those residential properties.

**REASON:** Lighting shall not detrimentally affect the residential amenity of the locality

**(11) Requirement for Landscape Screening Strip to Be Planted**

A landscape screening strip consisting of *Leptospermum* plants spaced a maximum of 3 metres apart shall be established in the planting season following occupation along the western boundary of the subject land and southern side of the proposed shed, as shown on the Site Plan A-072-HOC-PL02 Rev E dated 28 September 2020. The vegetation must be maintained in good health and condition at all times with any dead or diseased plants being replaced in the next planting season.

**REASON:** To minimise the visual impact of the development and ensure the survival and maintenance of the vegetation.

**(12) Bushfire Conditions Completed Prior to Occupation**

The Bushfire Protection Conditions 3 and 8 shall be substantially completed prior to the occupation of the building and thereafter maintained in good condition.

**REASON:** To minimise the threat and impact of bushfires on life and property.

**(13) External Finishes**

The external finishes to the building herein approved shall be in accordance with the External finished schedule prepared by Hamish Price Architects, Revision E.

**REASON:** The external materials of buildings should have surfaces which are of a low light-reflective nature and blend with the natural rural landscape and minimise visual intrusion

**NOTES**

**(1) Development Plan Consent Expiry**

This Development Plan Consent (DPC) is valid for a period of twelve (12) months commencing from the date of the decision (or if an appeal has been commenced the date on which it is determined, whichever is later). Building Rules Consent must be applied for prior to the expiry of the DPC, or a fresh development application will be required. The twelve (12) month time period may be further extended by Council agreement following written request and payment of the relevant fee.

**(2) Erosion Control During Construction**

Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.

**(3) Sewer Connection**

The dwelling shall be connected to SA Water mains sewer supply in accordance with the approval granted by SA Water. All work shall be to the satisfaction of SA Water.

**(4) EPA Environmental Duty**

The applicant is reminded of his/her general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes, or may cause, environmental harm.

**(5) Works On Boundary**

The development herein approved involves work on the boundary. The onus of ensuring development is in the approved position on the correct allotment is the responsibility of the land owner/applicant. This may necessitate a survey being carried out by a licensed land surveyor prior to the work commencing.

**9. ATTACHMENTS**

Locality Plan  
Proposal Plans  
Representations  
Applicant's response to representations

Respectfully submitted

Concurrence

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**Sarah Davenport**  
**Statutory Planner**

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**Deryn Atkinson**  
**Assessment Manager**

## COUNCIL ASSESSMENT PANEL MEETING

9 December 2020

### AGENDA – 9.2

<b>Applicant:</b> Access SDM Pty Ltd	<b>Landowner:</b> D G Koerner & M M Lehmann
<b>Agent:</b> Greg Burgess	<b>Originating Officer:</b> Doug Samardzija
<b>Development Application:</b>	20/1091/473 (20/D049/473)
<b>Application Description:</b> Land division - boundary realignment (3 into 3)	
<b>Subject Land:</b> Lot:13 Sec: P5151 DP:94407 CT:6146/168 Lot:11 Sec: P5151 DP:94407 CT:6146/166 Lot:12 Sec: P5151 DP:94407 CT:6146/167	<b>General Location:</b> 758 Swamp Road, Lot 11 Swamp Road, and Lot 12 Swamp Road, Lenswood SA 5240 <b>Attachment – Locality Plan</b>
<b>Development Plan Consolidated :</b> 08 August 2019 <b>Map AdHi/</b> 1, 3 & 53	<b>Zone/Policy Area:</b> Watershed (Primary Production) Zone - Lenswood Policy Area
<b>Form of Development:</b> Merit	<b>Site Area:</b> 6.008 Hectares (total combined size of 3 allotments)
<b>Public Notice Category:</b> Category 1 Merit -	<b>Representations Received:</b> N/A  <b>Representations to be Heard:</b> N/A

#### 1. EXECUTIVE SUMMARY

The purpose of this application is to realign the boundaries of three allotments.

The subject land is located within the Watershed (Primary Production) Zone - Lenswood Policy Area.

The proposal is a merit, Category 1 form of development.

As per the CAP delegations, the CAP is the relevant authority because the allotments are in the Watershed (Primary Production) Zone, and the realignment involves three allotments with one of the proposed allotments to have an area less than 2 hectares, and the other two remaining allotments to have respective areas of 2.643 hectares and 2.86 hectares in area.

The purpose of the proposal is to realign the allotment boundaries to consolidate the existing winery and the vineyards on the adjoining allotment into one allotment and also to expand the size of this allotment to allow for future expansion of the vineyard. The realignment will also result in the consolidation of the rural living land into a 5,050m<sup>2</sup> allotment separate from the other non-residential land uses.

The main issues relating to the proposal are impacts on the primary production land, creation of a rural living allotment and impacts on native vegetation.

In consideration of all the information presented, and following an assessment against the relevant zone and Council Wide provisions within the Development Plan, staff are recommending that the proposal be **GRANTED** Development Plan Consent, subject to conditions:

## 2. DESCRIPTION OF THE PROPOSAL

The proposal is for boundary realignment involving three allotments.

### Existing Allotments

Allotment	Area (ha)	Currently containing
13	6,161m <sup>2</sup>	Single storey dwelling, 500 tonne winery, associated shed and water storage tank
12	1.634ha	Shed and a vineyard
11	3.76ha	Vacant allotment with approximately a third of the allotment covered with dense native vegetation

### Proposed Allotments

Allotment	Area (ha)	Containing
14	5,050m <sup>2</sup>	Single storey dwelling, associated domestic outbuildings and water storage tank
15	2.86ha	500 tonne winery and associated vineyard
16	2.643ha	Vacant allotment with just under half of the allotment covered with dense native vegetation

The plan of division includes:

- The outline of existing structures on the subject properties as well as other site features such as a vineyard and native vegetation. The location of the easement marked A on proposed allotment 16 has also been shown and this easement is for the purposes of water supply.

The proposed plans are included as **Attachment – Proposal Plans** with other information included as **Attachment – Application Information**

**3. BACKGROUND AND HISTORY**

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
26 October 2020	20/747/473	Variation to Development Authorisation 16/769/473 to delete addition with associated change to building layout, alter loading area configuration & wastewater disposal system location and include additional access over Lot 12 with 2x new 22,500L water storage tanks
06 June 2019	19/271/473	Change of use to include horticulture- viticulture (1.1 ha)
06 July 2020	19/249/473	Dwelling alterations & additions, retaining wall (maximum height 500mm) & associated earthworks
26 October 2018	18/846/473	Water tank (44,000L) & associated earthworks
26 October 2018	16/769/473	Alterations & additions to outbuilding including change of use to a winery (maximum 500 tonne crush per annum) and associated earthworks and storage tanks
24 November 2010	10/D045/473	Land division – Boundary realignment (4 into 4) - SCAP relevant authority. Part of this boundary realignment application include the creation of the current allotment 13 which the current boundary realignment application now proposes to revert back to similar layout prior to the 2010 division.

