

DEVELOPMENT NO.:	21015778
APPLICANT:	ProHealthCare Stirling – Janari Pty. Ltd.
ADDRESS:	104 MOUNT BARKER RD STIRLING SA 5152
NATURE OF DEVELOPMENT:	Alterations and additions to existing consulting rooms, removal of 1 regulated tree (<i>Eucalyptus maculate</i>), car parking and landscaping
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Rural Neighbourhood <p>Subzones:</p> <ul style="list-style-type: none"> • Adelaide Hills <p>Overlays:</p> <ul style="list-style-type: none"> • Hazards (Bushfire - Medium Risk) • Mount Lofty Ranges Water Supply Catchment (Area 2) • Native Vegetation • Prescribed Water Resources Area • Regulated and Significant Tree • Traffic Generating Development • Urban Transport Routes <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Site Area
LODGEMENT DATE:	29 Jul 2021
RELEVANT AUTHORITY:	Assessment panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	Version 2021.10 - (29 July to 11 August 2021).
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Aaron Wilksch (Consultant Planner) for Melanie Scott, Senior Statutory Planner
REFERRALS STATUTORY:	Nil.
REFERRALS NON-STATUTORY:	Council Engineering Council Environmental Health

CONTENTS:

ATTACHMENT 1: Proposal Plans

ATTACHMENT 2: Applicant Deferral Response Documents

ATTACHMENT 3: Council Referral Response

ATTACHMENT 4: Previous Report and Attachments

DETAILED DESCRIPTION OF PROPOSAL:

The application proposes alterations and additions to existing consulting rooms, alteration of car parking layout and landscaping.

The proposal was identified as impacting upon 2 regulated trees, being a Silver Gum (*Eucalyptus crenulata*) – identified as *Tree 32 (requiring removal)* which is located within 20 metres of the existing dwelling adjacent to the south-east and is within a medium risk bushfire protection area, whereby it becomes exempt from the definition of a Regulated Tree and its removal therefore does not constitute development, and a Spotted Gum (*Eucalyptus maculate*) – identified as tree 18. In response to representations the applicant proposes to preserve these trees.

The proposed additions include a new waiting room and consulting room added to the front (northern aspect) of the building addressing Mt. Barker Road, three new consulting rooms and corridor generally to the north-western side aspect of the existing building. A new main entrance will be formed at the north-western corner of the building adjacent to the new waiting room and consulting rooms, and the entrance will be served by new access steps and pedestrian ramp from the altered 'front car park'. At the rear of the existing building there will be addition of a new staff room and amenities.

Associated with the proposed building works will be landscaping, short wall / garden borders retaining walls and steps where transition occurs between the car park areas and the building.

The building will maintain setbacks to the eastern and western side property boundaries as established by the existing building, and southern (rear) property boundary setback, and will establish a new front setback of 7.5 metres from the Mt Barker Road site frontage as a result of the new building entry and waiting room.

New roof sections will be added over the additions, maintaining the shallow pitched roofline and generally the form of the existing building with modernised, improving the aesthetics of the façade.

BACKGROUND:

At its meeting on 9 February 2022, the Council Assessment Panel considered the merits of the proposed development and received and considered five (5) representations from nearby adjoining and adjacent owners and occupiers of land, received during Public Notification of the application.

The Panel determined at its meeting to defer its consideration of the proposed development, to enable the applicant to provide further information on matters considered necessary for the Assessment Panel to complete its assessment of the application.

At its deferral of the assessment, the following information was sought by the Panel:

1. A site plan to scale that demonstrates all trees to be retained and removed, earthworks and a Tree Protection Zone for Tree 18 based on arboricultural advice.
2. Clarification on the intensity of the use in relation to all the treatment and consulting rooms, and calculation of car parking provisions.
3. Traffic engineering report assessing the safety of the proposed two-way access and impact on traffic flow, including information regarding the collection of waste, on Mount Barker Road.

The matters sought by the Assessment Panel have been responded to by the applicant with details provided as follows:

URPS planning consultants and Landskap landscape architects, have provided a response with respect to the preservation of *Tree 18*, the Regulated Spotted Gum (*Eucalyptus maculate*), situated immediately south of the transition of levels and retaining wall structures at the south-western extent of the upgraded car parking area.

And

Traffic Engineering advice has been provided by Cirqa Traffic Consultants with respect to the calculation of car parking provisions appurtenant to the proposed development and assessment of the safety of the proposed two-way access and impact on traffic flow and collection of waste, on Mount Barker Road.

Accordingly, the application, having otherwise satisfied the Assessment Panel of its merits, the applicant's response to these outstanding matters are presented to the Assessment Panel for its further consideration.

The Panel may refer to the previous CAP Agenda Report for this proposal in the 2 February 2022 Council Assessment Panel Agenda (Attach 4).

SUBJECT LAND & LOCALITY:

Location reference: 104 MOUNT BARKER RD STIRLING SA 5152

Title ref.: CT 5553/788 **Plan Parcel:** F158290 AL44 **Council:** ADELAIDE HILLS COUNCIL

Site Description:

The subject land comprises a generally regular shaped allotment of approximately 2700m² within the Rural Neighbourhood Zone of the township of Stirling, exhibiting a frontage of approximately 36.0 metres and a depth of no less than 74.0 metres and gentle rise in elevation of approximately 10 metres from its frontage to its rear boundary, or approximately 1: 7.5 grade.

The site contains an existing building of approximately 380m² currently utilised for the existing health services clinic and sealed car parking areas generally set-out to the north-west and south-west of the building, with the rear (south-eastern) aspect of the land containing a number of substantial trees.

Access to the subject site and car parking is obtained directly from Mount Barker Road, however also currently utilises shared access across adjoining allotment 43 FP158289 (dental surgery) to the north onto Twin Street.

Locality

The locality exhibits a mixed-use character, exhibiting residential developments on the northern side of Mount Barker Road and generally to the south-west to south-eastern sides of the subject land and commercial land uses interspersed predominantly on the southern side of Mount Barker Road, including the aforementioned dental surgery to the north-west and a commercial premises (architects' studio) to the south-east side.

The locality exhibits similar, typically gentle undulation rising to the western side of Mount Barker Road and generally falling to the northern side of the road excluding some localised elevated land, with well vegetated and landscaped land and road reserves and attractive streetscapes.

CONSENT TYPE REQUIRED:

Planning Consent is sought, with subsequent Building Rules Consent necessary.

DEFERRED ASSESSMENT - ITEMS TO BE DETERMINED

The matters to be resolved and determined at the Assessment Panel's deferral of this assessment at its February meeting are identified under the following headings:

Tree impacts:

The Assessment Panel sought:

A site plan to scale that demonstrates all trees to be retained and removed, earthworks and a Tree Protection Zone for Tree 18 based on arboricultural advice.

The applicant has supplied a site plan prepared by Landskap landscape architects which identifies Tree 18 (Spotted Gum) situated approximately 7.1 metres from the rear car parking area upper tier and approximately 9.8 metres from the lower tier (adjacent to the south-eastern side boundary).

The applicant has indicated that tree 18 is intended to be retained and protected as part of the proposed development, and accordingly, the site plan prepared by Landskap identifies that the encroachment into the Tree Protection Zone (TPZ) is approximately 2.3 metres (approximately 2%) and identifies that the encroachment is within an existing already constructed part of the car park.

The applicant provides that the level of encroachment is within the permissible 10% encroachment allowed for in Australian Standard AS 4970-2009 – *Protection of Trees on Development Sites*.

AS 4970 – Appendix D provides detail indicating that where an encroachment is less than 10% of the area of the TPZ, and is outside the SRZ, the area lost to the encroachment should be compensated for elsewhere in the TPZ.

Regard has been given to the Structural Root Zone (SRZ), in accordance with Part 3.6.5 - Figure 1 in determining that the SRZ (utilising the AS4970 formula) for the Spotted Gum which is identified as having a trunk diameter of 2.4 metres in the landscaping plan prepared by Bruce Oswald Landscape Architect, provided as part of the assessment documents (23 November 2021).

