

CAP MEETING – 12 APRIL 2023
ITEM 8.1

DEVELOPMENT NO.:	22028767
APPLICANT:	Damian Stam Linda Stam
ADDRESS:	35 JACOBS LANE MYLOR SA 5153 CT 5690/430
NATURE OF DEVELOPMENT:	Change of use to include tourist accommodation comprising one self-contained unit
ZONING INFORMATION:	Zones: <ul style="list-style-type: none">• Productive Rural Landscape Overlays: <ul style="list-style-type: none">• Environment and Food Production Area• Hazards (Bushfire - High Risk)• Hazards (Flooding - Evidence Required)• Limited Land Division• Mount Lofty Ranges Water Supply Catchment (Area 2)• Native Vegetation• Prescribed Water Resources Area• Scenic Quality• Water Resources
LODGEMENT DATE:	30 Aug 2022
RELEVANT AUTHORITY:	Assessment Panel at Adelaide Hills Council
PLANNING & DESIGN CODE VERSION:	2022.15
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes Notification period from 16 November 2022 to 6 December 2022
RECOMMENDING OFFICER:	Marie Molinaro Statutory Planner
REFERRALS STATUTORY:	Environment Protection Authority South Australian Country Fire Service
REFERRALS NON-STATUTORY:	Council Engineering Council Environmental Health

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DETAILED DESCRIPTION OF PROPOSAL:

The proposal is to establish a tourist accommodation use. The subject land contains a dwelling and associated outbuildings which are to remain. The occupant-owners of the dwelling are intending to operate the tourist accommodation.

The proposal consists of the following:

- One self-contained tourist accommodation building, comprising:
 - Single bedroom
 - Bathroom
 - Open plan lounge room and kitchen
 - Attached deck
 - Rear verandah and ramp access
- The dimensions of the tourist accommodation building are 13.2m x 6.4m. The total floor area including the attached deck is 84 square metres.
- The walls of the tourist accommodation building will be a mixture of Weathertex weatherboard-like material in dark grey colour and Colorbond cladding in 'Monument' (amended after public notification from Colorbond 'Basalt' or 'Woodland Grey').
- The roof of the tourist accommodation buildings will be Colorbond 'Monument' (amended after public notification from Colorbond 'Basalt' or 'Woodland Grey').
- The tourist accommodation building will be flat roof in design with a maximum height of 2.7m.
- The tourist accommodation building is located approximately 165 m north of the dwelling on the land and 20m from the Jacobs Lane boundary.
- The tourist accommodation building will be served by a new cross-over and internal compacted rubble driveway from Jacobs Lane.
- The tourist accommodation building will be provided with space adjacent for the parking of one (1) car. The car-parking space is not covered.
- Stormwater will be managed on-site.
- Wastewater will also be managed on-site, with the tourist accommodation unit gaining approval for a waste control system that is independent of the dwelling.
- Landscaping will be planted around the building in accordance with the landscaping plan included with the application.
- Indicative signage detail has been provided, but full details are being determined by the applicant. A separate development approval will be required for future signage.

The plans and application information are included in ***Attachment 1 – Application Documents***.

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BACKGROUND:

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
14 February 1977	18867	Domestic garage for storage
22 December 1977	11610	Brick veneer dwelling
13 November 1981	14180/1850	Timber frame horse stable

SUBJECT LAND & LOCALITY:

Site Description:

Location Reference: 35 JACOBS LANE, MYLOR SA 5153

Title ref.: CT 5960/430 **Plan Parcel:** F159288 AL11

The subject land is irregular in shape with an area of 10.38Ha. The land has a primary street frontage to Jacobs Lane on the west and secondary street frontage to Bradbury Road to the north. Jacobs Road is a no-through unsealed road.

The land contains a dwelling and associated outbuildings which are clustered near the south-western portion of the land.

The land is within a valley and is dissected by a watercourse which flows through the centre of the land.

The locality is rural residential in nature, with the subject land being one of the larger allotments in the locality.

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

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Tourist accommodation: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
The proposal is not listed as Accepted, Deemed to Satisfy or Restricted in the Planning & Design Code, so it defaults to being a Performance Assessed type of development.

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PUBLIC NOTIFICATION

- **REASON**

As per Table 5 procedural matters of the Productive Rural Landscape Zone tourist accommodation is exempt from public notification provided DTS/DPF6.3 & DTS/DPF6.4 are met. The proposal fails to meet all of the criteria of DTS/DPF6.3 & DTS/DPF6.4 so public notification was required.

- **LIST OF REPRESENTATIONS**

One (1) supporting and two (2) opposing representations were received during the public notification period. One of the opposing representors wishes to be heard in support of their written representation.

The representors are detailed below:

Representor Name	Representor's Property Address	Wishes to be Heard	Nominated Speaker (if relevant)
Kevin Brogan	10 Jacobs Lane, Mylor	Yes	TBA
Robert Burgess	142 Ridge Road, Mylor	No	
Judith McKinnon	168 Cyanide Road, Mount Torrens	No	

- **SUMMARY**

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

Supporting representation

- The Adelaide Hills needs more tourist accommodation.

Opposing representations

- Water quality concerns re on-site wastewater management.
- Adverse residential amenity impacts.
- Negative visual amenity impacts resulting from the design and siting of the tourist accommodation building.
- The proposal is at variance with the Planning & Design Code.

A copy of the representations is included in **Attachment 4 – Representations** and the response to the representations is included in **Attachment 5 – Response to Representations**.

AGENCY REFERRALS

- Environment Protection Authority

The EPA referral response is discussed in the Planning Assessment Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay section of the report.

- South Australian Country Fire Service

The CFS referral response is discussed in the Planning Assessment Hazards (Bushfire – High Risk) Overlay section of the report.

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INTERNAL REFERRALS

- Council Engineering
- Council Environmental Health

The referral responses are contained in **Attachment 6 – Referral Responses**.

PLANNING ASSESSMENT

Desired outcomes

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

Performance outcomes

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

Designated performance features

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

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in **Attachment 7 – Relevant P&D Code Policies**.

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 & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Land Use and Intensity PO1.1 & DTS/DPF1.1	
Siting and Design PO2.1 & DTS/DPF2.1, PO2.2 & DTS/DPF2.2	

Shops, Tourism and Function Centres PO6.3 & DTS/DPF6.3, PO6.4 & DTS/DPF6.4
Built Form and Character PO11.1

The Desired Outcomes for the Zone seek and promote amongst other uses tourist accommodation. However, it is also desired that such activity should be undertaken in balance with conserving the natural and rural character, sensitive environmental areas and scenic qualities of the landscape.

The proposed tourist accommodation building is of a modest size and height, well below the maximum height and floor area desired for tourist accommodation as per DPF6.3 & 6.4. DPF 6.3 seeks for tourist accommodation in a new building to not exceed a floor area of 100 square metres and DPF6.4 seeks for tourist accommodation in new buildings to have a building height not exceeding 7m above natural ground level.

The tourist accommodation building is well setback from the site boundaries, achieving a minimum 20m setback from the Jacobs Lane boundary and being approximately 75m upslope of the watercourse. DPF 6.4 part a) does seek for tourist accommodation in new buildings to be setback at least 40m from all property boundaries. The proposal does not achieve this at its setback of 20m from the front boundary; however, the setback shortfall is only to the Jacobs Lane boundary. Nonetheless, the small scale of the building, its low profile, and finish in dark non-reflective materials means that the corresponding performance outcome is not offended in that the pleasant rural character and amenity will be maintained. The building has not been sited further from the Jacobs Lane boundary as this would require more earthworks and shaping of the land to provide the internal driveway.

The desired 40m setback also needs to be considered in the context that this same setback also applies to new dwellings in the Zone, which are much larger and visually obtrusive than this small 70 square metre singular tourist accommodation unit.

Despite the benefits of the siting of the tourist accommodation, it's is not clustered with existing buildings on the land and will be visible from Jacobs Lane and adjacent rural residential properties on the western side of this roadway.

The siting of the tourist accommodation away from other buildings on the land has been chosen to provide the best scenic views across the land and to maintain the privacy of the dwelling on the land. The building faces internally so as not overlook the nearest adjacent rural residential properties on the western side of Jacobs Lane. These properties are in any event on a higher elevation.

As the building design is on stumps there are minimal earthworks proposed, so as to help assist maintain the natural landform. There will be some earthworks associated with the internal driveway extension, but these will be modest and not requiring significant re-shaping of the land or retaining. The internal driveway extension will be finished in compacted gravel to blend with the natural surrounds.

PO6.3, DPF6.3 and PO6.4 relate directly to tourism development.