#### 4. REFERRAL RESPONSES

- **SA WATER**  
SA Water did not have any comments to provide. There is no mains water or sewer infrastructure.
- **SCAP**  
Standard response was provided by SCAP requiring a final survey plan (refer SCAP condition 1).
- **RATES**  
The proposed allotment 15 will retain 758 Swamp Road and proposed allotment 14 (house & Sheds) will use the primary address allocated by DPTI of 762 Swamp Road. Proposed allotment 16 - vacant with the number to be allocated upon request
- **EHU**  
Council's Health Department advised that the nominated EDA area for proposed allotment does not have any native vegetation and the area looks to be around 300m<sup>2</sup> which is sufficient. In addition the Health Department responded to the surveyors comments relating to the connection of the dwelling to the EDA as discussed under the Natural Resource section of the report below. The following response was provided:  
  
*"The surveyor advised that the waste system would be an aerobic, however as the surveyor is unlikely be involved when the site is develop, this may not be what the developer opts for. So he is only providing a response for one system type. The type of waste system is usually determined by the preference of the owner and then engineer will design the system to accommodate this if possible. The majority today are aerobics but not all. If it is an aerobic then the pipe from the tank to the EDA can be 25mm-40mm, so the pipe to suggest is ok. The requirement is for the pipe to be 150mm below surface level at the point is dispersal (EDA), the pipe to the EDA can be at surface level but is not advised as it can easily be damaged. The pipe can be run along the boundary, however generally it will be installed using the least amount of pipe as possible (shortest distance between 2 lines is a straight) to ensure the pump will be able to cope. The longer the pipe length or any change in direction of the pipe will require a larger pump and most people want the cheapest possible systems. So in short what the surveyor said is true in theory if they put in aerobic, but they do not have too".*

The above responses are included as **Attachment – Referral Responses**.

#### 5. CONSULTATION

The application was categorised as a Category 1 form of development not requiring formal public notification.

The applicant(s) or their representative – may be in attendance.

## 6. PLANNING & TECHNICAL CONSIDERATIONS

This application has been evaluated in accordance with the following matters:

i. Environmental Food Production Area

The subject land is located within the Environmental Food Production Area (EFPA) as defined by General Registry Office Map G17/2015. The boundary realignment is not proposing any additional allotments to be used for residential purposes but maintaining the status quo of the existing allotments which might include future residential use.

ii. The Site's Physical Characteristics

The subject land is comprised of three allotments with a combined area of 6.008 hectares. Existing allotment 11 is an irregular shaped allotment of approximately 3.76 hectares with a direct frontage of 68m to Swamp Road. The allotment is vacant with majority of the land currently utilised for grazing whilst the remainder of the allotment is covered in dense native vegetation.

Existing allotment 12 has a similar configuration to a hammer head type allotment with a narrower 27m frontage to Swamp Road which then expands into a large allotment of 1.6 hectares. Current site improvements include a shed along the front of the property and a 1.1 hectare vineyard at the rear of the property.

Existing allotment 13 is the smallest of the three allotments with 6161m<sup>2</sup> in size fronting directly to Swamp Road. Current site improvements include a single storey dwelling, shed at the rear of the dwelling and a 500 tonne crush winery along the southern side of the property. All of the allotments are connected to SA Water mains water supply and as such there would be no risk from land use conflict relating from vineyard spraying and water tank adjacent the vineyard.

iii. The Surrounding Area

The locality is characterised by a mixture of allotment sizes and uses ranging from large primary production allotments in excess of 28 hectares immediately to the north of the subject land to small rural living allotments of 954m<sup>2</sup>. Predominantly land uses in the locality are in the form of primary production generally involving horticulture. Apart from residential and primary production uses, other uses in the locality include tourist accommodation with the property immediately opposite of the subject land recently developed with two freestanding tourist accommodation units.

iv. Development Plan Policy considerations

a) *Policy Area/Zone Provisions*

The subject land lies within the Watershed (Primary Production) Zone - Lenswood Policy Area and these provisions seek:

Policy Area

- *The retention of orchards and bushland as predominant uses*
- *Retention of the present village character and size of Lenswood and Forrest Range*
- *No further provision of small rural living allotments.*

The following are considered to be the relevant Policy Area provisions:

*Objectives: 1, 2 and 3*

Objective 1 seeks that orchards and bushland are retained as prominent use. Whilst Objective 1 specifically refers to retention of orchards it is still none the less a relevant objective in this instance considering viticulture is a form of horticulture use and similar to an orchard. The proposed realignment of the boundary will result in a creation of a larger primary production allotment which would allow for further expansion of the existing vineyard and better management of land whilst still maintaining and preserving existing native vegetation. As such the proposal is considered to be consistent with the intent of Objective 1.

Objective 2 seeks the retention of the village character of Lenswood whilst Objective 3 seeks that no further rural living allotments are created. The proposal will not result in a creation of a new rural living allotment as it is simply swapping the boundaries around the existing rural living allotment to separate and consolidate the residential use within a single allotment and the winery and associated vineyard into another allotment. The outcome of the realignment is a rural living allotment of 5,050m<sup>2</sup> which is a reduction of 1,111m<sup>2</sup> in land size from the current living allotment. The realignment of the boundaries would also result in the rural living allotment returning to a similar layout that existed prior to the 2010 land division as indicated in the image below where the rural living allotment at the time was approximately 3,563m<sup>2</sup> in area. The proposal is therefore considered to be consistent with Objective 3. Considering the above it can therefore also be argued that the realignment of the boundaries as proposed is going to retain the village character of Lenswood and is therefore consistent with Objective 2.



#### Watershed (Primary Production) Zone

- *The enhancement of the Mount Lofty Ranges Watershed as a source of high quality waters*
- *The long-term sustainability of rural production in the south Mount Lofty Ranges*
- *The preservation and restoration of remnant native vegetation in the south Mount Lofty Ranges*

The following are considered to be the relevant Zone provisions:

*Objectives: 2, 3 & 4*

*PDCs: 16, 17, 18, 19, 20, 21, 22, 31, 33, 34, 42, 44 & 70*

#### Form of Development

PDCs 16 and 17 as well as Objective 3 seek to ensure that primary production is not prejudiced, and that land that is particularly suitable for primary production remains available for this purpose. It is considered that the proposed realignment of the boundaries is not going to have any impacts on the use of available primary production land for such purposes and is in fact improving on the existing arrangement by expanding the existing allotment 12 to allow for future expansion of a vineyard use and by incorporating the winery and the vineyard into a single allotment for better management of these uses. As such it is considered that the proposal is consistent with the PDCs 16 and 17 as well as Objective 3.