The SRZ for the tree is determined to be 4.8 metres and therefore the 2% encroachment within the TPZ sufficiently avoids the SRZ and is considered upon the technical aspects of the Australian Standard to be unlikely to impact Tree 18.

Figure 1 – Mark-up diagram (Landskap base plan) identifying AS 4970 TPZ and SRZ and extent of encroachment of existing car park surface.



The trees being removed were identified in the application plans prepared by Architects Ink dated 12/11/2020 (Figure 2) and landscaping plan prepared by Bruce Oswald Landscape Architect, 23 November 2021, (Figure 3) provided as part of the assessment documents to the February 2022 Assessment Panel meeting.

Figure 2 - Application plans prepared by Architects Ink identifying trees to be removed.

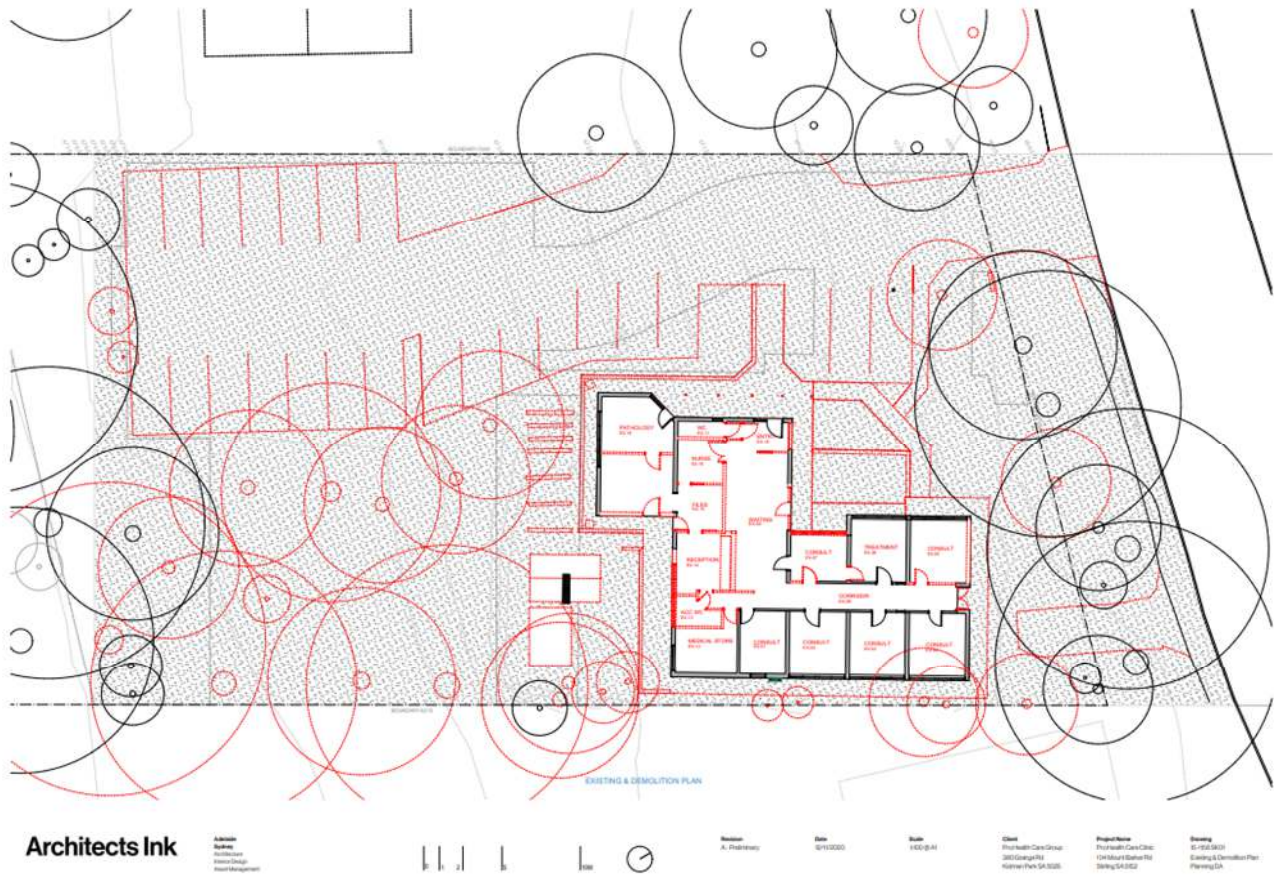
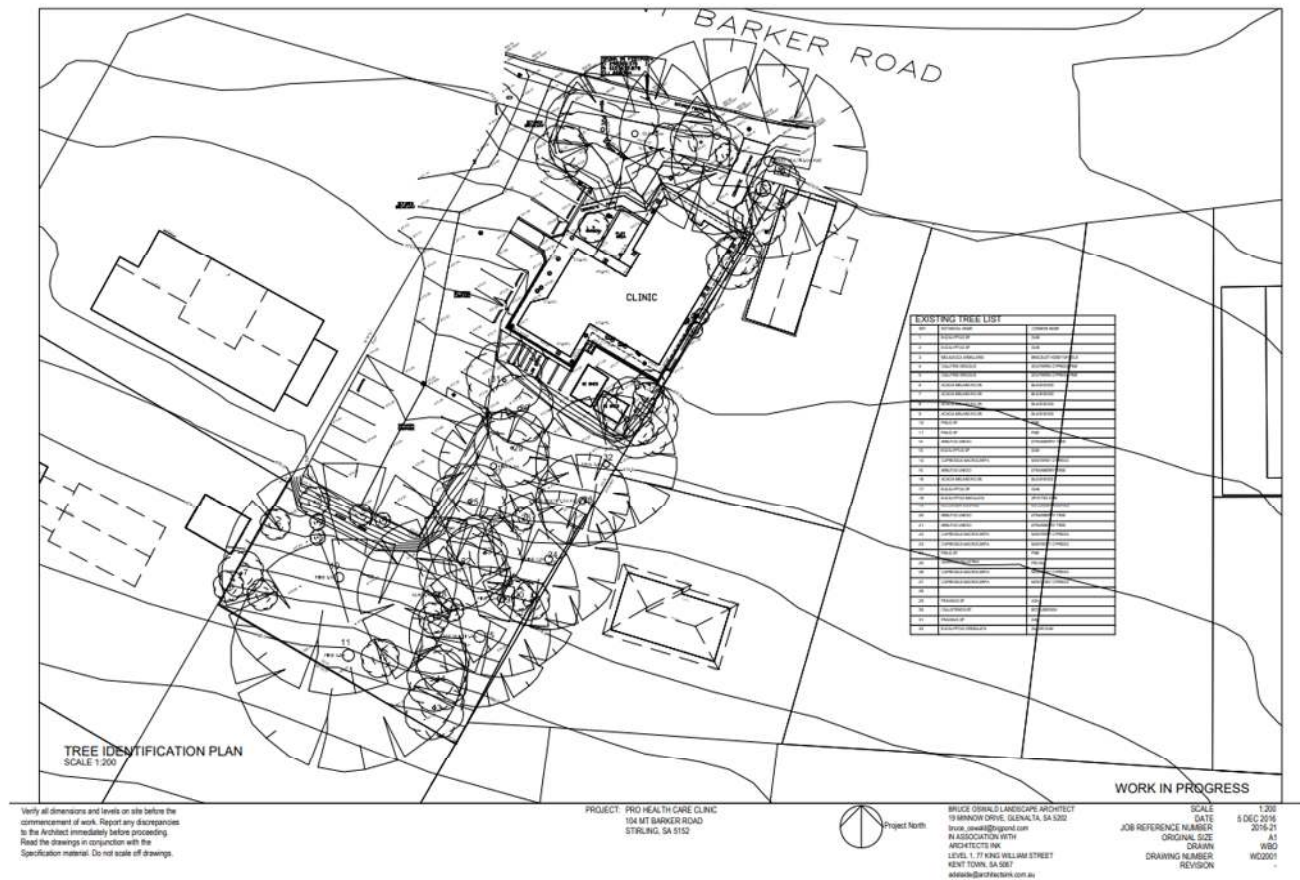


Figure 3 - landscaping plan prepared by Bruce Oswald Landscape Architect identifying tree species and trunk diameters.