PO6.3 seeks for tourist accommodation to be associated with the primary use of the land for primary production or a primary production related value adding industry and to provide authentic visitor experiences.

Part a) of DPF6.3 seeks for tourist accommodation to be ancillary to and located on the same allotment, or adjoining allotment used for primary production or primary production related value adding industry.

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The subject land is one of the larger allotments in the locality and, as per the advice in the response to representations, has historically been used for low-scale grazing. Whilst this activity is currently not occurring on the land it is the applicants' intention to return sheep to the land. Grazing is a form of primary production and it is the applicants' intention to market the accommodation as a boutique farm stay to provide an authentic visitor experience. In addition, it is the applicants' intention to promote local produce to visitors to support primary production in the broader area.

Regarding the representations, the inclusion of additional tourist accommodation units would require separate Council development approval. This current application needs to be assessed on its merits as being for the one tourist accommodation unit.

Further, it is not a feature of the planning system to question the economic need for development as it relates to representor concern; especially as the proposed use is desired in the Zone.

Overlays

Hazards (Bushfire – High Risk) Overlay

Desired Outcomes	
DO1	Development, including land division, is sited and designed to minimise the threat and impact of bushfires on life and property with regard to the following risks: <ul style="list-style-type: none">• 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.
DO2	Activities that increase the number of people living and working in the area or where evacuation would be difficult is sited away from area of unacceptable bushfire risk.
DO3	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Siting PO2.1	
Built Form PO3.1	
Habitable Buildings PO4.1 PO4.2 & DTS/DPF4.2, PO4.3	
Vehicle Access – Roads, Driveways and Fire Trucks PO6.2 DTS/DPF6.2 & PO6.3	

As per the Overlay procedural matters a referral to the Country Fire Service (CFS) was required. The CFS has no objections to the proposal, and directed conditions regarding access, water supply and vegetation management. The CFS conditions are included as conditions eight (8) to eleven (11).

As the CFS has no objections to the proposal, it is considered the proposal will satisfy the relevant Hazards (Bushfire – High Risk) Overlay Desired Outcomes and Performance Objectives subject to compliance with the directed conditions.

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Hazards (Flooding) Overlay

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

The tourist accommodation building is approximately 75m above the mapped watercourse flowing through the centre of the land. On this basis, flood risk is considered low.

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 relevant to the proposal as it is not for a land division.

Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay

Desired Outcomes	
DO1	Safeguard Adelaide's public water supply by ensuring development has a neutral or beneficial effect on the quality of water harvested from secondary reservoirs or diversion weir catchments from the Mount Lofty Ranges.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Water Quality PO1.1	
Wastewater PO2.1 & DTS/DPF2.1, PO2.4 & DTS/DPF2.4, PO2.5 & DTS/DPF2.5	
Stormwater PO3.1, PO3.2, PO3.9 & DTS/DPF3.9	
Landscapes and Natural Features PO4.1	

In accordance with the Overlay procedural matters a referral to the Environment Protection Authority (EPA) was required.

The EPA has no objections to the proposal, and has directed a condition regarding the wastewater system. The EPA condition is included as condition seven (7).

As the EPA has no objections to the proposal, it is considered the proposal will satisfy the relevant Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay Desired Outcomes and Performance Objectives subject to compliance with the directed condition.

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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, ecosystems services, carbon storage and amenity values.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Environmental Protection PO1.1 & DTS/DPF1.1	

The development area is clear of native vegetation and the applicant has signed the native vegetation declaration, which complies with DPF1.1.

Scenic Quality Overlay

Desired Outcomes	
DO1	Development complements natural and rural character, and areas of scenic value.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Land Use and Intensity PO1.1	
Built Form and Character PO2.1	
Landscaping PO3.1 & DTS/DPF3.1	
Earthworks PO4.1 & DTS/DPF4.1	

With regard to land use and intensity, small-scale tourist accommodation is a desired use in the rural setting of the Productive Rural Landscape Zone in which the subject land is located.

The development is considered to complement rural character as the building itself has a small footprint, modest height and is finished in dark non-reflective materials. It is sited on the low side of the road in a cleared portion of the land and built on stumps to limit the extent of earthworks. The internal driveway will be finished in compacted gravel so as to blend with the natural surrounds.

Landscaping comprising natural plant species is proposed by the applicant and recommended condition six (6) enforces a timeframe for planting.

The proposed building will not be visible from Bradbury Road to the north.

The proposal is consistent with the Scenic Quality Overlay Desired Outcome and Performance Objectives.

Water Resources Overlay

Desired Outcomes	
DO2	Maintain the conveyance function and natural flow paths of watercourses to assist in the management of flood waters and stormwater runoff.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Water Catchment PO1.1 & PO1.5 & DTS/DPF1.5	

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The proposed building works and driveway areas are clear of the watercourse.

DPF1.5 seeks a 20m strip of land from the banks of a watercourse to be free from development. The tourist accommodation building is approximately 70m upslope of the watercourse.

The proposal is consistent with the Water Resources Overlay Desired Outcome and Performance Objectives.

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 & 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 complies with DPF1.1.

Design

Desired Outcomes	
DO1	Development is: <ul style="list-style-type: none">a. contextual – by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate areab. durable – fit for purpose, adaptable and long lastingc. 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 visitorsd. sustainable – by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
On-Site Waste Treatment Systems PO6.1 & DTS/DPF6.1	
Earthworks and Sloping Land PO8.1 & DTS/DPF8.1	

With regard to DO1 part a) on balance the proposal is considered to respond positively to the natural surrounds and contribute positively to the character of the area.

The appearance of the building is of that of a small outbuilding, noting that outbuildings are also an anticipated form of development in the Zone.

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The location of the tourist accommodation building is on a cleared and relatively level area of the site which is above the watercourse. The positioning takes advantage of scenic views across the subject land without overlooking adjoining rural residential properties. The building is on stumps so as to minimise earthworks and modification to the landscape.

Regarding representor concern re universal access, this is a Building Consent assessment matter. A change from stairs to a ramp if required can be made as a minor variation during the Building Rules assessment if the Panel resolves to grant Planning Consent.

It is also considered likely that it will be of importance to the owner-operators to maintain the site to a high standard to appeal to visiting guests helping to further positively contribute to the amenity of the locality.

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 hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Water Supply PO 11. & DTS/DPF 11.1	
Wastewater Services PO 12.1 & DTS/DPF 12.1	

PO11. & DTS/DPF11.1 relate to water supply. The tourist accommodation building will be connected to a new water storage tank for the potable water supply. Council Environmental Health have advised that mains connection is preferable, but that ultimately the operators will need to comply with SA Health legislation regarding this matter. The applicant is aware of this, and recommended note six (6) also highlights this.

PO 12.1, DPF 12.1 & PO 12.2 & DPF12.2 relate to wastewater service.

PO 12.1 seeks for development to be connected to a common wastewater disposal service such as sewer or CWMS. This is not available to the subject land, so wastewater will be managed on-site. The new waste system will be wholly contained within the boundaries of the subject land, and it will comply with the requirements of the Public Health Act 2011 as approval for the wastewater system has been granted by Council Environmental Health.

The proposed building works do not encroach upon the existing waste control system servicing the dwelling.

Electricity supply to the tourist accommodation building will be via an existing bore, with supply line trenched underground to the building.

For hard waste management, the accommodation unit will be provided with an internal bin which will be emptied into a larger bin for collection by Council waste contractor East Waste.

The proposal is consistent with the Infrastructure and Renewable Energy Facilities policies.

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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 & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Hours of Operation	
PO2.1	
Light Spill	
PO6.1	

PO2.1 seeks for non-residential development to not unreasonably impact the amenity of sensitive receivers through its hours of operation with regard to the nature of the development, measures to mitigate off-site impacts and the extent to which the development is desired in the Zone.

The proposed check-in and check-out times are considered to be fairly standard for tourist accommodation, and the proposal is small in scale, accommodating a maximum of two (2) guests at any one time. Tourist accommodation is desired in the Productive Rural Landscape Zone.

Re light spill, recommended condition four (4) ensures an obligation on the owner-operator that external lighting be managed to not cause nuisance to adjacent residential uses.

The proposal is considered consistent with the Interface Between Land Uses policies.

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 & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
PO1.1 & DTS/DPF1.1	

The proposal is for a change of use to include tourist accommodation. However, tourist accommodation is not more sensitive than the existing residential use. Therefore DPF1.1 part b) is met and no site investigations were required.

Tourism Development

Desired Outcomes	
DO1	Tourism development is built in locations that cater to the needs of visitors and positively contributes to South Australia's visitor economy.
Performance Outcomes & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
General	
PO1.1 & PO1.2	

Tourist accommodation is a desired use in the Productive Rural Landscape Zone in which the subject land is situated.