#### Land Division

PDC 70 is procedural relating to the non-complying development triggers in the zone. Land division in Watershed (Primary Production) Zone is considered to be non-complying application unless it is able to meet the following exemptions:

- Land Division where no additional allotments are created, either partly or wholly, within the Watershed (Primary Production) Zone, and where the development of the proposed allotments does not result in a greater risk of pollution of surface or underground waters than would the development of the existing allotments, and provided a suitable site for a detached dwelling is available such that the site and the dwelling would comply with the criteria in Table AdHi/5.

The proposed boundary realignment is considered to be a merit form of development because it does not result in the creation of an additional allotment. In addition the proposed realignment of boundaries will not result in a greater risk of pollution of surface or underground water. It is also considered that proposed lot 16, the only vacant allotment, is a suitable size which would be able to meet Table AdHi/5 requirements for any future dwelling. The second exemption relating to land division in Watershed (Primary Production) Zone is not relevant in this instance as it does not relate to Caravan and Tourist Park Policy Area.

Upon establishing the procedural matters of the application, PDCs 18, 19, 20, 21 & 22 relate directly to the circumstances under which land divisions in the zone would be considered.

PDC 18 provides that land division should only occur where a site for a detached dwelling which complies with the criteria detailed in Table AdHi/5 is available. Failure to meet the criteria of Table AdHi/5 is a non-complying development trigger in the Zone. The aim of PDC 18 is therefore to ensure that resulting allotments are able to be developed with detached dwellings that are not non-complying in nature. At the same time PDCs 19 and 21 are similar in that they both seek that land division proposals do not result in an increased pollution risk to water resources or cause the loss of productive primary production land.

The Table AdHi/5 criteria sets out that detached dwellings must be:

- Sited at least 25m away from watercourses; and
- Connected to an approved wastewater system that is at least 50m from the watercourse, on the slope gradient of no more than 1 in 5 and no less than 1.2m depth to bedrock

Currently only the proposed allotment 14 will contain a residential dwelling with the dwelling connected to the existing on site waste system and all elements will be contained within the proposed allotment 14. The proposed allotment 16 is the only vacant allotment and whilst there was no request for the applicant to demonstrate compliance with the above Table AdHi/5, applicant has provided an amended aerial plan of division showing the potential location of the effluent disposal area for allotment 16 which would comply with the requirements stipulated in Table AdHi/5. The proposed allotment 15 will contain the existing winery and vineyard. Whilst it currently does not contain a dwelling, and no dwelling is proposed, it is of a sufficient size to allow for both expansion of the vineyard and a dwelling and an onsite waste system. The existing allotment could also facilitate a dwelling on each allotment, so the proposed boundary realignment is not creating further development potential.

The proposal is therefore considered to be consistent with PDCs 18, 19 and 21.

PDC 20 provides guidance as to the circumstances where land division proposals are appropriate in the zone. This PDC states that land division may be undertaken provided no additional allotments are created and the purpose of the plan of division is to provide a re-adjustment of boundaries to correct anomalies in the placement of those boundaries with respect to location of existing buildings. Alternatively the minor readjustment could be undertaken if it is facilitating improved management of the land for primary production purposes and/or conservation of natural features.

The proposal is not considered to be a minor re-adjustment of allotment boundaries nor is its purpose to correct any anomalies in the form of boundary encroachments. The proposal is therefore not considered to be consistent with PDC 20 (a).

Realignment of the boundary between existing allotments 11 and 12 retains the native vegetation within the confines of a single allotment boundary whilst at the same time still allowing for the resultant allotment 16 to be developed in the future without any further impact on this vegetation. The realignment will also allow for the section of land currently used for grazing purposes to be incorporated within a larger rural allotment which is already being used for viticulture purposes and allows for further expansion and continuation of this use. Therefore it can be argued that the realignment is consistent with the intent of PDC 20 (b). The retention of native

vegetation into one single proposed allotment 16 is also consistent with Objective 4 of the zone which seeks preservation and restoration of remnant native vegetation.

PDC 22 states that re-arrangement of allotment boundaries should produce allotments of a size consistent with that of the locality. As mentioned earlier in the report, allotments in the locality range from as large as 28 hectares to allotments as small as 954m<sup>2</sup>. The proposal will still retain one rural living allotment which is going to be marginally smaller than the existing rural living allotment, however the overall proposal is in fact an improvement on the current situation considering that it will result in two allotments of over 2 hectares in size where currently this is only the case with one of the allotments. The proposal is therefore considered to be consistent with PDC 22.

#### Conservation

PDC 31 seeks that land use does not change in or near native vegetation, whilst PDC 33 seeks that realignment of boundaries does not result in an increased number of allotments adjoining an allotment with native vegetation. At the same time PDC 34 seeks that boundary realignment does not occur where it will increase the number of allotments over areas covered by native vegetation. The proposed boundary realignment will result in additional area which would be suitable for future expansion of existing vineyard as indicated in the documents submitted with this application. Any future expansions of the vineyard would be subject to a separate development application during which any potential impacts on adjoining native vegetation would be considered and assessed. Whilst it is anticipated that there would be a change of use to a portion of land in the future and as such it is considered that the proposed realignment is not consistent with PDC 31, any impacts associated with this use can be managed in a way to prevent any impacts on native vegetation in a future development application. The realignment will not result in more allotments adjoining native vegetation nor will it increase the number of allotments with native vegetation and as such it is consistent with PDCs 33 and 34.

#### Rural Development

PDC 42 states that rural areas should be retained for primary production purposes and other uses compatible with maintaining rural productivity. PDC 44 states that development which would remove productive land from primary production or diminish its overall productivity for primary production should not be undertaken unless the land is required for essential public purposes. The proposed realignment of boundaries is considered to maintain primary production and is not considered to diminish the overall productivity of the land for primary production. The realignment and consolidation of the winery and viticulture use within a single allotment will also improve the overall management of primary production land. The proposal is therefore considered to be consistent with PDCs 42 and 44.

#### *b) Council Wide provisions*

The Council Wide provisions of relevance to this proposal seek (in summary):

- *The retention of rural land in primary production especially land suitable for high rates or fruit and vegetable production*

- *Development located to minimise the threat and impact of bushfires on life and property while protecting natural and rural character*
- *Land division restricted in rural areas to ensure that efficient use of rural land for primary production*
- *Retention, protection and restoration of the natural resources and environment*
- *Orderly and economic development that creates a safe, convenient and pleasant environment in which to live in*

The following are considered to be the relevant Council Wide provisions:

*Animal Keeping & Rural Development*

*Objectives: 1 & 2*

*PDCs: 1*

Objectives 1 and 2 as well as PDC 1 seek that rural land should be retained for either primary production and/or native vegetation conservation and retention purposes. The proposed realignment is considered to achieve both of these requirements. Proposed allotment 16 whilst being reduced in size is not considered to be prejudicing primary production land, nor is it contributing to the loss of native vegetation. The realignment of this boundary will increase proposed allotment 15 which would consolidate a section of land currently only used for grazing within the vineyard allotment which would allow for future expansion of the vineyard and maintain primary production use. Native vegetation will not be impacted and is still going to be retained within a single proposed allotment which will also have potential to further be developed with a dwelling without any impacts on the section of land covered in native vegetation. Standard Native Vegetation Council requirements are that any new boundary fence (where there is no fence existing) should be placed at least 5m from remnant vegetation to protect that vegetation from clearance for a new fence line (refer to Council Land Division Statement of Requirements condition 1).