The trees and species (taken from the above two plans) to be removed are identified as:

Tree No.	Botanical Name	Common Name	Native	Regulated / Protected
1	<i>Eucalyptus Sp.</i>	Gum	✓	✗ Below Size threshold
2	<i>Eucalyptus Sp.</i>	Gum	✓	✗ Below Size threshold
19	<i>Pine - No Longer Existing</i>	Pine	✗	✗ Species Exclusion
24	<i>Arbutus Unedo</i>	Strawberry Tree	✗	✗ Below Size threshold
25	<i>Arbutus Unedo</i>	Strawberry Tree	✗	✗ Below Size threshold
26	<i>Cupressus Macrocapa</i>	Monterey Cypress	✗	✗ Species Exclusion
27	<i>Cupressus Macrocapa</i>	Monterey Cypress	✗	✗ Species Exclusion
28	Not Listed	'Tree multi'	✗	✗ Below Size threshold
29	<i>Fraxinus Sp.</i>	Ash	✗	✗ Below Size threshold
30	<i>Callistemon Sp.</i>	Bottlebrush	✓	✗ Below Size threshold
31	<i>Fraxinus Sp.</i>	Ash	✗	✗ Below Size threshold
32	<i>Eucalyptus Crenulata</i>	Silver Gum	✓	✗ Exclusion within 20m of dwelling

Intensity of land use and car parking ratio:

The Assessment Panel sought:

Clarification on the intensity of the use in relation to all the treatment and consulting rooms, and calculation of car parking provisions.

The Cirqa traffic consultants response identifies that:

- The site currently accommodates 8 consulting rooms with associated ancillary areas (administration, back of house etc.). It is proposed to redevelop and expand the building resulting in the provision of 2 additional consulting rooms (to a total of 10 consulting rooms) and that the applicant anticipates between 12 to 14 staff on-site at any one time (including consultants, nurses/technicians and admin/support staff). The car parking areas will be realigned and expanded resulting in a total of 30 spaces within the site.
- The Planning and Design Code identifies Deemed-to-Satisfy criteria for the provision of four parking spaces per consulting room. On this basis, there would be a requirement for 40 spaces for the medical centre (including existing requirements). Therefore, there would be a shortfall in provision against the above rate. However, while the proposal would not meet the Deemed to Satisfy criteria of the Code in respect to parking provision, it is noted that Performance Objective 5.1 of the General Development Policies (Transport, Access and Parking) states the following:

“Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate...”

The Planning and Design Code therefore contemplates acceptance of lower parking provisions (than suggested by the specified rates) based on development and land use considerations.

The Cirqa traffic consultant’s response goes on to identify that it is common at health clinics/medical centres that not all consultants are on-site at one time and that previous surveys undertaken at similar facilities identify only 75% of consulting rooms were occupied ‘at peak periods’, stating that:

Accounting for such an occupancy rate, the provision of 30 spaces on site would adequately accommodate peak demands.

And that:

In addition, I note that the RMS “Trip Generation Surveys – Medical Centres” document detailed surveys undertaken at a number of medical clinics/centres and identified an associated peak parking accumulation rate equivalent to:

- $0.041x^2 + 0.2714x + 16.089$ (where x is the maximum number of staff including consultants and support staff on site at one time).

And subsequently concluding that:

Based on this rate (and a total of up to 14 staff associated with the site), the peak parking demand would equate to 28 spaces. Again, the proposed on-site provision would adequately accommodate such peak demands. The comparative assessment based on the RMS rates therefore supports the assumptions in respect to likely parking demands based on realistic occupancy rates.

The previous CAP report assessment of Transport Access and Parking provisions in respect of Vehicle parking Rates PO 5.1, in determining ‘sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate’, arriving at a similar conclusion that 30 car parking spaces would be sufficient, at a rate of 3 parking spaces per consulting room (being relatively consistent with the actual requirements of the clinic), whereby it will provide (for each consulting room) one car parking space occupied by a patient who has been

seen and is in the process of departing the clinic, one car parking space for a patient who is being seen or treated, and one space for a person arriving for an appointment.

The Cirqa traffic consultant's response is considered to corroborate that a reduced car parking ratio, less than prescribed in Transport Access and Parking Table 1 is sufficient for the intended intensity of the land use.

Traffic impacts:

The Assessment Panel sought:

Traffic engineering report assessing the safety of the proposed two-way access and impact on traffic flow, including information regarding the collection of waste, on Mount Barker Road.

The Cirqa traffic consultant's response to access and egress of the site via the single crossover, identifies that:

The existing site is accessed via an ingress on Mount Barker Road with egress movements currently accommodated via the neighbouring property to the west with no formal rights-of-way, and, given the site has no right of egress across the neighbouring site, it has been proposed to widen the crossover on Mount Barker Road to accommodate egress movements (i.e. two-way flow). Such a provision is appropriate given the site only has frontage to Mount Barker Road and with no rights-of-way over adjacent land, it must legally be provided with two-way access to Mount Barker Road.

The report confirms that the access point width is compliant with the requirements of Australian Standard AS/NZS 2890.1:2004 to safely accommodate two-way traffic flow, and that appropriate Safe Intersection Sight Distances (SISD) accord with Austroads Guidelines. The suitability of the car park area and access / egress point design to mitigate unreasonable queuing for exist to Mount Barker Road, with queuing and delay impacts identified as being 'negligible'.

In respect to refuse collection arrangements, the Cirqa traffic consultant's report identifies that existing waste collection is currently undertaken primarily via Council's kerb-side collection service, and that commercial (medical) waste can be collected from the site via light vans, capable of being accommodated in a typical parking space on the site, concluding that *the small increase in the number of consultants rooms, there would be negligible impact on refuse collection arrangements associated with the clinic.*

The Traffic Consultants response concludes that:

Having reviewed the development proposal, I am of the opinion that the access and parking arrangements are acceptable. Notably, the level of parking provision will be sufficient to accommodate realistic peak demands associated with the subject use.

In respect to access arrangements, the proposal will formalise the legal accommodation of egress movements for the site (which currently occur across the neighbouring property with no formal right-of-way in place). Two-way movements at the access point will be easily accommodated given the width proposed and the relatively low traffic volumes associated with the proposal. This has been confirmed with SIDRA analysis which indicates minimal queuing and delay for movements into and out of the access point and negligible impact on through movements on Mount Barker Road.

And is considered to have appropriately considered and responded to the concerns raised to be responded.

All response documentation is provided for the Assessment Panel's information in attachment 2 to this report.

CONCLUSION

The assessment of the proposal by ProHealthCare Stirling (Janari Pty. Ltd.) for alterations and additions to the existing consulting rooms, alteration of car parking layout and landscaping has considered a detailed account of the application against the most pertinent provisions of the South Australia Planning and Design Code.

The additional material and assessment of the matters pending at deferral have turned their attention to, and confirmed satisfactorily within the Assessment Provisions (AP) of the Planning and Design Code, *Performance Assessed – All Other Code Assessment*, that:

- The preservation of the Regulated Eucalypt (and the removal of the numerous non-native and non-regulated trees) in this proposal remains consistent with the desired Outcomes of the Zone and the Code generally, and
- The formation of a new two-way access point augmenting the existing driveway crossover and accessing the expanded car parking areas is legally necessary in light of there being no formal rights to the use of the alternative access / egress point to the north over adjoining land, and is confirmed as being capable of providing safe and convenient traffic interface with Mount Barker Road, and
- The requirements for any additional traffic catering for specific waste streams generated by the clinic can be appropriately managed without impact to the safety and efficiency of traffic movements on Mount Barker Road.