The proposal is consistent with the Tourism Development policies.

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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 & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
Vehicle Access PO3.1 & DTS/DPF3.1	
Vehicle Parking Rages PO5.1 & DTS/DPF5.1	

Access to the proposed tourist accommodation building will be via a new cross-over to Jacobs Lane, which Council Engineering have accepted.

There is no impact on the existing vehicle parking arrangement for the dwelling on the land.

The tourist accommodation building will be provided with one (1) uncovered space adjacent for vehicle parking. This complies with Table 1 – General Off-Street Car Parking Requirements of the Planning & Design Code. Table 1 does not seek for the parking space to be covered.

Representor concern was raised regarding increased traffic movements associated with the proposal. Council Engineering has raised no concern with this. Also as noted above in the report, vehicle movements are expected to be infrequent due to the nature of the proposal. It is anticipated with tourist accommodation that guests will mostly be out during the day reducing vehicle movements relative to, or in comparison with residential development types.

The proposal is consistent with the Transport, Access and Parking policies.

CONCLUSION

The proposal is for the construction of one tourist accommodation building on a rural residential allotment in the Productive Rural Landscape Zone.

Tourism development is encouraged in the Zone, but particularly where it is associated with, and ancillary to primary production occurring on the same or adjoining land to provide an authentic visitor experience.

The applicant intends to re-introduce a grazing use to the land and will promote local produce to guests to promote an authentic boutique farm-stay visitor experience.

The proposal required referral to the Environment Protection Authority and SA Country Fire Service. Both referral agencies were satisfied with the proposal, subject to directed conditions and advisory notes.

Subject to conditions relating to building appearance and landscaping the proposal is considered to maintain a pleasant scenic landscape quality as desired in the Productive Rural Landscape Zone.

The proposal is sufficiently consistent with the relevant provisions of the Planning & Design Code.

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 22028767 by Damian Stam and Linda Stam for change of use to include tourist accommodation comprising one self-contained unit at 35 Jacobs Lane, Mylor is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

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

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

- 3) External colours and materials shall be as follows:

ROOF: Colorbond 'Monument' or similar

WALLS: Weathertex cladding in Colorbond 'Monument' colour or similar

- 4) All external light shall be directed away from residential development and shielded if necessary to prevent light spill causing nuisance to the occupiers of adjacent residential properties.
- 5) The vehicle access point and cross over shall be constructed in accordance with Adelaide Hills Council standard engineering detail SD24 – piped entrance prior to occupation/use of the development. The newly constructed access must not alter road stormwater flow or path.
- 6) Landscaping detailed in the landscaping plan shall be planted in the next available planting season following completion of the tourist accommodation unit 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.

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

- 7) Prior to occupation, the on-site wastewater system must be installed in accordance with the *"Aerobic with Surface Sprays for Proposed Accommodation Area Report 2032 35 Jacobs Lane Mylor"*, prepared by Archer Environmental, dated 2 August 2022, and include:
 - a. The installation of an Ozzi Kleen RP10 system.
 - b. The construction of an 80m² irrigation area which is:

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- i. located more than 50m from the nearest watercourse, dam or bore; and
 - ii. more than 1.2m from the seasonal groundwater table; and
 - iii. on a slope less than 20%; and
 - iv. not in the 10% annual exceedance probability flood zone.
- c. Vegetating the irrigation area with a woodlot.
- d. Bunding to direct surface runoff away from the irrigation area and creating a bund downhill to prevent any runoff (from over-irrigation) moving off site.

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

- 8) The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 3.2) details the mandatory requirements for extensions to buildings, outbuildings and other ancillary structures are sited and constructed using materials to minimise the threat of fire spread to residential and tourist accommodation (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) in the event of bushfire.

Outbuildings and other ancillary structures shall be sited no closer than 6m from the habitable building, unless built to relevant building standards for associated structures in Bushfire Prone Areas.

9) ACCESS TO HABITABLE BUILDING

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

A clear and unobstructed vehicle or pedestrian pathway shall be provided; no greater than 60 metres in length between the most distant part of the habitable building and the nearest part of the formed public access way.

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

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

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

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

SA CFS has no objection to the proposed location for the dedicated water supply as detailed on drawing named SERVICES PLAN dated at last revision 07/02/2023, 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.

ITEM 8.1

- 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.
- The minimum water supply required may be combined with domestic use, providing the outlet for domestic use is located above the dedicated fire water supply (in order for it to remain as a dedicated supply).
- Where access to the habitable building is not required due to proximity to the public road, but the hardstand adjacent the outlet is located more than 6m within the boundary of the allotment, the access to the outlet shall:
 - be connected to a formed, all-weather public road; and
 - have a gradient of not more than 16 degrees (1-in-3.5) at any point; and
 - provide overhead clearance of not less than 4.0m horizontally and vertically between the driveway surface and overhanging branches or other obstructions, including building and/or structures; and
 - shall not include guest car parking space/s within the minimum dimensions.
- The all-weather access to the hardstand shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either:
 - A loop road around the building, OR
 - A turning area with a minimum radius of 12.5 metres, OR
 - 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
 - A ‘U’ shaped ‘drive-through’ option.

11) MAINTAIN AN ASSET PROTECTION ZONE (APZ) - VEGETATION MANAGEMENT

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

SA CFS has no objection to the location and extent of the asset protection zone as detailed on drawing named PLANTING ZONES dated at last revision 01/02/2023, providing it complies with the following conditions:

- Vegetation management shall be established and maintained within 20 metres of the habitable building (or to the property boundaries – whichever comes first) as follows:
 1. The number of trees and understorey plants existing and to be established within the APZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the ‘clumping’ of shrubs where desirable, for diversity, and privacy and yet achieve the ‘overall maximum coverage of 30%’.

CAP MEETING – 12 APRIL 2023

ITEM 8.1

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 APZ shall be maintained to be free of accumulated dead vegetation.

ADVISORY NOTES

Planning Consent

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) This Planning Consent is valid for a period of twenty four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
- 5) Separate Development approval is required for any signs or advertisements associated with the development herein approved.
- 6) The operators shall follow the advice of SA Health regarding the Safe Drinking Water Act (2011) requirements for potable water supply to the tourist accommodation units. An exemption may be required from SA Health to provide water via the existing water storage tank.

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

- 7) The applicant is reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.
- 8) The applicant is advised that, during construction, appropriate measures should be put in place to ensure that no soil transport occurs during rain events. This could include using silt fences on the downhill side of the exposed area to capture any soil runoff, and appropriately managing any soil stockpiles kept on site with silt fencing, or through temporary coverage with matting or hydroseeding. Further guidance may be sought from the EPA's *Stormwater pollution prevention code of practice for the building and construction industry* found at: https://www.epa.sa.gov.au/files/47790_bccop1.pdf

More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au.

Advisory notes imposed by the South Australian Country Fire Service Under Section 122 of the Act

BUILDING CONSIDERATIONS

- 9) Ministerial Building Standard MBS 008, Designated bushfire prone areas – additional requirements, July 2020, as published under the *Planning, Development and Infrastructure Act 2016*, applies to this site.

Please refer to the 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 BAL 19.