*Hazards*

*Objectives: 5*

*PDCs: 1, 6, 7 & 13*

Objective 5 seeks that development be located to minimise the threat and impact of bushfire on life and property and this is reinforced by PDC 1. PDCs 6, 7 and 13 on the other hand refer specifically to the Ministers Code: Undertaking Development in Bushfire Protection Areas and seek that the measure in the Code can be met to ensure any future habitable building is adequately protected in the event of the bushfire. Whilst the proposed development does not include construction of habitable buildings, the Development Plan still seeks that proposed division is able to satisfy the necessary bushfire requirements for any potential future developments. Whilst there has been no assessment of the proposed boundary realignment by the CFS, it is considered that the proposed allotment 16 is still of sufficient size which would allow for appropriate access by CFS vehicles as well as any potential turning area dependent on where any future dwelling is positioned. As such it is considered that the proposed development is consistent with Objective 5 and PDCs 1, 6, 7 and 13.

*Land Division*

*Objectives: 2 & 5*

*PDCs: 1, 2, 5, 6, 7, 11, 21 & 22*

The proposed division does not restrict existing rural living properties from continued use as such, nor does it prevent the allotment from being redeveloped for such purposes in the future. Each of the allotments has a direct access to a public road; existing dwelling is connected to an existing on site waste system whilst proposed allotments 15 and 16 have ample space to accommodate a future waste system should the future land use be for purposes other than primary production. As such it is considered the proposal adequately satisfies Objective 2 and PDCs 1, 2 and 6(c), 7.

PDCs 5 and 11 seek that land division be designed and configured so that it does not impact on native vegetation. As mentioned earlier in the report the proposed realignment will not impact on any native vegetation. As such proposal is considered consistent with PDCs 5 and 11.

Objective 5 seeks retention of efficient use of rural land for primary production purposes and this is further enforced by PDCs 21 and 22 which seek that allotments be retained for primary production purposes and that the natural resources are protected. The proposed realignment of boundaries is not considered to impact on the primary production use of the land. The proposal is simply moving one of the boundaries so that one section of primary production land currently utilised for grazing is incorporated within the allotment currently being used for viticulture purposes which along with the realignment of the section of land incorporating a winery would ensure a more efficient use of land. The realignment will not result in the loss of this primary production of land and will still ensure that the area covered by dense native vegetation is contained in a single allotment and separate to the allotment which is used for primary production purposes. As such it is considered to satisfy the intent of Objective 5 and PDCs 21 and 22.

#### Natural Resources

*Objectives: 1*

*PDCs: 1, 37, 38 & 39*

Objective 1 and PDC 1 seek retention, protection and restoration of natural resources and environment including water quality, land, soil and biodiversity. The proposed realignment of boundaries achieves the requirements set out in Objective 1 and PDC 1. It will not result in an increase in development potential given that existing allotment 11 is vacant with the option of future use other than primary production which might require an on-site waste system and this will not change as a result of proposed allotments 15 and 16. The proposed realignment of the boundaries does not alter this aspect.

Similar to some of other PDCs discussed earlier in the report, PDCs 37, 38 and 39 put an emphasis on protecting native vegetation and locally indigenous plant species. An additional plan has been provided showing the location of the potential future effluent disposal area for proposed allotment 16. The plans indicated that the soakage area would need to be located at the rear of existing native vegetation in order to achieve the minimum 50 metre separation to any water course, bore or a dam. This section of the land is not covered by native vegetation and whilst some

works might be required through the native vegetation area in order to connect the house to the soakage area. Applicant has advised that *“The hose connecting the filtration tank to the EDA is a 30mm PVC line or a 32mm blue line pipe. This pipe can be laid on the surface, but would be subject to damage. Preferably it would be buried, the depth of the pipe need not be more than 100 or 150mm. Given the EDA is in the corner of the land, the pipe would run along the boundary (fence line), typically 1 metre off the fence. This area would also likely be kept free of trees for site fence maintenance and general site access. Should the pipe be placed through a treed area it could also be placed in such a way to weave around trees and if required, buried 100 – 150mm deep. The pipe is only buried to protect it from damage, not for any other need”*. Considering the above the proposed realignment is unlikely to impact upon or result in the loss of native vegetation and is therefore considered to meet the requirements set out in PDCs 37, 38 and 39.

Orderly and Sustainable Development

Objectives: 1, 4, 8, 9 & 10

PDCs: 1 & 2

Objective 1 seeks orderly and economic development whilst Objective 4 seeks development which does not prejudice the achievements of the provision of the Development Plan. The proposed development is seeking to realign the boundaries of three existing contiguous allotments and will not result in the creation of a new allotment in the Watershed (Primary production) Zone and is considered to be sufficiently consistent with the provisions set out in the Development Plan.

Objectives 8, 9 and 10 as well as PDCs 1 and 2 seek the protection of rural areas, surrounding watersheds and prevention of urban development from further encroachment into rural areas. There will be no land use conflicts from the proposed vineyard allotment 15 and residential allotment 14 and as such would not require an additional vegetated buffer. The properties are all connected to mains water and as such do not rely on the onsite water storage for water supply. In addition there approximately 11 meter separation between the vineyards and the boundary with the proposed allotment 14 which also includes an internal access track which would act as a separation buffer between the viticulture use and residential use. As mentioned earlier in the report, the proposed realignment of boundaries does not prejudice primary production land and is not resulting in creation of a new allotment within the watershed zone, nor is it increasing development potential within the zone. The proposal is therefore considered to be consistent with Objectives 8, 9 and 10 as well as PDCs 1 and 2.

## **7. SUMMARY & CONCLUSION**

The proposal seeks consent to realign the boundaries of three allotments in the Watershed (Primary Production) Zone and Lenswood Policy Area.

The purpose of the proposal is to realign the allotment boundaries to incorporate a section of arable primary production land and section of land currently containing a winery into a single parcel (allotment 15) in conjunction with existing vineyards and which would also allow for future expansion of this vineyard. The realignment will also place the existing residential use into a single allotment (allotment 14). Native vegetation will still be retained on a single allotment (allotment 16) and whilst this allotment is not of sufficient size to be used for any productive primary

production purposes without removing the existing vegetation, it will still have potential to be used for residential purposes whilst not impacting on native vegetation.

It is considered that the proposed realignment is not going to prejudice any primary production land with proposed allotment 15 creating potential for expansion of the primary production use. Furthermore the proposal improves the management of the land for primary production by combining an arable section of existing allotment 11 and also the winery into a single allotment.