The proposed development detail (in total) has provided a sound basis for assessment of the proposal, which sufficiently determines that:

- The scale and nature of the proposed alterations and additions present a reasonable addition to an existing land use within the Rural Neighbourhood Zone, having had regard to the existing building and land use intensity as well as the proposed additions and alterations' aesthetic effect, siting and context relative to the character of the locality;
- The proposal presents a compact building design and site layout, including increased car parking which, notwithstanding a shortfall in on-site car parking spaces, provides parking provisions suitable to cater for the intended land use intensity without any obtuse impacts to the existing neighbourhood character or pleasant amenity of the locality, and
- Has established that the level of landform modification and vegetation removal is not inappropriate in respect of the legislative controls within the Planning, Development and Infrastructure Act in respect of native vegetation and controls for Regulated and Significant trees, notwithstanding public sentiment differs somewhat.

Accordingly, it is recommended that The Assessment Panel can proceed to grant Planning Consent.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- 2) Development Application Number 21015778, by ProHealthCare Stirling (Janari Pty. Ltd) for alterations and additions to existing consulting rooms, removal of 1 regulated tree (*Eucalyptus maculate*), car parking and landscaping at 104 Mount Barker Road, Stirling is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
- 2) All car parking spaces, driveways and manoeuvring areas shall be designed, constructed, drained and line-marked in accordance with Australian Standard AS 2890.1:2004. Line marking and directional arrows shall be clearly visible and maintained in good condition at all times. Driveways, vehicle manoeuvring and parking areas shall be constructed of bitumen prior to occupation/commencement of the use and maintained in good condition at all times to the reasonable satisfaction of the Council.
- 3) The proposed development shall maintain a minimum of 30 vehicle parking spaces in accordance with the approved plans and details.
- 4) Landscaping including plantings shall be completed in the planting season following occupation and maintained in good health and condition at all times. Any such vegetation shall be replaced in the next planting season if and when it dies or becomes seriously diseased.
- 5) The development herein approved shall be connected to the existing sewer services with all relevant approvals including underfloor plumbing approved prior to the issue of Building Rules Consent and Development Approval.
- 6) Prior to Building Consent being granted the applicant shall prepare and submit to Council a final Siteworks Plan, Soil Erosion and Drainage Management Plan (SEDMP) and Construction Management Plan (CMP) for the site for Council's approval.

The Siteworks Plan shall accurately address the required levels across the site and the final stormwater plan.

The SEDMP shall comprise a site plan and design sketches that detail erosion control methods and installation of sediment collection devices that will prevent:

- a) soil moving off the site during periods of rainfall;
- b) Erosion and deposition of soil moving into the remaining native vegetation; and
- c) Soil transfer onto roadways by vehicles and machinery.

The works contained in the approved SEDMP shall be implemented prior to construction commencing and maintained to the reasonable satisfaction of Council during the construction period.

The CMP shall address amongst other things access and safety issues for employees, vehicle and general public during construction.

- 7) Prior to Building Rules Consent Being Granted – the applicant is required to lodge and have approved a Section 221 application for works on Council land with regards to final footpath design and stormwater outlet (per the approved Civil Plan notes from MQZ Consulting Engineers).

- 8) A tree protection zone (TPZ) around 'regulated' tree 18 to be retained is required. The protection zone is to encompass the structural root zone of the tree and shall be determined by the project arborist. During construction each TPZ shall be fenced with 2.0 metre high chain mesh material with posts at 3 metre intervals and incorporate on the east and south sides a clearly legible sign displaying the words "Tree Protection Zone".

The following restrictions apply to the tree protection zone:

- a) No machine excavation is permitted.
- b) If any major roots (roots with a diameter greater than 25mm) are found outside the TPZ during construction the project arborist shall be contacted immediately to assess the situation.
- c) A layer of organic mulch to a depth of 100mm shall be placed over all root systems so as to assist with moisture retention and to reduce the impact of compaction.
- d) No material, equipment or temporary buildings shall be placed within any TPZ.
- e) No items shall be attached the tree including temporary service wires, nails, screws or any other fixing device.
- f) Supplementary watering shall be provided to the tree through any dry periods during and after the construction process. The tree is to be provided with a circular dripper system comprising 19mm polypipe, 4 litre per hour drippers spaced every 2 metres.
- g) Only landscaping, permeable paving or rubble paths shall occur in the TPZ, and only when all construction of the proposed alterations, additions and carparking has been completed. The area within the TPZ shall be retained at natural ground level and no additional soil or fill shall be placed within the zone.
- h) No other works shall occur within the TPZ without the consent of Council's Arborist during the life of the retained tree.
- i) Any services such as stormwater, sewer and electrical that enter the TPZ are to be excavated using non-destructive methods such as Hydro vac® or directional boring systems. This work is to be supervised by the project arborist. If any tree roots are discovered at this time, the project arborist is to assess and address accordingly.

ADVISORY NOTES

General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
 - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

Planning Consent

This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision.

Building Consent must be applied for prior to the expiry of the DPC.

OFFICER MAKING RECOMMENDATION

Name: Aaron Wilksch (consultant Planner) for Melanie Scott

Title: Senior Statutory Planner

Date: 6/05/2022

Reviewed by Melanie Scott 17 May 2022

Reviewed by James Booker 20 May 2022

DEVELOPMENT NO.:	22011041
APPLICANT:	Construction Services Australia
ADDRESS:	16 BALMORAL ROAD WOODSIDE SA 5244 CT 6265/171
NATURE OF DEVELOPMENT:	Single storey detached dwelling & combined fence & retaining walls (maximum height 3.2m)
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Productive Rural Landscape <p>Overlays:</p> <ul style="list-style-type: none"> • Hazards (Bushfire - Medium Risk) • Hazards (Flooding - Evidence Required) • Limited Land Division • Mount Lofty Ranges Water Supply Catchment (Area 2) • Native Vegetation • Prescribed Water Resources Area • Traffic Generating Development • Urban Transport Routes
LODGEMENT DATE:	6 April 2022
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	2022.6
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	No
RECOMMENDING OFFICER:	Marie Molinaro Statutory Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Council Engineering

CONTENTS:

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

DETAILED DESCRIPTION OF PROPOSAL:

The proposal is for the construction of a single storey detached dwelling in the 'Crest Estate' at Woodside. The dwelling will comprise the following:

- Four bedrooms (master with walk-in-robe & ensuite)
 - Open plan kitchen, living and dining room with separate study
 - Bathroom & laundry
 - Rear verandah under main roof
 - Double garage under main roof.
- The floor area of the dwelling is approximately 267 square metres
 - The walls of the dwelling will be Austral 'Alloy' (light grey) brickwork, with rendered grey front facade
 - The roof of the dwelling will be Colorbond 'Wallaby' (mid-grey)
 - The dwelling has a wall height of 3m and overall building height of 5.5m to the roof peak, incorporating at 22.5 degree roof pitch
 - The dwelling is setback:
 - 9m from the front boundary
 - 1m from the nearest side boundary
 - 12.5 from the rear boundary
 - Earthworks associated with the proposal are approximately 1.5m of cut and 1m.5 of fill.
 - Retaining walls to a maximum height of 1.6m are required to support the earthworks along part of each side boundary. A maximum height 1.8m Colorbond fence will be attached to the top of the retaining walls.
 - Earthworks at the rear of the dwelling are to be battered towards the rear boundary.
 - Approximately 5 exotic tree species are marked for removal.
 - An existing cross-over to Balmoral Drive will be altered to suit the location of the driveway.

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

BACKGROUND:

As the applicant is acting on behalf of the land owner who is a Council staff member, the Assessment Manager has determined that CAP is the relevant authority per the Council Planning Development & Infrastructure Act delegations.

The 'Crest Estate' was approved via preceding land division application 17/1123/473 - 1 allotment into 139 allotments.

Prior to the land division the 'Crest Estate' was one large allotment containing 81 dwellings with associated community facilities used as housing in association with the adjoining Woodside Army Barracks, and then as accommodation forming the Inverbrackie Detention Centre.