OFFICER MAKING RECOMMENDATION

Name: Marie Molinaro
Title: Statutory Planner



0 50 100 150m



BAXTERS RETREAT
JACOBS LANE, MYLOR
LOCATION PLAN

24/5/22



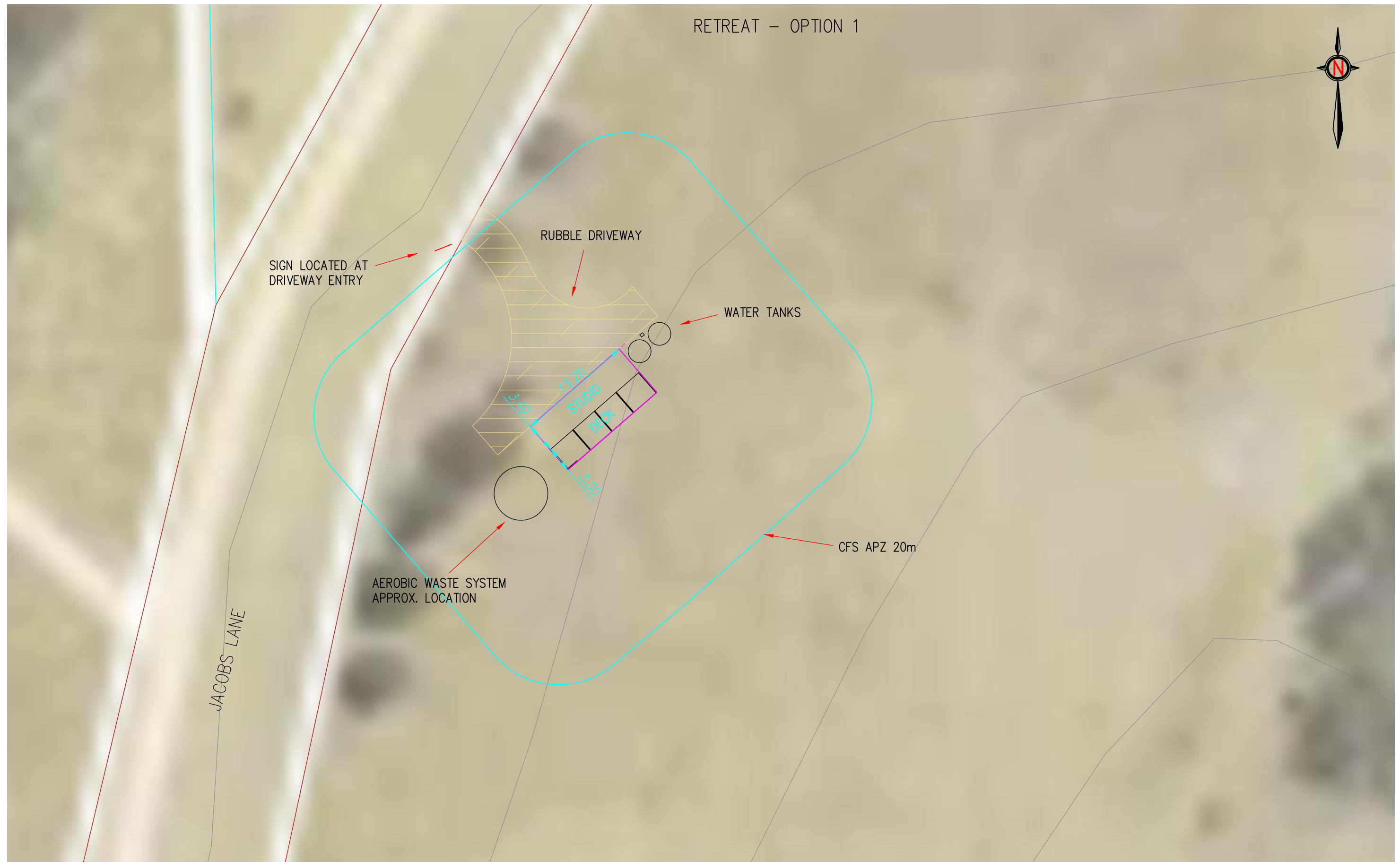
NOTES:
 To be read in conjunction with Yardstick landscape design.
 Studio to be on piers over compacted base.
 2 x Water tanks – size to be determined pending CFS assessment.
 Aerobic waste water system as specified in Archer Enviromental Waste Water Engineering Report.

0 20 40 80 120 m.
 SCALE

BAXTERS RETREAT
 JACOBS LANE, MYLOR
 SERVICES PLAN

07/02/23

RETREAT – OPTION 1



JACOBS LANE

SIGN LOCATED AT
DRIVEWAY ENTRY

RUBBLE DRIVEWAY

WATER TANKS

AEROBIC WASTE SYSTEM
APPROX. LOCATION

CFS APZ 20m

13.20
3.00
3.00
STUDIO
DECK

0 5 10 15 20m.
SCALE

BAXTERS RETREAT
JACOBS LANE, MYLOR
ENLARGEMENT

07/02/23

115

JACOBS LANE

SIGN LOCATED AT
DRIVEWAY ENRTY

COMPATCED RUBBLE
DRIVEWAY

PLANTING ZONE TYPE A

Fire retardant planting to follow the: CFS Asset Protection Zone (APZ)

- Myoporum parvifolium
- Correa alba
- Rhagodia spinescens
- Anigozanthus sp.
- Lomandra longifolia 'Tanika'
- Acacia melanoxylon
- Cupaniopsis anacardioides

PLANTING ZONE TYPE B

Fire retardant planting to follow the: CFS Asset Protection Zone (APZ)

- Myoporum parvifolium
- Enchylaena tomentosa
- Eremophila maculata
- Rhagodia spinescens

- Myoporum parvifolium- fine leaf
- Correa alba
- Rhagodia spinescens
- Anigozanthos flavidus
- Lomandra longifolia 'Tanika'
- Eremophila maculata
- Enchylaena tomentosa

- Cupaniopsis anacardioides
- Acacia melanoxylon

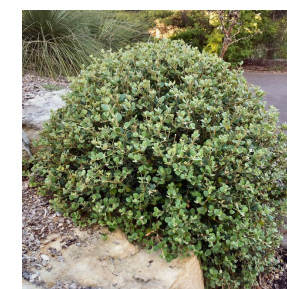
RED LINE DENOTES 2m PERIMETER
NO UNDERSTORY PLANTING ZONE

DASHED GREY LINE
DENOTES CFS APZ
20m ZONE

AEROBIC WASTE SYSTEM.
APPROXIMATE LOCATION

WATER TANKS.
POTABLE & CFS

HATCH DENOTES VEGETATION FOR
SEPTIC IRRIGATION TO EPA
REQUIREMENTS



DA1 01/02/23 Planning approval

No. Date Issue Notes

Client
Damien & Linda Stam

Project
Baxters Retreat

11 Jacobs Lane

Sheet Title

PLANTING ZONES

Scale @ ISO A3 1:300

Drawn
AD

Reviewed

Project ID
22-1029

Issue
DA1

DRAWING N^o 01 of 1

Yardstick Landscape Services Pty Ltd
47 Prospect Road, Prospect, SA, 5082
Peter 0411234186 -Nick 0421415244 -BLD 266946
admin@yardstick.net.au - www.yardstick.net.au

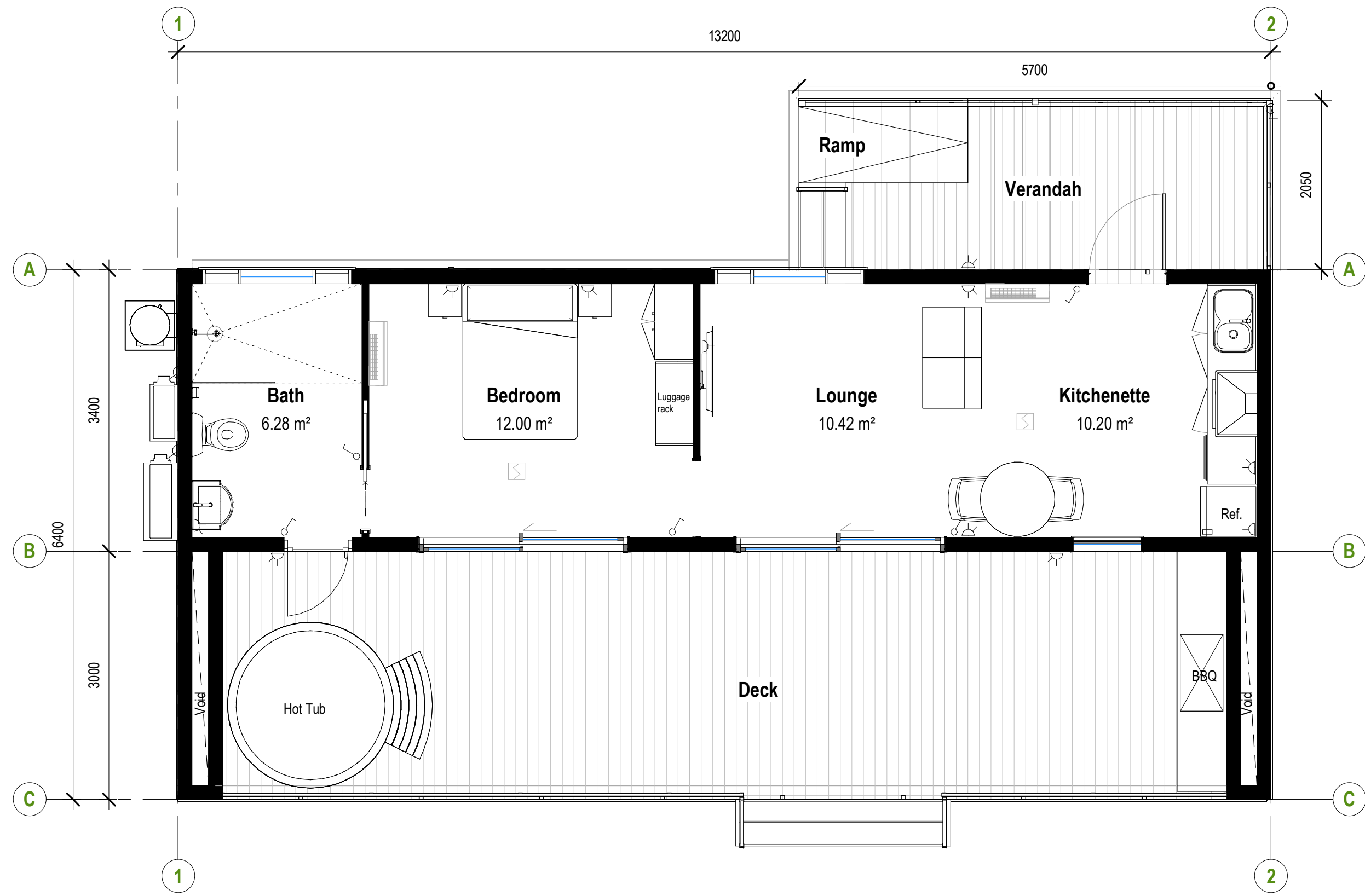
- All dimensions and levels to be checked on site. Any discrepancies to be reported to designer.
- Written dimensions to take precedence over scaled dimensions
- Drawings to be read in conjunction with all associated plans, specification, documents and reports
- Plants shown at maturity
- Paving hatch indicative of style only. Not representative of actual paving units or style
- Constructor to ascertain positions of all services prior to construction
- Drawings are artists impressions only
- All structures to be engineered and constructed by relevant professionals, comply with building codes, and be approved by council