The development of the proposed allotments does not result in a greater risk to water quality in the watershed area than the existing allotments. The existing dwelling will be retained on a single allotment with an existing approved waste system whilst the status quo for the other two allotments will remain the same.

The proposal is sufficiently consistent with the relevant provisions of the Development Plan, and it is considered the proposal is not seriously at variance with the Development Plan. In the view of staff, the proposal has sufficient merit to warrant consent. Staff therefore recommend that Development Plan Consent be **GRANTED**, subject to conditions.

## 8. RECOMMENDATION

**That the Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and GRANTS Development Plan Consent and Land Division Consent to Development Application 20/1091/473 (20/D049/473) by Access SDM Pty Ltd for Land division - boundary realignment (3 into 3) at 758 Swamp Road, Lenswood, Lot 11 Swamp Road, Lenswood and Lot 12 Swamp Road, Lenswood subject to the following conditions:**

### (1) Development In Accordance With The Plans

The development herein approved shall be undertaken in accordance with the following plans, details and written submission accompanying the application, unless varied by a separate condition:

- Plan of division prepared by Access SDM, drawing number 5492LD01, revision A dated 19/08/20
- Amended aerial plan of division prepared by Access SDM, drawing number 5492LD01, revision A dated 19/08/2020

**REASON:** To ensure the proposed development is undertaken in accordance with the approved plans.

## Notes

(1) **Development Plan Consent**

This Development Plan Consent (DPC) is valid for a period of twelve (12) months commencing from the date of the decision (or if an appeal has been commenced the date on which it is determined, whichever is later). Building Rules Consent must be applied for prior to the expiry of the DPC, or a fresh development application will be required. The twelve (12) month time period may be further extended by Council agreement following written request and payment of the relevant fee.

(2) **Department of Environment and Water (DEW) - Native Vegetation Council**

The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. For further information visit:  
[www.environment.sa.gov.au/Conservation/Native\\_Vegetation/Managing\\_native\\_vegetation](http://www.environment.sa.gov.au/Conservation/Native_Vegetation/Managing_native_vegetation)

Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council Secretariat on 8303 9777. This must be sought prior to Full Development Approval being granted by Council.

(3) **Property Identifiers**

The property identifiers for these properties are now:

Allotment 14 (house & sheds): 761 Swamp Road, Lenswood

Allotment 15: 758 Swamp Road, Lenswood

Allotment 16: vacant with the number to be allocated upon request

## Council Land Division Statement of Requirements

(1) **Prior To Section 51 Clearance- Survey Plan Showing Boundary Location**

Prior to Section 51 clearance a final survey plan shall be provided to Council to demonstrate that new boundaries are placed at least 5m from remnant vegetation.

REASON: Protect native vegetation from clearance for a new fence line.

## SCAP Land Division Statement of Requirements

(1) **Requirement For Certified Survey Plan**

A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

REASON: Statutory requirement in accordance with Section 51 of the Development Act 1993.

- 9. ATTACHMENTS**  
Locality Plan  
Proposal Plans  
Application Information  
Referral Responses

Respectfully submitted

Concurrence

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**Doug Samardzija**  
**Statutory Planner**

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**Deryn Atkinson**  
**Assessment Manager**

## COUNCIL ASSESSMENT PANEL MEETING

9 December 2020

### AGENDA – 9.3

<b>Applicant:</b> Clayton Church Homes Inc	<b>Landowner:</b> Clayton Church Homes Inc
<b>Agent:</b> Masterplan	<b>Originating Officer:</b> Melanie Scott
<b>Development Application:</b>	20/333/473
<b>Application Description:</b> Redevelopment of existing aged care facility comprising two storey building, 8 x water storage tanks, car parking & associated earthworks (non-complying) (SCAP relevant authority)	
<b>Subject Land:</b> Lot:33 Sec: P10 FP:129387 CT:5671/329 Lot:17 Sec: P10 DP:115504 CT:6192/187	<b>General Location:</b> 1142 and 1144 Greenhill Road Uraidla  <b>Attachment – Locality Plan</b>
<b>Development Plan Consolidated :</b> 8 August 2019 <b>Map</b> AdHi/15	<b>Zone/Policy Area:</b> Watershed (Primary Production) Zone - Rural Buffer (Summertown and Uraidla) Policy Area
<b>Form of Development:</b> Non-complying	<b>Site Area:</b> 2.4 hectares
<b>Public Notice Category:</b> Category 3 Non Complying -  Notice TO BE ADVISED by SCAP	<b>Representations Received:</b> To be undertaken by SCAP  <b>Representations to be Heard:</b> N/A

#### 1. EXECUTIVE SUMMARY

The purpose of this application is to redevelop the existing nursing home and increase the capacity from 25 beds to 60 beds. This involves the demolition of the existing building and construction of a new purpose-built building and new waste water system.

The subject land is located within the Watershed (Primary Production) Zone - Rural Buffer (Summertown and Uraidla) Policy Area Zone and the proposal is a non-complying form of development. Council received the original application on 7 April 2020. However, Council did not resolve to proceed with assessment of this application as the land is in Watershed Areas 1 and 2 and in a high bush fire risk area. Council advised the applicant it was seeking more information about the proposed solutions to managing nutrient load from the proposed wastewater in the Watershed and putting vulnerable people at risk of a bushfire hazard. Council had informal advice from the EPA and the CFS about both these issues and communicated this advice to the applicant. Of note is that the CFS rated the site as Flame Zone, the most extreme bushfire attack level to be given. Further, preliminary advice from the EPA has consistently indicated that they will not accept an on-site wastewater disposal system due to the potential impact on the Watershed. Their advice was that the development should explore connecting to a Community Wastewater Management Scheme (CWMS) or sewer. However, these wastewater network options are not available in the locality, with the nearest sewer connection opportunity being over 3 km away.

On 28 October 2020 the State Coordinator-General advised that she has appointed the State Commission Assessment Panel (SCAP) as the relevant planning authority for the proposed development. The decision is based on the value of the proposed development exceeding \$5 million and that the State Coordinator-General is satisfied the development is not solely for residential purposes. Council has therefore been requested by SCAP to provide its comments regarding the proposal as part of the assessment.

As per the CAP delegations, the CAP is the relevant authority for Category 3 non-complying development in accordance with clause 6 of the CAP delegations with regard to aged accommodation/retirement villages or residential care facility (including a combination of these uses) where it is for 10 or more units and/or a construction value of \$1.5 million or more and for providing comment to SCAP for development determined by the State Coordinator-General to be of state economic significance. The proposal is for a 60 bed aged care facility with a construction cost of \$18 million. Note that at the time of writing this report, Council has not been provided with copies of the CFS, EPA and DIT referral responses as these are still being prepared and unlikely to be available by the CAP meeting date. Further, public notification of the proposal will commence on 2 December and end on 16 December 2020. However the applicant has requested Council comments urgently and does not wait on these responses.