Older dwellings used in association with the Woodside Army Barracks and as part of the Inverbrackie Detention Centre still remain and are located throughout the Estate.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 16 BALMORAL ROAD, WOODSIDE SA 5244

Title ref.: CT 6265/171 **Plan Parcel:** D128824 AL107 **Council:** ADELAIDE HILLS COUNCIL

The subject land is a regular, rectangular shaped allotment with an area of 790 square metres. It has a frontage of 18m and depth of 42m.

The land is on the western, high side of Balmoral Road with an approximate slope of 1 in 8.

Balmoral Road is a sealed Council roadway with upright kerb & guttering. The kerbing in front of the site has already been cut-out to provide a driveway cross-over.

Scattered mature exotic trees are located at the rear of the land. There is existing low-level galvanised iron fencing on the side and rear boundaries.

There are no easements or other restrictions listed on the Certificate of Title.

Locality

The subject land is located within the 'Crest' residential estate. The estate contains a mix of older existing dwellings used in association with the adjoining Woodside Army Barracks and forming part of the Inverbrackie Detention Centre, recently approved dwellings many of which are currently under construction and vacant allotments.

Dwellings in the estate are all detached and are typically single storey of brick or lightweight cladding construction with Colorbond or tiled roofs. Residential allotments in the estate range in size from around 550-1400 square metres in area.

The two adjoining allotments on either side of the subject land are developed with older existing dwellings. Older dwellings in the 'Crest Estate' generally have larger front setbacks compared to the more recent dwellings.

A Council reserve is located at the rear of the land.

The 'Crest Estate' is serviced by mains water and sewer supply, with underground power supply.

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

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
 - Detached dwelling: Code Assessed - Performance Assessed
 - Retaining wall: Code Assessed - Performance Assessed
 - Fences: Code Assessed – Performance Assessed

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

- **REASON**

No elements of the proposal are listed as Accepted, Deemed to Satisfy or Restricted in the Planning & Design Code so the application defaults to being a Performance Assessed type of development.

PUBLIC NOTIFICATION

Public notification was not required as dwellings are specifically listed in Table 5 procedural matters of the Productive Rural Landscape Zone as being excluded from public notification.

Combined fence & retaining wall structures are not specifically listed in Table 5 procedural matters of the Productive Rural Landscape Zone, however in this case the two proposed combined fence & retaining wall structures, one on each side boundary were considered to be of a minor nature only, and would not unreasonably impact the owners/occupiers of the adjoining sites, as such public notification was not required.

AGENCY REFERRALS

Nil

INTERNAL REFERRALS

- Council Engineering
Advised that there are no objections to the proposed alterations to the driveway cross-over, subject to a condition – see condition 3.

PLANNING ASSESSMENT

Desired outcomes

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

Performance outcomes

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

Designated performance features

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

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in **Attachment 4 – Relevant P&D Code Policies**.

Productive Rural Landscape Zone

Desired Outcomes	
DO1	A diverse range of land uses at an appropriate scale and intensity that capitalise on the region’s proximity to the metropolitan area and the tourist and lifestyle opportunities this presents while also conserving the natural and rural character, identity, biodiversity and sensitive environmental areas and scenic qualities of the landscape
DO2	A zone that promotes agriculture, horticulture, value adding opportunities, farm gate businesses, the sale and consumption of agricultural based products, tourist development and accommodation that expands the economic base and promotes its regional identity
DO3	The creation of local conditions that support new and continuing investment while seeking to promote co-existence with adjoining activities and mitigate land use conflicts
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & DTS/DPF1.1, PO2.2 & DTS/DPF2.2, PO5.1 & DTS/DPF5.1, PO5.2 & DTS/DPF5.2 & PO11.1	

PO5.1, DTS/DPF5.1 and PO5.2 & DTS/DPF5.2 relate directly to dwellings.

PO5.1 seeks for dwellings to not compromise the use of the land, or adjoining allotments for primary production or tourism development due to a proliferation of dwellings. Whilst Performance Outcome 5.1 relates directly to the proposed development type, it is not considered to be applicable to development in the Crest Estate, as it is an anomaly in the zone.

PO5.2 seeks for dwellings to be designed and sited to maintain a pleasant natural and rural character and amenity. In this regard DTS/DPF5.2 gives building height and setback guidance. The proposal is a single storey design which complies in part with DTS/DPF5.2, however the minimum setback of 40m to all site boundaries is not met. Nonetheless, this setback is not achievable due to the size of the land, and again this is as the Crest Estate is an anomaly in the zone.

The setbacks provided though are however consistent with other dwellings in the locality, so are considered to be satisfactory.

The proposed dwelling is brick construction with Colorbond xx roof which is a colour scheme considered to blend with the rural setting of the Crest Estate and other dwellings.

Earthworks do not exceed 1.5m, and mainly consist of excavation at the rear of the land which will be obscured by the dwelling. Combined fence & retaining wall structures to support the excavation are partly required on both side boundaries, but are considered to be an improvement on the existing low-level galvanised iron fencing.

Overlays

Hazards (Bushfire – Medium Risk) Overlay

Desired Outcomes	
DO1	Development, including land division responds to the medium level of bushfire risk and potential for ember attack and radiant heat by siting and designing buildings in a manner that mitigates the threat and

	impact of bushfires on life and property taking into account the increased frequency and intensity of bushfires as a result of climate change
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1, PO2.1, PO3.1, PO3.2 & DTS/DPF3.2, PO3.3, PO5.2 & DTS/DPF5.2 & PO5.3	

A 2,000L water supply for fire-fighting in accordance with Ministerial Building Standard MBS008 – Designated bushfire prone areas – additional requirements is provided.

Balmoral Drive is a sealed Council roadway, and roadways within the Crest Estate were specifically designed to meet CFS access requirements.

The proposal is consistent with the Hazards (Bushfire – Medium Risk) Overlay.

Hazards (Flooding – Evidence Required) Overlay

Desired Outcomes	
DO1	Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & DTS/DPF1.1	

The land is on the high side of the road, and the finished floor level is more than 300mm above top of kerb as per DTS/DPF1.1

The proposal is consistent with the Hazards (Flooding – Evidence Required) Overlay.

Limited Land Division Overlay

Desired Outcomes	
DO1	The long term use of land for primary production is maintained by minimising fragmentation through division of land

This overlay is not directly relevant to the proposal.

Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay

Desired Outcomes	
DO1	Safeguard Greater Adelaide’s public water supply by ensuring development has a neutral or beneficial effect on the quality of water harvested from secondary reservoirs or diversion weir catchments from the Mount Lofty Ranges
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1, PO2.4 & DTS/DPF2.4, PO3.9 & DTS/DPF3.9 & PO4.1	

Stormwater will be directed to the sealed roadway with upright kerb & guttering, and the land is connected to mains sewer.

The proposal is consistent with the Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay.

Native Vegetation Overlay

Desired Outcomes	
DO1	Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & DTS/DPF1.1	

Vegetation to be cleared on the land is exotic tree species. No native vegetation is required to be removed.

The proposal is consistent with the Native Vegetation Overlay.

Prescribed Water Resources Area Overlay

Desired Outcomes	
DO1	Sustainable water use in prescribed surface water resources areas maintains the health and natural flow paths of watercourse

This overlay is not directly relevant to the proposal as the DTS/DPF criteria relates to activities that require water allocation licenses from Landscape South Australia such as horticulture, forestry and new dams or alterations to existing dams.

Traffic Generating Development

Desired Outcomes	
DO1	Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users
DO2	Provision of safe and efficient access to and from urban transport routes and major urban transport routes

This Overlay does not directly relate to this proposal.

Urban Transport Routes

Desired Outcomes	
DO1	Safe and efficient operation of Urban Transport Routes for all road users
DO2	Provision of safe and efficient access to and from Urban Transport Routes

This Overlay does not directly relate to this proposal.

General Development Policies

Clearance from Overhead Powerlines

Desired Outcomes	
DO1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & DTS/DPF1.1	

The Clearance for Overhead Powerlines policy module is not relevant to the proposal as electricity supply is underground in the Crest Estate.