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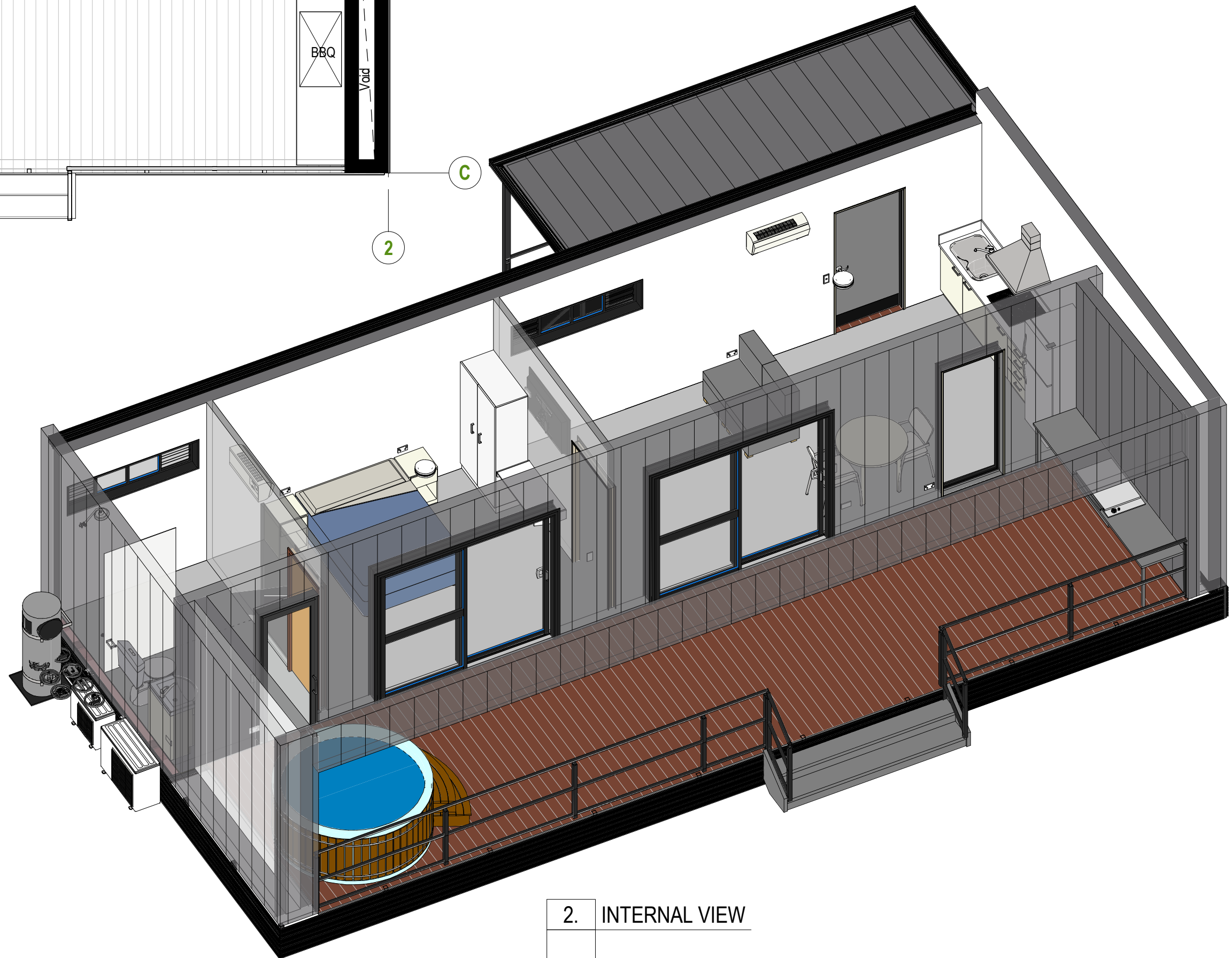
FOR APPROVAL



YARDSTICK



1. GROUND FLOOR PLAN
1 : 50



2. INTERNAL VIEW

C	Revision 3	07/03/2023	PR
B	Changes as requested	03/03/2023	PR
A	Concept	2022	MS
NO.	DESCRIPTION	DATE	BY

AMENDMENT ISSUE



PRELIMINARY

NOT FOR CONSTRUCTION PURPOSES UNLESS STAMPED FOR CONSTRUCTION. VERIFY DIMENSIONS AND LEVELS ON SITE BEFORE SETTING OUT. USE WRITTEN DIMENSIONS ONLY. DO NOT SCALE. REFER TO FIGURED DIMENSIONS IN MM UNLESS STATED OTHERWISE. DOCUMENTATION TO BE READ IN CONJUNCTION WITH CONSULTANT DRAWINGS, SPECIFICATIONS & OTHER DRAWINGS. COPYRIGHT OF THIS DRAWING IS VESTED WITH AUSCO & MAY NOT BE USED OR COPIED WITHOUT EXPRESS PERMISSION.

CLIENT:
D&L Stam

PROJECT:
Accommodation

ADDRESS:
-

DRAWING TITLE:
FLOOR PLAN

PROJECT TYPE	DESIGN LOADING	BUILD FACILITY
SALE	B190	MSA

SCALE @ A2	DRAWN	CHECKED
1 : 50	PR	CW

ESTIMATE NO. ESTIMATE No.1

PRODUCTION NO. 4061625

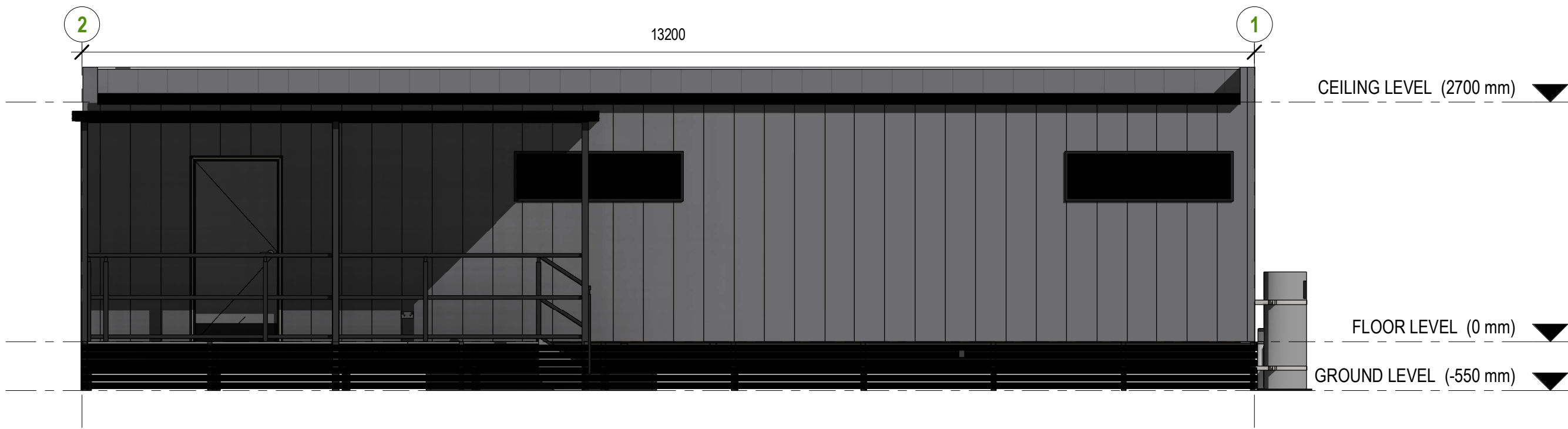
JOB NO.