With the above in mind, staff have conducted a limited assessment of the application based on the information provided to date.

The main issues relating to the proposal are onsite waste disposal and hazard management, in particular bushfire risk, as explored without full assessment of the application.

Following a preliminary assessment against the relevant zone and Council Wide provisions within the Development Plan, staff are recommending that no decision be issued by the State Commission Assessment Panel (SCAP) until such time as the EPA and CFS responses have been received and the appropriate Department of Health approval is granted.

## 2. DESCRIPTION OF THE PROPOSAL

The proposal is for the following:

- Demolition of the existing 25 bed facility
- Demolition and removal of existing water tanks, shed, car parking area, access roads and footpaths
- Construction of a new two storey 60 bed aged care facility (note the understorey is largely underground and consists of a plant room, maintenance area, staff amenities and laundry)
- Two wastewater holding tanks (22,000 litres each), two potable water storage tanks (20,000 litres each), six fire-fighting water storage tanks (120,000 litres each) and associated pump rooms
- Driveways, access tracks and car parking for 31 vehicles?
- Associated earthworks, and
- Associated landscaping.

The proposed plans are included as **Attachment – Proposal Plans** with other information included as **Attachment – Application Information** and **Attachment – Applicant’s Professional Reports**.

### 3. BACKGROUND AND HISTORY

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
December 15, 2016	16/510/473 (16/D23/4732)	Development Assessment Commission (DAC) approved a Land division boundary realignment – 4 into 4
June 29, 2011	11/372/473	Council approved internal alterations to the existing aged care facility.
May 5, 2010	09/325/473	Council approved alterations & additions to the existing aged care facility. This approval was for a 61m <sup>2</sup> addition to the facility in the form of infill of an existing undercover area and minor alterations to the external appearance of the building.
December 3, 2001	00783/473	Council approved an upgrade of accommodation including kitchen and laundry
August 24, 1999	99/252/473	Council approved additions to an existing aged care hostel. This approval was for an additional two bedrooms.
April 2, 1991	91/62/030	District Council of East Torrens approved a Carport.
October 9, 1987	87/176/030	District Council of East Torrens approved carport/verandah
October 7, 1985	Permit 4023	District Council of East Torrens approved a Generator
May 28, 1985	Permit 3931	District Council of East Torrens approved additions to Summerhill Home for the Elderly.
August 27, 1984	Permit 3662	District Council of East Torrens approved alterations to a kitchen
December 23, 1982	Permit 3195	District Council of East Torrens approved three accommodation units for the elderly.

**4. REFERRAL RESPONSES – no formal referral undertaken as no decision to proceed was made by Council. The following is a summary of the informal referral responses received to date.**

- **CFS**  
The CFS have indicated that the site is currently Bushfire Attack Level Flame Zone. However, it is noted that they have not yet provided a formal referral response to SCAP.
- **EPA**  
The EPA advised Council informally that it is unlikely to support a proposed development of this nature in an unsewered location within the Mount Lofty Ranges Water Protection Area. However, it is noted that they have as yet not provided a formal referral response to SCAP.

**5. CONSULTATION**

The application was categorised as a Category 3 form of development in accordance with Section 38(2) (c) of the Development Act 1993 requiring formal public notification and a public notice. At the time of writing this report the date of public notification to be managed by the SCAP is to commence on 2 December 2020 and end on 16 December 2020. Consequently the outcome of such notification is unknown at this stage.

**6. PLANNING & TECHNICAL CONSIDERATIONS**

This application has been evaluated in accordance with the following matters:

- i. The Site's Physical Characteristics  
The subject land is 2.4 hectares in area and is two allotments. Lot 33 is a regular shape with an area of approximately 1,400m<sup>2</sup> and includes the current access road. This allotment has a narrow street frontage to Greenhill Road of approximately 7.6m. Lot 17 was created from the boundary realignment in 2016 and contains the building to be demolished and increased the land area to facilitate a possible expansion for associated stormwater and waste water disposal areas. This allotment currently contains a 25 bed aged care accommodation facility. The north south access of Lot 17 is a ridge line with the land sloping down from the ridge to the south, east and west. The sloping land just described contained orchards until sometime in 2017. The existing large water tank on land to the south of the proposal is a community water tank, filled by bore water and used for residences in Uraidla. The proposed facility will also access this water supply pumping water to two 22,000 litre potable water tanks on their own site.
- ii. The Surrounding Area  
The entrance to the residential aged care facility on Greenhill Road is approximately 205m east of the Summertown township zone boundary and approximately 465m west of the Uraidla township zone boundary. There are limited public facilities in terms of shops in either township. Greenhill Road is an arterial road with limited parking and there is very limited public transport.

Land on both the southern and northern sides of Greenhill Road between the township zone boundaries is used for primary production and rural living purposes. Rural living allotments are however clustered towards the respective township zone boundaries with the primary production land uses providing a buffer between the two townships.

Allotments in the locality tend to be irregular in shape and range in size from 10.45 hectares to 719m<sup>2</sup>.

iii. Development Plan Policy considerations

The following is a list of the zone, policy area and Council wide provisions of development control which apply to this proposal. Some are bolded indicating they could have more consideration than others. Given time frames on provision of information, the fact that no responses from the CFS or EPA have been received, and that public notification has yet to be conducted, a full assessment against the relevant PDCs has not been undertaken. Rather, the approach has been to focus on the key issues which arose during the early assessment and lead to Council's hesitancy in agreeing to proceed with the assessment of this non-complying application. The summary and conclusion section of this report offers a broad statement against the objectives sought in the Development Plan.

a) *Policy Area/Zone Provisions*

The subject land lies within the Watershed (Primary Production) Zone - Rural Buffer (Summertown and Uraidla) Policy Area and these provisions seek:

Policy Area

- conservation of agricultural uses
- protection of policy area's pleasant rural character and appearance from inappropriate development

The following are considered to be the relevant Policy Area provisions:

*Objectives: 1, 2*

*PDCs: 1, 2, 3, **6**, 15, 16, 20, 22, 23, 24, 25, **26***

Note PDC 6 talks about residential development being limited to detached dwellings. The Coordinator General has noted she is satisfied the proposal is not for residential development. Council considers the proposal residential in nature and at odds with this PDC. Please note PDC 26 requires development or activities associated with development should not be undertaken unless effluent and other waste can be effectively disposed of without risk to public health or damage to the environment. The proposal is considered at odds with this PDC.

Zone

- *The maintenance and enhancement of the natural resources of the south Mount Lofty Ranges*
- *The enhancement of the Mount Lofty Ranges Watershed as a source of high quality water*
- *The long-term sustainability of rural production in the south Mount Lofty Ranges*

- *The preservation and restoration of remnant native vegetation in the south Mount Lofty Ranges*
- *The enhancement of the amenity and landscape of the south Mount Lofty Ranges for the enjoyment of residents and visitors*

The following are considered to be the relevant Zone provisions:

*Objectives: 1, 2, 3, 5,*

*PDCs: 1, 2, 3, 4, 9, 10, 11, 14, 15, 16, 17, 23*

Note PDC 16 requires development should not prejudice primary production. The proposal is considered at odds with this PDC.