Design

Desired Outcomes	
DO1	<p>Development is:</p> <ul style="list-style-type: none"> a) contextual – by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area b) Durable – fit for purpose, adaptable and long standing c) Inclusive – by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm for occupants and visitors d) Sustainable – by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO8.1 & DTS/DPF8.1, PO8.2 & DTS/DPF8.2, PO8.5, PO9.1, PO11.1 & DTS/DPF11.1, PO11.2 & DTS/DPF11.2, PO12.1 & DTS/DPF12.1, PO14.1 & DTS/DPF14.1, PO15.1, PO17.1 & DTS/DPF17.1, PO19.1 & DTS/DPF19.1, PO19.4 & DTS/DPF19.4 & PO20.1	

With regard to DO1a) the proposal is considered to be contextual as it will positively contribute to character of the immediate area. The proposed dwelling design, scale and setbacks are typical with the Crest Estate.

The dwelling design includes living rooms with outlook to Balmoral Drive, and the entrance is readily visible from the roadway.

The driveway gradient does not exceed 1 in 4, and Council Engineering have consented to the proposed modifications to the existing cross-over subject to a condition.

There is ample private open space provided at the rear of the dwelling, in excess of Design Table 1 – Private Open Space (POS).

POS at the rear is mainly shown as being as a slope batter, as the owner does not yet know how they want to develop the rear yard. They are aware though that further excavation resulting in retaining wall structures exceeding 1m in height will require separate Development Approval.

PO9.1 speaks directly to fences and retaining walls and seeks that they are of a sufficient height to maintain privacy and security without impacting the visual amenity and adjoining land’s access to sunlight or the amenity of public places.

The combined fence & retaining wall on the northern side boundary is partly retaining fill to a maximum height of 1.6m. This is not considered to impact the visual amenity of the adjoining property as it abuts the driveway and carport area of the dwelling on the adjoining site.

In addition, the combined structure has a maximum height of 3.2m for a length of 4m, which is considered minor in the context of the 42m length boundary. The proposed fencing is considered to be an improvement on the appearance of the current fencing.

The proposal is consistent with the Design policy module.

Infrastructure and Renewable Energy Facilities

Desired Outcomes	
DO1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazards, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO11.2 & DTS/DPF11.2 & PO12.1 & DTS/DPF12.1	

The land is connected to mains water, sewer and electricity.

The proposal complies with the Infrastructure and Renewable Energy Facility policy module.

Interface between Land Uses

Desired Outcomes	
DO1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO3.1 & DTS/DPF3.1, PO3.2 & DTS/DPF3.2 & PO3.3	

The POs and DTS/DPF criteria of the Interface between Land Uses policy module all speak to overshadowing, which is not applicable to this single storey dwelling proposal.

With regard to the general Desired Outcome the design of the proposal is considered to mitigate adverse effect on neighbouring development. It is a single storey design, primarily cut into the land and with similar setbacks to the dwellings on the adjoining allotments.

The land use at the rear is a Council reserve but not used for any formal purposes, so there are no expected land use conflicts through noise or light spill.

Site Contamination

Desired Outcomes	
DO1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been subject to site contamination
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & DTS/DPF1.1	

Site contamination was considered as part of the preceding land division application. No further site investigations were required.

The proposal complies with the Site Contamination policy module.

Transport, Access and Parking

Desired Outcomes	
DO1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO5.1 & DTS/DPF5.1	

The dwelling is provided with a double garage, which complies with Transport, Access and Parking Table 1 – General Off-Street Car Parking Requirements for a detached dwelling as set-out in DTS/DPF5.

The garage is setback more than 5.5m from the front boundary, which will also provide the option of off-street visitor car parking.

CONCLUSION

The proposal is for a single storey detached dwelling in the residential Crest Estate, which is in the Productive Rural Landscape Zone.

The proposal does not comply with all the relevant zone provisions directly relating to dwelling development; however, this is because the Crest Estate is an anomaly in the zone.

The proposal is however consistent with existing dwelling development in the Crest Estate in terms of design, scale and siting, which is considered to be more of an applicable/appropriate assessment measure.

The proposal complies with the relevant overlays and general development policy modules.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- 2) Development Application Number 22011041 by Construction Services Australia for single storey detached dwelling and combined fence and retaining walls (maximum height 3.2m) at 16 Balmoral Road, Woodside is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
- 2) The external finishes to the dwelling herein approved shall be as follows:
WALLS: Austral 'Alloy' brickwork with rendered grey facade or similar
ROOF: Colorbond 'Wallaby' or similar
- 3) The driveway cross-over shall be a maximum of 6m wide, and shall be constructed in accordance with Council Standards SD11 & 13. Joins between new concrete works and bitumen are to be crack sealed to avoid seepage. Council Standards SD 11 & 13 can be found at: <https://www.ahc.sa.gov.au/Resident/roads-streetscapes-and-works/civil-design-standards>
- 4) All exposed excavations and fill as shown on the approved site plan shall be:
 - a) rounded off and battered to match and blend with the natural contours of the land;
 - b) covered with approximately 100mm of topsoil; and
 - c) planted with grass, shrubs or ground covers to avoid erosion and visual concerns prior to occupation of the approved dwelling to the reasonable satisfaction of Council.
- 5) 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.
- 6) All roof run-off generated by the development hereby approved shall be directed to a rainwater tank with overflow to the street to the satisfaction of Council within one month of the roof cladding being installed. All roof and hard paved water run-off shall be managed to prevent trespass onto adjoining properties.

Overflow from rainwater tanks is to be directed to the street (via a pump if necessary) or managed on-site to the satisfaction of Council using design techniques to the satisfaction of Council.
- 7) 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.

ADVISORY NOTES

General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
- 5) A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
 - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

Planning Consent

This Planning Consent is valid for a period of twenty four (24) months commencing from the date of the decision.

Building Consent must be applied for prior to the expiry of the DPC.

OFFICER MAKING RECOMMENDATION

Name: Marie Molinaro
Title: Statutory Planner

DEVELOPMENT NO.:	22005832
APPLICANT:	Adelaide Hills Council (Property Section)
ADDRESS:	22 WRIGHT ROAD STIRLING SA 5152 CT 5324/737
NATURE OF DEVELOPMENT:	Dwelling alterations & additions, carport, deck & 22,000L water storage tank
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Recreation <p>Overlays:</p> <ul style="list-style-type: none"> • Environment and Food Production Area • Hazards (Bushfire - High Risk) • Hazards (Flooding - Evidence Required) • Mount Lofty Ranges Water Supply Catchment (Area 2) • Native Vegetation • Prescribed Water Resources Area • Traffic Generating Development • Water Resources
LODGEMENT DATE:	23 Feb 2022
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	2022.3
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	No
RECOMMENDING OFFICER:	Marie Molinaro Statutory Planner
REFERRALS STATUTORY:	Country Fire Service
REFERRALS NON-STATUTORY:	Council Environmental Health

CONTENTS:

ATTACHMENT 1: Application Documents

ATTACHMENT 2: Subject Land Map

ATTACHMENT 3: Zoning Map

ATTACHMENT 4: Referral Response

ATTACHMENT 5: Relevant P&D Code Policies

DETAILED DESCRIPTION OF PROPOSAL:

The proposal is for single storey alterations & additions to a dwelling, comprising the following:

- Demolition of the rear portion of the dwelling, with additions in the same location.
- The completed dwelling will comprise:
 - Three bedrooms
 - Open plan kitchen, living and dining room
 - Separate living room
 - Bathroom & laundry
 - Covered deck
 - Double carport
 - Replacement front verandah
- A 22,000L water storage tank is also included for CFS fire-fighting purposes.
- The existing dwelling has a floor area of 154 square metres including attached front verandah.
- The proposed additional living space is 66.5 square metres.
- The proposed covered deck has a floor area of 35 square metres.
- The proposed carport has a floor area of 44 square metres.
- Access to the carport will be via an existing access clearing to Wright Road.
- The materials of the addition match the existing dwelling, being Colorbond roof and red brick walls.
- There are no earthworks associated with the proposal.
- Vegetation removal associated with the proposal is limited to non-native tree and plant species to comply with CFS vegetation management requirements.
- Stormwater and wastewater are to be managed on-site. The existing on-site septic wastewater system is to be de-commissioned and replaced with a new aerobic wastewater system.