DRAWN DATE	DRAWING NO.	ISSUE
MAR 2023	A-100	C

A2

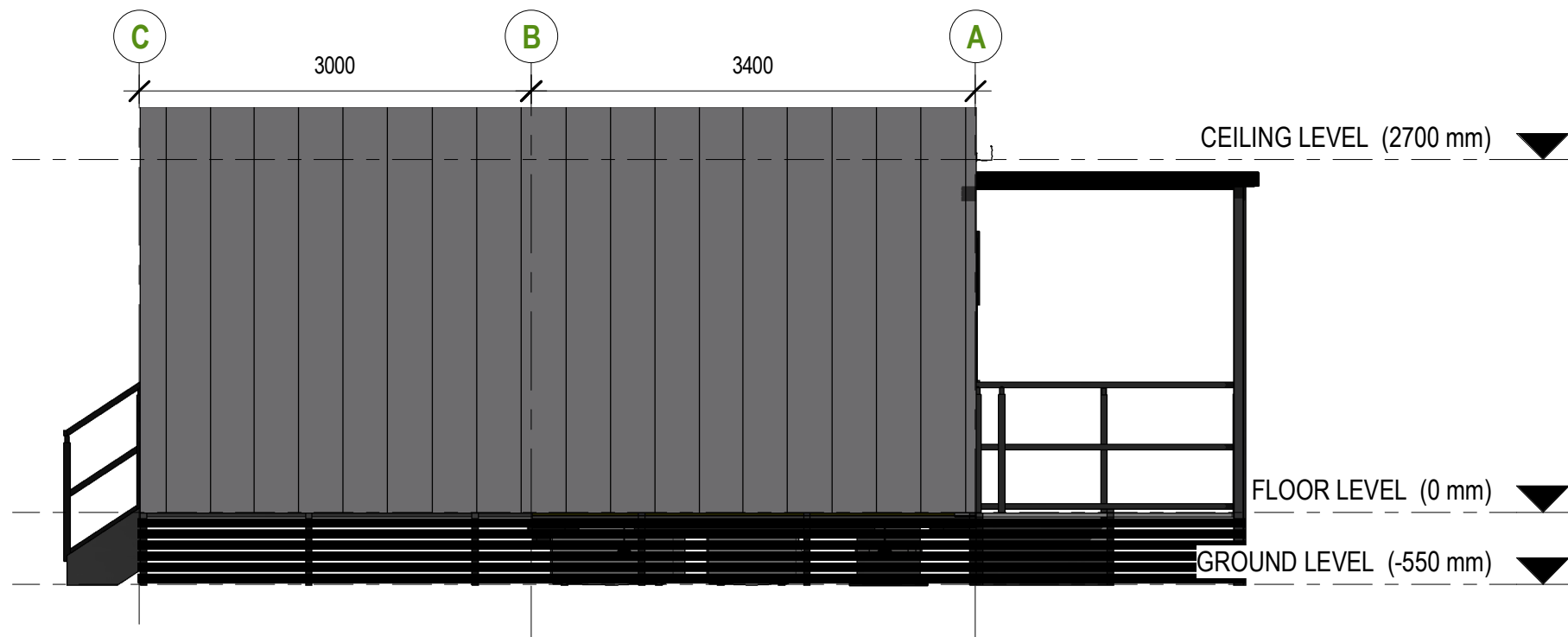
DESIGN OFFICE ADELAIDE

REVIT MODEL: L:\Projects\SANT\2022\4061625-D&L Stam - Cash Sale\1. Pre-Award\2. Ausco Tender\2. Drawings\1. D&L Stam - Accommodation\B1.rvt 3/7/2023 2:35:19 PM



1. PROJECT NORTH

1 : 50



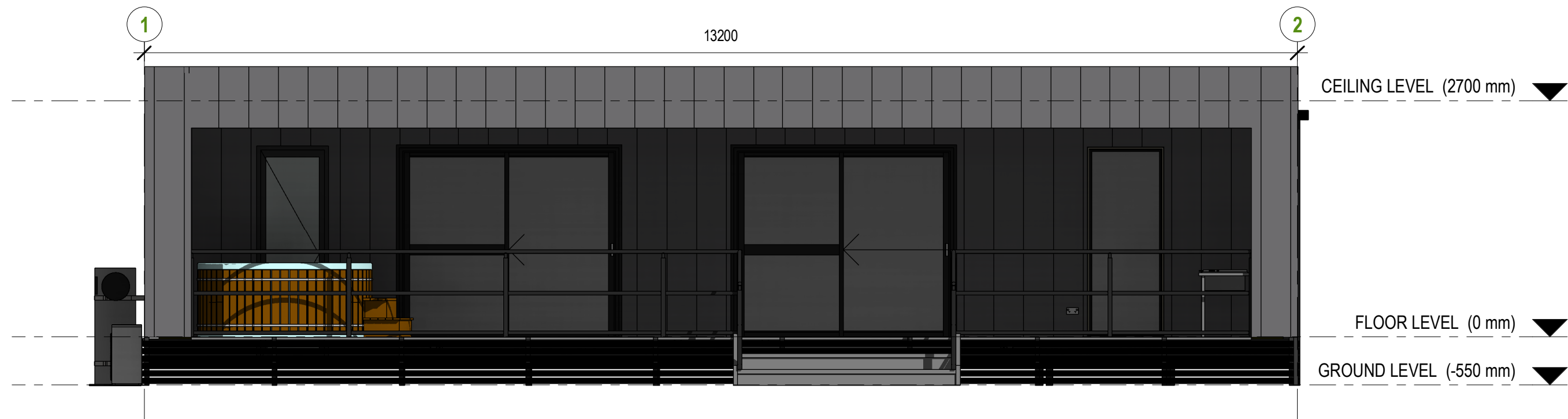
2. PROJECT EAST

1 : 50



3. PROJECT WEST

1 : 50



4. PROJECT SOUTH

1 : 50

C	Revision 3	07/03/2023	PR
B	Changes as requested	03/03/2023	PR
A	Concept	2022	MS
NO:	DESCRIPTION	DATE	BY

AMENDMENT ISSUE



PRELIMINARY

NOT FOR CONSTRUCTION PURPOSES UNLESS STAMPED FOR CONSTRUCTION. VERIFY DIMENSIONS AND LEVELS ON SITE BEFORE SETTING OUT. USE WRITTEN DIMENSIONS ONLY. DO NOT SCALE. REFER TO FIGURED DIMENSIONS IN MM UNLESS STATED OTHERWISE. DOCUMENTATION TO BE READ IN CONJUNCTION WITH CONSULTANT DRAWINGS, SPECIFICATIONS & OTHER DRAWINGS. COPYRIGHT OF THIS DRAWING IS VESTED WITH AUSCO & MAY NOT BE USED OR COPIED WITHOUT EXPRESS PERMISSION.