*Accordance with Zone*

*b) Council Wide provisions*

The Council Wide provisions of relevance to this proposal seek (in summary):

- *Orderly and Economic development*

The following are considered to be the relevant Council Wide provisions:

*Community Facilities*

*Objectives: 1 & 3*

*PDCs: 1, 2, 3, 4*

*Design and Appearance*

*Objectives: 1*

*PDCs: 1, 3, 4, 7, 9, 11 (Mount Lofty Scenic Route), 18*

*Energy Efficiency*

*Objectives: 1 & 2*

*PDCs: 1, 2 & 3*

*Hazards*

*Objectives: 1, 2, 3, 5, 6*

*PDCs: 1, 2, 6, 7, 8, 9, 11*

Assessment against the hazard PDCs is fundamental to the assessment of this proposal. PDCs 6, 7, 8, 9 and 11 are explicit with regards to putting development in a hazardous location. Unless the bushfire attack level can be reduced to less than Flame Zone the proposal is considered fundamentally flawed by Council.

*Interface Between Land Uses*

*Objectives: 1, 2, 3*

*PDCs: 1, 2, 4, 5, 13, 16, 17*

*Landscaping, Fences and Walls*

*Objectives: 1*

*PDCs: 1, 2, 4*

Natural Resources

Objectives: 2, 3, 4, 5, 6, 7, 10, 11

PDCs: 1, 2, 4, 5, 8, 12, 13, 14, 15, 17, 20, **21**, 22, 23, 48, 49,

Orderly and Sustainable Development

Objectives: 1, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13

PDCs: 1, 2, 3, 4, 5, 6, 7, 9, 14,

Residential Development

Objectives: 1, 2, 5

PDCs: 3

The Coordinator General has noted she is satisfied the proposal is not for residential development. Council considers the proposal residential in nature and Objectives 2 and 5 envisage supported accommodation and housing for aged persons as residential.

Siting and Visibility

Objectives: 1

PDCs: 1, 2, 3, 4, 5, 6, 7, 8, 10

Sloping Land

Objectives: 1

PDCs: 4, 5, 6 & 7

Supported Accommodation, Housing for Aged Persons and People with Disabilities

Objectives: 1, 2, 3

PDCs: **1, 2, 3, 4, 5, 6, 7, 10**

Objective 2 requires housing should be located where aged persons can be an integral part of the local community, with convenient access to public transport, shops and community services. Uraidla and Summertown have very limited availability of any of these critical services. Should the proponent propose a community bus to address this shortfall in local services no provision has been made on site for related parking. Without such a service the lack of community facilities is considered a flaw in this proposal.

General Discussion

It is considered that SCAP should assess the application against the abovementioned provisions to ensure that it is not seriously at variance with the Development Plan. From a built form aspect, the building is a quality architectural design. With regard to siting of the structure, staff cannot provide comment as this will depend on the referral response from the CFS in the event they require the building to be located further away from high fuel loads on adjoining sites. Access to Greenhill Road is via the existing access for the current 25-bed facility. However, it is noted that SCAP have referred the application to the Commissioner of Highways (CoH) to assess any potential traffic engineering impacts on this access point. However, the referral response is only expected on 22 December 2020. Whilst the proposal has met the requirements of AdHi table 4 with the provision of 31 on site vehicle car parking spaces, Council comments there is a lack of public transport and on street parking in the area and consequently consideration should be given to additional onsite parking and a space for a community bus.

### Waste Management & Impact on Watershed

There are two major issues for consideration of this proposal by Council and these issues are the reason Council staff could not resolve to proceed with assessment of the application. One relates to the on-site wastewater disposal, noting the approval of the system is legislatively the State's Department of Health decision being for a facility to cater for more than 40 persons. Being non-complying development, the application needs to be referred to the EPA who in accordance with Schedule 8 of the Development Regulations have power of asking SCAP to have regard to their advice. In Council's experience, and based on informal advice received, the EPA are unlikely to support onsite wastewater disposal as demonstrated with other proposals with less wastewater output than this proposal.

It is noted that when Council was considering the proposal, the initial onsite wastewater disposal that was proposed did not include measures to improve or benefit the quality of water in the watershed protection area. Two further onsite waste systems were proposed but again did not propose achievement of improved water quality outcomes. The applicant was therefore advised that the proposal may struggle to achieve EPA support. An amended proposal was submitted with some supporting statements regarding the quality of onsite wastewater disposal. The EPA were not formally consulted by Council and advised that they would not comment on the application until it is formally referred to them. However, the EPA did provide the following general advice to Council on 22 September 2020: *"the EPA is unlikely to support a proposed development of this nature in an unsewered location within the Mount Lofty Ranges Water Protection Area"*. This EPA advice was provided to the applicant. Information submitted to Council on 12 November indicates the current proposal to manage onsite wastewater disposal is via the use of two 20,000 litre precast concrete septic tanks discharging effluent water to two 22,000 litre concrete effluent holding tanks to be pumped out every three days. Council has not seen any advice as to how the EPA or the Department of Health may consider such a proposal. Council's Environmental Health Department do not accept any holding tank/pump out wastewater solutions in the Watershed Area regardless of the size of the proposal, unless supported by the EPA and as a last resort. Furthermore, from the information provided to Council, it would appear the wastewater holding tanks and pump out area are unbunded. Additional information has been provided that the wastewater tanks will be backfilled to lid level which does not address the issue of failure or spillage to Council satisfaction. Should the proposal be supported by SCAP it is recommended that the tanks are alarmed and banded to a sufficient capacity in the event that they fail.

### Hazard – Bushfire Risk

The second issue of concern is management of bushfire risk on the site. The site is in a high bushfire risk area and any resolution to proceed with assessment of the application by Council would have resulted in a formal referral to the CFS in accordance with Schedule 8 of the Development Regulations. It is noted that the CFS has power of direction in their response to SCAP. The CFS has indicated that the site is currently rated as Flame zone, the highest bushfire attack level (BAL). In previous comments provided by Council to the applicant it was not considered appropriate to put vulnerable people at this level of bushfire risk. The reasons for the rating is the ridge line location and that the building is within twenty metres of neighbouring property boundaries which contain highly flammable vegetation which is not in

control of the applicant. The applicant has been advised what level of arrangement both Council and the CFS would accept in order to reduce this risk and produce a lower BAL. For example, it was suggested that the applicant purchase more land or come to some other binding legal agreement with the adjoining land owner in order to manage vegetation within 20 metres of the proposed building. To date Council has not received any advice indicating that such arrangements have been made. However, it is understood that there is an agreement between the Clayton Church Homes and the neighbouring landowner to the south east to manage the vegetation along the common boundary.