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

After the application was finalised for the Council Assessment Panel (CAP) agenda the Council Property Section advised that there may be amendments to the proposal because of budget changes. The possible amendments may be for a change to the wall cladding from brick to Colorbond, change to roof pitch and deletion of the deck in favour of a raised concrete slab.

Such changes are considered likely to be a minor variation if the application receives consent.

BACKGROUND:

The dwelling is located within part of the Evelyn Halliday Reserve, a Council owned reserve. It is understood that the former owner bequeathed the land to Council, which included the dwelling. The dwelling has previously been leased by Council Property section as a private rental, but has been vacant for approximately 3-4 years.

The purpose of the proposal is to refurbish the dwelling to lease it out again as a private rental.

The dwelling pre-dates planning controls, and a search of Council records could not find any development approvals relating to the land.

As the development application is for a Council development with commercial aspect the Assessment Manager has determined that the Council Assessment Panel (CAP) is the relevant authority.

SUBJECT LAND & LOCALITY:

Location reference: 22 WRIGHT RD STIRLING SA 5152

Title ref.: CT 5324/737 **Plan Parcel:** D40804 AL30 **Council:** ADELAIDE HILLS COUNCIL

Site Description:

The land is a 6.52 hectare irregular, rectangular shaped allotment. It is located at the end of Wright Road, which is a sealed no-through road. The land is on the south-eastern side of Wright Road.

The land is used partly as a fenced Council dog park, with off-street compacted gravel parking area near the south-western portion of the land. The remainder of the land is open, densely vegetated Council reserve.

The dwelling is located to the north of the dedicated dog park area, and has a separate vehicle access point.

The surrounds of the dwelling are secured by internal chain mesh fencing, with low level garden contained within the fenced area. Vegetation surrounding the dwelling is mature exotic pine trees, and native vegetation contained in a Bush for Life site.

The land is connected to mains water and electricity, but there is no available sewer supply.

There are no easements or other restrictions listed on the Certificate of Title.

Locality

The subject land is located at the end of sealed Council roadway. Land on the opposite side of Wright Road, and directly to the south is within the Rural Neighbourhood Zone.

To the south-east and north-east the subject land abuts larger rural residential allotments in the Productive Rural Landscape Zone.

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

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Dwelling addition: Code Assessed - Performance Assessed
Carport: Code Assessed - Performance Assessed
Water tank (above ground): Code Assessed - Performance Assessed
Other residential (deck): Code Assessed – Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
The proposed elements are not listed as Restricted, Accepted or Deemed to Satisfy in the Recreation Zone. So, the proposal defaults to being a performance assessed type of development.

PUBLIC NOTIFICATION

Dwelling additions, carport and deck elements are not specifically listed in Table 5 procedural matters of the Recreation Zone as being excluded from public notification. However, in this case the proposed works are considered to be of a minor nature only, and will not unreasonably impact the owners/occupiers of adjoining sites. As such public notification was not required.

AGENCY REFERRALS

- Country Fire Service (CFS)
Requested more information regarding vegetation management, but advised there no objections subject to directed conditions and advisory notes.

The CFS referral response is included as ***Attachment 4 – Referral Response.***

INTERNAL REFERRALS

- Environmental Health
Mount Barker Council issued wastewater approval for the proposed new aerobic wastewater system.
Adelaide Hills Council seeks a third party assessment of wastewater applications where they are for Council development.

PLANNING ASSESSMENT

Desired outcomes

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

Performance outcomes

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

Designated performance features

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

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in **Attachment 5 – Relevant P&D Code Policies**.

Recreation Zone

Desired Outcomes	
DO1	Provision of a range of accessible recreation facilities
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & DTS/DPF1.1, PO2.1, PO2.2 & DTS/DPF2.2, PO3.1 & DTS/DPF3.1, PO3.2 & DTS/DPF3.2	

The zone is silent on the proposed development, as dwellings and therefore dwelling additions and associated residential ancillary structures are not anticipated in the zone.

However, the dwelling is an existing use within the Council Reserve, and the proposed works will not take away from land that is accessible to the public. All the proposed works are confined to an existing fenced-off area around the dwelling, so DO1 is not considered to be offended.

The proposal is considered to meet the PO and DTS/DPF criteria relating to built form generally in the zone, being small in scale and maintaining large setbacks.

Overlays

Environment and Food Production Area

Desired Outcomes	
DO1	Protection of valuable rural, landscape, environmental and food production areas from urban encroachment
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1	

This Overlay is not directly relevant to the proposal as PO1.1 is for land division.

Hazards (Bushfire – High Risk)

Desired Outcomes	
DO1	Development, including land division is sited and designed to minimise the threat and impact of bushfires on life and property with regard to the following risks: Potential for uncontrolled bushfire events taking into account the increased frequency and intensity of bushfires as a result of climate change High levels and exposure to ember attack Impact from burning debris Radiant heat

	Likelihood and direct exposure to flames from a fire front.
DO3	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO3.2 & DTS/DPF3.2, PO4.2 & DTS/DPF4.2, PO.4.3, PO6.2	

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

The CFS conditions are included as conditions four (4) to six (6).

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

Hazards (Flooding – Evidence Required)

Desired Outcomes	
DO1	Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from flood risk through the appropriate siting and design of development
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & DTS/DPF1.1	

The floor level of the proposed additions matches the existing dwelling. The dwelling is sited on a higher portion of the land, on the high side of Wright Road. There is no reason to suspect there is flood risk.

The proposal is consistent with the Hazards (Flooding – Evidence Required) Overlay.

Mount Lofty Ranges Water Supply Catchment (Area 2)

Desired Outcomes	
DO1	Safeguard Greater Adelaide’s public water supply by ensuring development has a neutral or beneficial effect on the quality of water harvested from secondary reservoirs or diversion weir catchments from the Mount Lofty Ranges
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1, PO2.1 & DTS/DPF2.1, PO2.4 & DTS/DPF2.4, PO2.5 & DTS/DPF2.5, PO3.5 & DTS/DPF3.5, PO4.1	

The proposal is considered to comply with the Desired Outcome for the Mount Lofty Ranges Water Supply Catchment (Area 2).

The existing septic waste control system will be de-commissioned and replaced with an approved aerobic waste control system. This will have a beneficial effect on water quality.

The site is very large, so additional stormwater run-off from the additions can be managed on-site.

Native Vegetation

Desired Outcomes	
DO1	Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & DTS/DPF1.1	

The asset protection zone for CFS vegetation management around the dwelling only includes the removal of non-native trees.

The proposal is consistent with the Native Vegetation Overlay.

Prescribed Water Resources Area Overlay

Desired Outcomes	
DO1	Sustainable water use in prescribed surface water resources areas maintains the health and natural flow paths of watercourse

This Overlay is not directly relevant to the proposal as the DTS/DPF criteria relates to activities that require water allocation licenses from Landscape South Australia such as horticulture, forestry and new dams or alterations to existing dams.

Traffic Generating Development

Desired Outcomes	
DO1	Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users
DO2	Provision of safe and efficient access to and from urban transport routes and major urban transport routes

This Overlay does not directly relate to this proposal.

Water Resources Overlay

Desired Outcomes	
DO1	Protection of the surface quality of waters considering adverse water quality impacts associated with projected reductions in rainfall and warmer air temperatures as result of climate change
DO2	Maintain the conveyance function and natural flow paths of watercourses to assist in the management of flood waters and stormwater run-off

The dwelling is approximately 70m upslope of the mapped watercourse, so there are no expected watercourse impacts.

The proposal is consistent with the Water Resources Overlay.

General Development Policies

Clearance from Overhead Powerlines

Desired Outcomes	
DO1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & DTS/DPF1.1	

The applicant has signed the building safety near powerlines declaration, which is consistent with DTS/DPF 1.1.