CLIENT:
D&L Stam

PROJECT:
Accommodation

ADDRESS:
-

DRAWING TITLE:
ELEVATIONS

PROJECT TYPE	DESIGN LOADING	BUILD FACILITY
SALE	B190	MSA
SCALE @ A2	DRAWN:	CHECKED:
1 : 50	PR	CW

ESTIMATE NO.
ESTIMATE No.1

PRODUCTION NO.
4061625

JOB NO.
-

DRAWN DATE. DRAWING NO. ISSUE
MAR 2023 A-200 C

A2

DESIGN OFFICE ADELAIDE

REVISIONS: 1. D&L Stam - Accommodation (B) 1/1

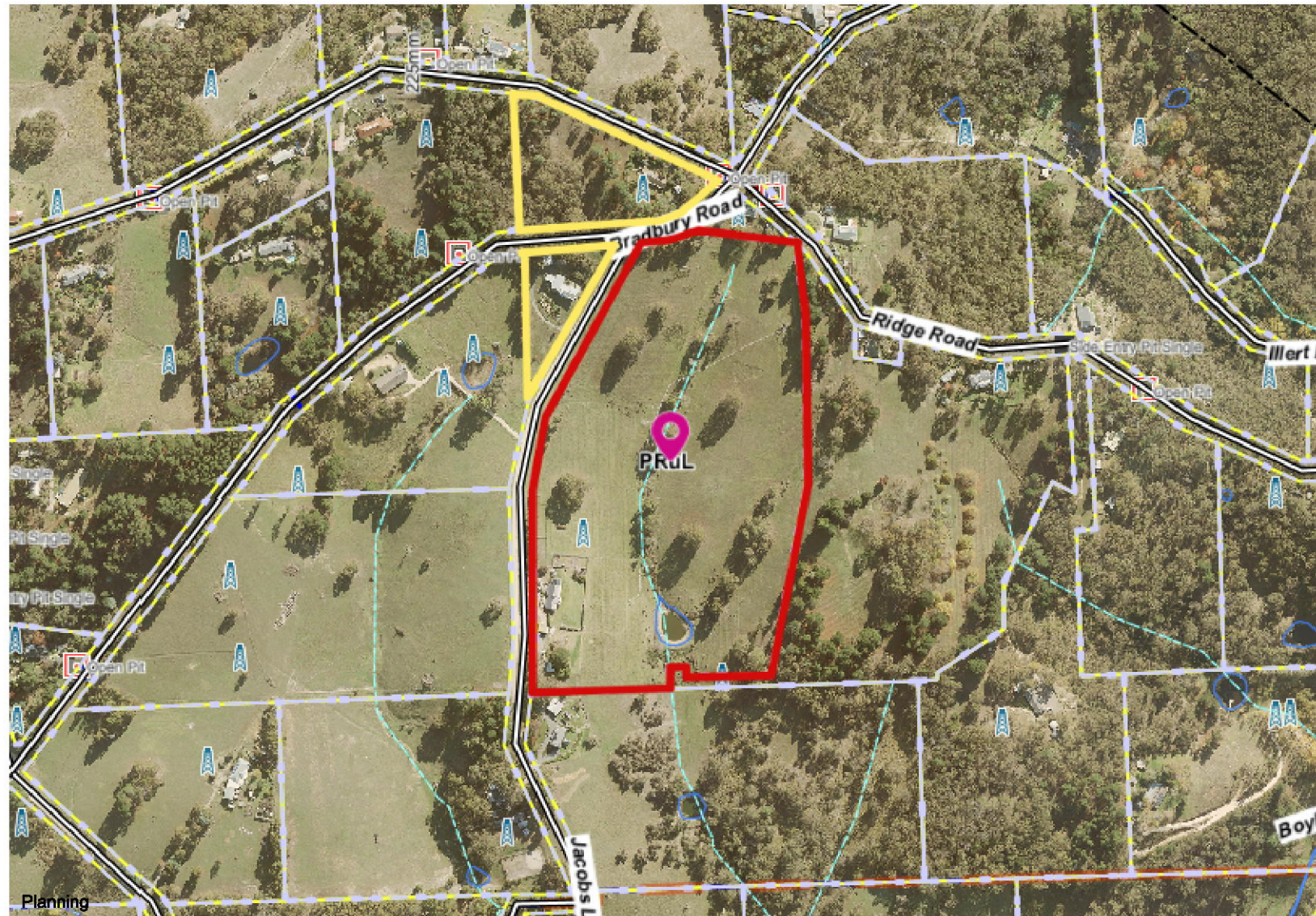
35 Jacobs Lane Mylor

5153



Annotations

- Representor 2
- Representor 1
- Subject Land



DISCLAIMER

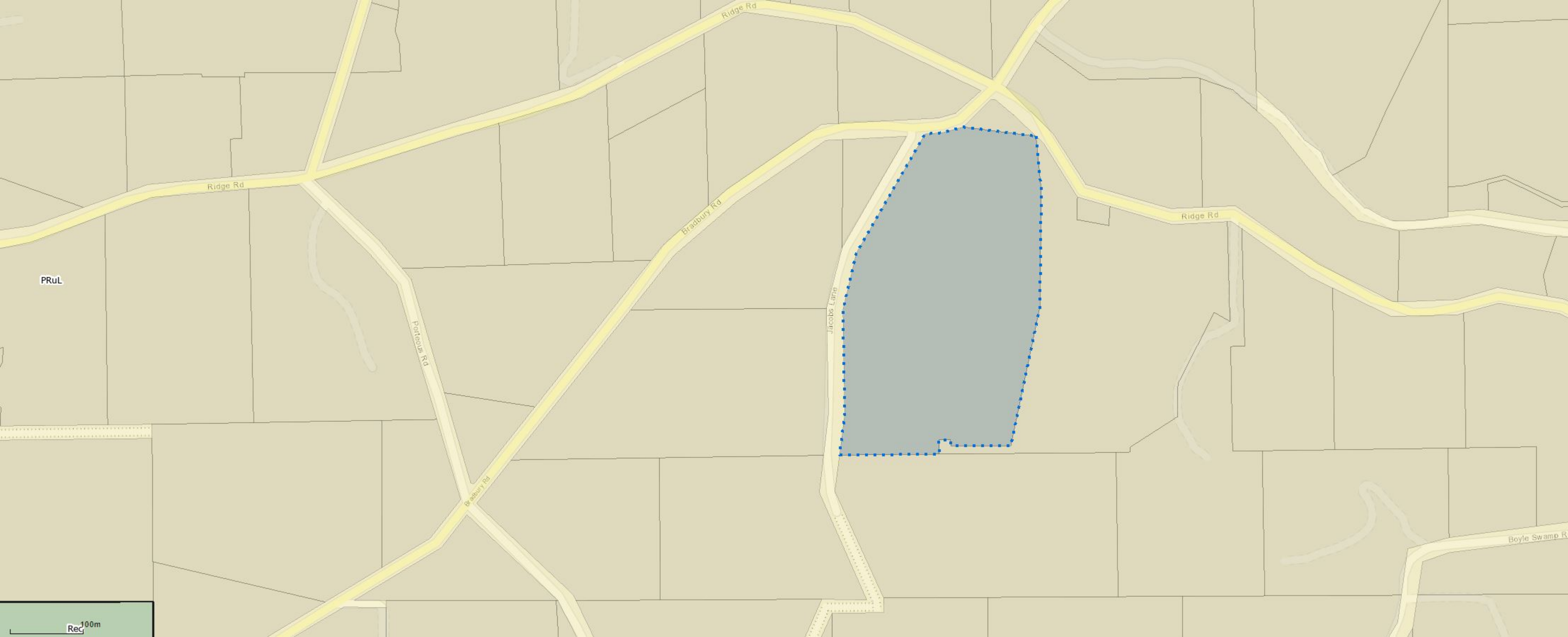
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Scale = 1:6032.880

200 m



PRuL

Ridge Rd

Bradbury Rd

Porteous Rd

Bradbury Rd

Jacobs Lane

Ridge Rd

Boyle Swamp Rd

Rec

100m

Details of Representations

Application Summary

Application ID	22028767
Proposal	Change of use to include tourist accommodation comprising one self-contained unit
Location	35 JACOBS LANE MYLOR SA 5153

Representations

Representor 1 - Judith McKinnon

Name	Judith McKinnon
Address	168 Cyanide Road MOUNT TORRENS SA, 5244 Australia
Submission Date	25/11/2022 01:23 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development
Reasons The Adelaide Hills and surrounding area needs more of this style of accommodation as there is a great demand by people to get out of the city.	

Attached Documents

Representations

Representor 2 - robert burgess

Name	robert burgess
Address	142 ridge rd MYLOR SA, 5153 Australia
Submission Date	29/11/2022 01:31 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

the site is in the middle of a paddock with no provision for waste drainage, water and power supply Water quality concerns me as I use bore water and soakage of waste will contaminate this supply If generators are used for power I would object strongly to noise levels being amplified in this quiet location I am also concerned about the visible impact of what is really a converted shipping container in this location as well

Attached Documents

Representations

Representor 3 - Kevin Brogan

Name	Kevin Brogan
Address	PO Box 677 MYLOR SA, 5153 Australia
Submission Date	04/12/2022 10:42 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

In summary, we oppose this application on the grounds that the proposed development: • Is tourist accommodation for which there is no demonstrated requirement in this locality; and • Fails to meet several planning / development requirements; and • Will have a detrimental impact on the locality, particularly as experienced from our property. • Is a commercial development that is detrimental to the residential locality. Having reviewed the publicly available information in respect of this development application, we consider that it is at variance with the provisions of the Planning and Design Code as outlined in our submission and that Planning Consent should NOT be granted. Detailed reasoning is provided in the attached public notification representation document.