Further in accordance with CFS messaging, on catastrophic fire ban days if your plan is to leave in the event of a fire you should leave early, preferably the night before. The practicalities of evacuating 60 vulnerable residents on a number of occasions annually given the apparent increase in the number of catastrophic fire ban days annually, is of concern. It is noted that in documentation submitted to Council on 20 November 2020, there is a detailed emergency management plan which suggests the plan is to evacuate within the structure and remain in place and defend. On this basis the building will need to comply with the requirements of AS3959 for bushfire construction. If ordered to evacuate, then they will do so and expect ambulances to assist with ambulant residents and staff vehicles and minivans/minibuses would be used for the balance of residents. The CFS has advised that in the event an evacuation order is made by SAPOL, CFS assistance is unlikely to be provided for such evacuation.

It is considered that based on the PDCs contained in the Hazards section of Council's Development Plan, this proposal should not be supported as it places vulnerable residents at risk. The CFS has indicated that if the BAL cannot be reduced to their satisfaction, they will direct refusal of the proposal. The applicant will therefore need to adequately demonstrate mitigation of the bushfire risk in order to address this issue.

Noting the above concerns and comments, it is considered that the proposal has been designed to meet as many of the PDCs as possible in the Watershed (Primary Production) Zone with regards to visual amenity and is an extension of an existing non-complying use on the land. In considering if the proposal is a reasonable extension of an existing non-complying use, the applicant has stated they have used the same footprint as the existing facility. However, the proposal does considerably increase the floor area of the existing building and the area of associated car parking. The 2016 land division did result in the loss of primary production to facilitate the expansion or upgrade of the existing facilities on the land.

Appropriateness of an expansion of Aged Accommodation on site outside a Township  
In reviewing the Council wide PDCs which may apply to assessment of this application, in particular Supported Accommodation, housing for aged persons and people with disabilities, any argument to support the proposal is finely balanced. This section of Council's Development plan has three objectives and in the opinion of staff, the proposal does not meet many of these objectives, though again this can be argued and is finely balanced. Some key objectives to consider in this instance are:

Objective 1 “...in appropriate locations” The proposal is in a prime primary production area in a high bushfire risk area and does not have many community facilities close by. There are a couple of churches and tennis courts close by in Summertown and the bowling club and Red Shed in Uraidla but they would not be in general walking distance for elderly persons.

Objective 2 “Housing located where aged persons can be an integral part of the local community and with convenient access to public transport, shops and community services”. There is a very small local community with limited facilities which are arguably not in walking distance of the proposal and with limited public transport options, requiring visitors, staff and residents to be reliant on car transport. This is considered to be a basis for the proposal to provide additional visitor parking onsite than envisaged by the Development Plan.

Objective 3 “Accommodation designed for the comfort, safety, security and well-being of aged persons”. The proposed location whilst scenic is situated in a high bush fire area and is at odds with this PDC.

It is considered that the proposal has, however, been designed to meet as many of the PDCs in this section of the Council’s Development Plan as possible.

## **7. SUMMARY & CONCLUSION**

In the opinion of staff, the proposal does not meet any of the Zone objectives as neither aged nor supported accommodation is envisaged in the Zone. Further the land on which the proposal is located is within some of South Australia’s most productive primary production land. However, it is noted that this is a proposed expansion of the existing non-complying facility and associated activities including parking and most particularly wastewater management and stormwater disposal do prejudice the amount of land available for primary production.

With the above comments in mind, and based on the referral responses from the CoH, EPA and the CFS (who have powers of direction), SCAP should ensure that the access, bushfire risk to the proposed aged care residents, and risks to the water quality in the Watershed are sufficiently mitigated to not cause cumulative negative impacts to either the facility’s occupants, road users of Greenhill Road or the Watershed. Given the location with very limited access to public transport, no pedestrian access to Summertown and Uraidla, it is also recommended to SCAP that additional on-site visitor parking provision is pursued and the applicant is urged to consider installation of footpaths to connect the site to the adjacent towns as part of the proposal.

Staff therefore recommend that the CAP advise the State Commission Assessment Panel (SCAP) that the proposal is at variance with a number of significant provisions of the Development Plan and is finely balanced. It is strongly recommended that the abovementioned issues need to be further addressed and considered in the assessment of the application. Further, in the event SCAP grants Development Plan Consent, conditions regarding the following matters are recommended to be included:

- Bunding and alarm warning system for the wastewater tanks,

- Records of wastewater tank pump outs to be kept and lodged with Council 6 monthly
- Confirmation of arrangements to ensure a viable supply of potable and firefighting water
- Stormwater and civil plans be submitted for assessment and approval by Council
- Landscaping
- Waste management arrangements with East Waste or private contractors
- That Construction and Environmental Management Plan (CEMP), and
- Soil Erosion and Drainage Management Plan (SEMP) be submitted prior to Building Rules Consent being issued.

## **8. RECOMMENDATION**

**(1) That the Council Assessment Panel has considered the proposal, and based on the information available considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, but it is at variance with the provisions in relation to the protection of the Watershed, Hazards, Residential Development and Supportive Accommodation and Housing for Aged Persons/People with Disabilities. The Council Assessment Panel advises the State Commission Assessment Panel that it should NOT GRANT Development Plan Consent to Development Application 20/333/473 by Clayton Church Homes Inc for redevelopment of existing aged care facility comprising two storey building, 8 x water storage tanks, car parking & associated earthworks (non-complying) at 1142 & 1144 Greenhill Road Uraidla unless the following matters have been adequately addressed:**

- a) Access to and from the site and traffic management**
- b) Provision of additional visitor parking**
- c) Bushfire risk and life safety (including any vegetation management agreement made with neighbouring property owners)**
- d) Onsite wastewater disposal and watershed protection**
- e) Stormwater management**
- f) Waste collection**
- g) Landscaping**
- h) Water supply**

**(2) That in the event that the State Commission Assessment Panel grants Planning Consent to the proposal, that the following conditions be included in the Consent:**

**That the following documents be provided for Council approval prior to Building Rules Consent being issued:**

- I. Soil Erosion and Drainage Management Plan SDEMP**
- II. Construction and Environmental Management Plan (CEMP)**
- III. Stormwater Management Plan and Civil works plans**
- IV. Designs for bunding of the wastewater holding tanks and alarm warning system**
- V. Wastewater management arrangements with East Waste or private contractors.**

**(3) Pump out records for the wastewater collection be provided to Council every six months.**

**REASON: To ensure that the wastewater is being managed and disposed of to a licensed wastewater facility.**

**9. ATTACHMENTS**

Locality Plan  
Proposal Plans  
Application Information  
Applicant's Professional Reports  
Referral Responses

Respectfully submitted

Concurrence

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**Melanie Scott**  
**Senior Statutory Planner**

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**Deryn Atkinson**  
**Assessment Manager**