Design

Desired Outcomes	
DO1	<p>Development is:</p> <ul style="list-style-type: none"> a) contextual – by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area b) Durable – fit for purpose, adaptable and long standing c) Inclusive – by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm for occupants and visitors d) Sustainable – by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO10.2 & DTS/DPF10.2, PO16.1 & DTS/DPF16.1	

PO16.1 relates directly to the proposal, seeking that dwelling alterations & additions are sited and designed to not detract from the streetscape or amenity of adjoining residential properties and do not impede on-site functional requirements.

The proposal is considered to be consistent with PO16.1, the additions are modest in size and maintain the low-level height and large boundary setbacks of the existing dwelling. Materials and the selected colour scheme complement the existing dwelling. There will be an improvement to on-site function requirements with the inclusion of a covered parking area and outdoor living space.

The dwelling is setback approximately 33m from the Wright Road boundary, so there is no overlooking potential per PO10.2.

The proposal is consistent with the Design policy module.

Infrastructure and Renewable Energy Facilities

Desired Outcomes	
DO1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazards, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO12.1 & DTS/DPF12.1	

Wastewater approval has been granted for a new aerobic wastewater system. The system is wholly contained within the allotment boundaries, and conditions of the wastewater approval will ensure the system complies with the requirements of the South Australian Public Health Act 2011. This is consistent with DTS/DPF12.1.

Transport, Access and Parking

Desired Outcomes	
DO1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO5.1 & DTS/DPF5.1	

A double carport is part of the proposed works, which will provide an undercover parking solution for the dwelling. There is currently no undercover parking.

The inclusion of a double carport complies with Transport, Access and Parking Table 1 – General Off-Street Car Parking Requirements for a detached dwelling as set-out in DTS/DPF5.1.

CONCLUSION

The proposal is for small scale alterations & additions to a dwelling in the Council owned Evelyn Halliday Reserve. The purpose of the proposal is to refurbish the dwelling so it can be leased again by Council Property section as a private rental. The proposed works will improve on-site functionality, providing a covered outdoor living space, and undercover parking.

The land is in the Recreation Zone, where dwellings and therefore dwelling additions are not anticipated. However, the dwelling pre-dates planning controls, and the proposed works will not take away from area available for public use within the Reserve.

The proposal will result in a beneficial impact on water quality through the de-commissioning of the existing septic waste control system and installation of replacement aerobic waste control system.

Through the proposal there will also be an improvement to occupant bushfire safety with the inclusion of a dedicated fire-fighting water supply, and on-going CFS conditions.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- 2) Development Application Number 22005832, by Adelaide Hills Council for dwelling alterations & additions, carport, deck & 22,000L water storage tank at 22 Wright Road, Stirling is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
- 2) External materials and colours shall match or complement those of the existing dwelling.
- 3) All roof runoff generated by the development hereby approved shall be managed on-site using design techniques such as:
 - Rainwater tanks
 - Grassed swales
 - Stone filled trenches
 - Small infiltration basins

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

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

ACCESS TO HABITABLE BUILDING

- 4) 'The Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Objective 6.2) details the mandatory requirements for 'Private' roads and driveways to facilitate safe and effective use, operation and evacuation for firefighting and emergency personnel and evacuation of residents, occupants and visitors where required. These requirements apply when the furthest point of the building is more than 60m from the nearest public road.

SA CFS has no objection to utilising the existing access driveway as detailed on drawing named PROPOSED SITE PLAN dated at last revision 18/02/2022 and upgraded, where necessary, to comply with the following conditions:

- The driveway shall be connected to a formed, all-weather public road with the transition area between the road and driveway having a gradient of not more than 7 degrees (1-in-8).
- Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large fire-fighting vehicles, to within 60m of the furthest point of the building.
- The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either –

1. A loop road around the building, OR
 2. A turning area with a minimum radius of 12.5 metres, OR
 3. A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres (for each 'leg') and minimum internal radii of 9.5 metres OR
 4. A 'U' shaped 'drive-through' option.
- Private access shall have minimum internal radii of 9.5 metres on all bends.
 - Private access shall provide overhead clearances of not less than 4.0m horizontally and vertically between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures.

WATER SUPPLY & ACCESS (to dedicated water supply)

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

'The Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Objective 4.3) details the mandatory requirements for the site to provide a dedicated hardstand area in a location that allows fire fighting vehicles to safely access the dedicated water supply.

SA CFS has no objection to the proposed location for the dedicated water supply as detailed on drawing named PROPOSED SITE PLAN dated at last revision 18/02/2022, providing the outlet is positioned to comply with the following conditions:

- The water supply outlet shall be easily accessible and clearly identifiable from the access way and is no greater than 60m path of travel to the furthestmost point of the building, to enable fire services to reach all parts of the building with no more than two lengths of hose from the hardstand area.
- The dedicated water supply and its location should be identified with suitable signage (i.e. blue sign with white lettering "FIRE WATER").
- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- Provision shall be made adjacent the water supply for a nominally level hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
- SA CFS appliance's inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.
- A gravity fed water supply outlet may be remotely located from the above ground tank to provide adequate access.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.

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

MAINTAIN AN ASSET PROTECTION ZONE (APZ) - VEGETATION MANAGEMENT

- 6) 'The Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Objective 4.2) details the mandatory requirements to establish and maintain an asset protection zone. As such, landscaping shall include bushfire protection features that will prevent or inhibit the spread of bushfires and minimise the risk to life and/or damage to buildings and property and maintain a fuel reduced zone for safe movement of occupants and fire fighters.

SA CFS has no objection to the location and extent of the asset protection zone as detailed on submission named 22 Wright Rd, Stirling Vegetation Clearance (CFS RFI and Adelaide Hills Council Response) dated 08/04/2022, providing it complies with the following conditions:

- Vegetation management shall be established and maintained within a minimum of 27 metres of the habitable building, except to the north where the minimum distance shall be 35 meters, as follows:
 1. The number of trees and understorey plants existing and to be established within the VMZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%'.
 2. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
 3. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
 4. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
 5. Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height from the trees' lowest branches.
 6. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
 7. No understorey vegetation shall be established within 2 metres of the habitable building (understorey is defined as plants and bushes up to 2 metres in height).
 8. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves
 9. The VMZ shall be maintained to be free of accumulated dead vegetation.
- A single row of trees or shrubs are permitted closer to the building than their mature height for screening purposes, providing they are not connected to other hazardous vegetation, are not within close proximity of timber building elements, windows and doors and do not touch or overhang any part of the building. Screening plants should have low flammability characteristics, be kept in optimum health, pruned regularly and any dead vegetation removed.

ADVISORY NOTES

General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.

- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
- 5) A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
 - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

Planning Consent

- 1) This Planning Consent is valid for a period of twenty four (24) months commencing from the date of the decision.

Building Consent must be applied for prior to the expiry of the DPC.

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

BUILDING CONSIDERATIONS

- 2) Ministerial Building Standard MBS008 “Designated bushfire prone areas - additional requirements” 2020, as published under the Planning, Development and Infrastructure Act 2016 applies to this site.

Please refer to the National Construction Code (NCC), relevant standards and state provisions for construction requirements and performance provisions.

A site Bushfire Attack Level (BAL) assessment was conducted in accordance with the NCC and Australian Standard™3959 (AS3959) “Construction of Buildings in Bushfire Prone Areas”.

Category of Bushfire Attack Level: BAL 29 - This BAL rating is conditional upon the establishment and maintenance of an Asset Protection Zone, in accordance with the Asset Protection Zone – Vegetation Management condition of consent placed on the planning consent with the same application reference and in accordance with “22 Wright Rd, Stirling Vegetation Clearance (CFS RFI and Adelaide Hills Council Response)” dated 08/04/2022.

This report is considered relevant at the date of assessment with respect to the proposed Site Plan, dated 18/02/2022 and shall not be considered as SA CFS endorsement of any subsequent development.

OFFICER MAKING RECOMMENDATION

Name: Marie Molinaro
Title: Statutory Planner