Attached Documents

Representation_on_Application_-_Performance_Assessed_Development-22028767-35-Jacobs-Lane,-Mylor-1152329.pdf

REPRESENTATION ON APPLICATION – PERFORMANCE ASSESSED DEVELOPMENT

Planning, Development and Infrastructure Act 2016

Applicant:	Damian Stam, Linda Stam
Development Number:	22028767
Nature of Development:	Change of use to include tourist accommodation comprising one self-contained unit
Zone/Sub-zone/Overlay:	Productive Rural Landscape / Environment and Food Production Area, Hazards (Bushfire - High Risk), Hazards (Flooding - Evidence Required), Limited Land Division, Mount Lofty Ranges Water Supply Catchment (Area 2), Native Vegetation, Prescribed Water Resources Area, Scenic Quality, Water Resources
Subject Land:	35 Jacobs Lane, MYLOR SA 5153 / Title Ref: CT5690/430 / Plan parcel: F159288AL11
Contact Officer:	Marie Molinaro
Phone Number:	08 8408 0400
Close Date:	6 December 2022

My name*: Kevin Brogan (on behalf of Sarah Brogan, James Brogan and Ella Brogan)

My phone number:

My postal address*: PO Box 677, MYLOR SA 5153

My email:

** Indicates mandatory information*

My position is:

☐

I support the development

☐

I support the development with some concerns (detail below)

☒

I oppose the development



Government of South Australia

Department for Trade
and Investment

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

This submission is made on the basis that we oppose the proposed development. We confirm that we wish to attend the Council Assessment Panel meeting and outline our concerns in person.

We recognise that the decision on whether the development is approved will be made by the independent Council Assessment Panel. In the first instance we submit that this proposal should not be approved. In the event that the panel determines that it should be approved, then we submit that this approval should be subject to conditions / amendments to mitigate the impact of the development.

Jacobs Lane is a quiet residential street. There are currently four homes located on Jacobs Lane and all are used for purely residential purposes. There is no commercial / non-residential / primary production land use.

The proposed development for a commercial use does not appear sympathetic to the desired outcomes of the Productive Rural Landscape Zone:

- DO 1 (***“...conserving natural and rural characterscenic qualities of the landscape.”***)
- DO 3 (***“...promote co-existence with adjoining activities and mitigate land use conflicts.”***)

Loss of Visual Amenity

P06.4 seeks for tourist accommodation in a new building or buildings to be sited, designed and of a scale that maintains a pleasant rural character and amenity. Specifically, DTS/DPF6.4 gives guidance that tourist accommodation development should be setback at least 40m from all boundaries...”

General Development Policies:

Design

Desired Outcome - DO1 a) Development is: a) Contextual – by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area”

The proposed structure is located so as not to be visible from the existing dwelling on the property, but it will be highly visible from our property. The design of the property does not appear to mitigate the visual intrusion on the landscape. The ‘unit’ is a prefabricated box of a type used to provide mining camp accommodation. The proposal is for the unit to be mounted atop piers to minimise excavation. However, this means that the structure will be over 3m high. It is understood that external finishes are still to be decided and our expectation is that agreement on these will form part of any final approval. The design of the accommodation unit is not appealing or ‘pleasant.’

There is no mention in the proposal of how power will be provided to the site (although the bore power supply is depicted on the site plan) and it seems likely that a transformer or solar panels will be required. Either will increase the visual impact and solar panels on the roof would increase the total height of the structure.

There is little comment about possible screening / landscaping to mitigate the visual impact. Any approval should include landscaping in accordance with ***Council’s Native Habitat Landscaping and Gardening Guide*** as a condition.

The proposed signage is disproportionately large and completely unnecessary. The specifications given are more like an advertising sign. Many B & B facilities in the Adelaide Hills have discreet name plates manufactured from natural materials that would be more like 600 mm by 200 mm at a maximum height of 1 metre.

We note that an amended plan is included in the information made available for comment. The amendment relates to a re-siting of the proposed accommodation to a site that is 20m from the Jacobs Lane boundary for ‘technical reasons.’ We accept that advice was professionally given to the applicant by Council staff in this

regard, but consider that the panel should consider the siting of the accommodation unit in the context of other factors including the scenic qualities of the landscape as required by **P06.4**.

The property also has vehicular access from an existing gate on Ridge Road (which is a bitumen surfaced roadway) and other sites on the property may be better suited to the proposed tourist accommodation use, with less visual impact to adjoining owners.

Land Use

P06.3 seeks for tourist accommodation to be associated with the primary use of the land for primary production or a primary production related value adding industry and to provide authentic visitor experiences.

Part a) of DTS/DPF6.3 seeks for tourist accommodation to be ancillary to and located on the same allotment, or adjoining allotment used for primary production or primary production related value adding industry.

In the material provided for comment, there is a request for 'supporting information to justify the need for the proposed tourist accommodation use'. The request includes the following comment **"...tourist accommodation is mostly anticipated where it is associated with primary production or a primary production value adding activity."** If this criterion is critical to the assessment, it is important to recognise that it is not met.

The property on which the development is proposed is used residentially (as are all of the properties on Jacobs Lane). A hobby farm is a purely residential use and does not constitute primary production. We find the answer to this question provided by the applicant to be rather misleading as there is no *"...upmarket farm stay experience"*. This is an application for tourist accommodation on a residential property and should be assessed on that basis. We note that a request for a notional value for rating purposes requires certain tests to be satisfied to demonstrate a primary production use, including:

- ***"continuity of an organised primary production operation along with a reasonable size and scale normally expected for the primary production activity being undertaken"***
- ***Diligence and repetition of actions associated with primary production being undertaken on the land***
- ***The primary production operations must have some significant commercial purposes or character demonstrating a degree of sustainability or viability***
- ***There is the intention to make a profit, despite not always realising a profit in any particular year"***

Livestock at the property currently comprises two miniature pet goats and none of the above conditions are met. The current use of the property is residential.

Increased traffic on Jacobs Lane

Jacobs Lane is currently a quiet no-through residential road with a gravel / dirt surface, but there is still a significant degree of dust nuisance as vehicles travel quickly up and down the very steep section of the lane from Bradbury Road. This steep section is also very prone to degradation and storm damage. Large volumes of the road base are transported downhill by surface flow after heavy rainfall. Visitors to Bed and Breakfast accommodation are likely to make multiple trips to and from the unit. Additional traffic will increase the dust nuisance and will also speed the degradation of the road surface.

Need for Tourist Accommodation

The applicant response does not address whether there is a 'need' for the proposed tourist accommodation use. If approved, the tourist accommodation will provide an income to the applicant, so the applicant may want to operate tourist accommodation, but the case has not been made to demonstrate a 'need' for this tourist

accommodation. We consider that the demonstration of a compelling need for this accommodation is a pre-requisite for a development that fails to meet many planning and design requirements. Further, even if the need for tourist accommodation in the area is demonstrated, then Council should be concerned with encouraging tourist accommodation developments in locations where such developments are able to comply with Planning requirements and not in residential locations.

The latest South Australian Tourism Commission data (to June 2022) shows that there are 544 rooms in the Adelaide Hills Region. Occupancy rates have been affected by COVID, but for the first 3 months of 2022 the average reported occupancy rate was 63% (higher than pre-COVID). This is not considered to support a need for the proposed tourist accommodation development.

Operation

General Development Policies:

Interface between land uses

Desired Outcome - DO1 Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.

The proposed check in and departure times seem to be reversed (should be check-in 15.00 and check-out 11.00) and are not likely to be representative of actual arrival times – late check in is to be expected and there will be noise nuisance from visitors, sound travels long distances in the tranquil rural / residential valley locality. It will also be important to ensure that the opportunity for light nuisance is minimised.

We understand that the bushfire survival plan will need to be developed, but one of the proposals is that the accommodation will be closed on catastrophic fire danger days. This does not seem to be feasible due to the respective timescales of booking and the declaration of a catastrophic fire danger day – it can reasonably be expected that guests will be in residence or in transit to the accommodation when a declaration is made.

Other tourist accommodation / B & B's operated in Mylor are in a mixed use area, with access from a surfaced road and have discreet (if any) signage.

Any approval should include conditions to ensure that the use of the accommodation is restricted to that for which approval has been sought and should also ensure that it does not set a precedent for future expansion to add further units. In addition, the design of the accommodation does not make any concessions to universal access requirements, which we would expect to be a requirement of a new tourist accommodation facility.

Precedent

In considering another application for tourist accommodation at Woodside (***Dev No 21030805 – 12 Tiers Road***), the Council Assessment Panel was cognisant of the existing land use (primary production) and also proximity to the Township Main Street Zone. The council report concluded in that case that ***“the tourist accommodation use should not take away from grazing and cropping occurring on the balance of the land. The adjoining land is also used for primary production.”*** The development under consideration in Jacobs Lane is on a residential property and all adjoining properties are residential.

Conclusion

In summary, we oppose this application on the grounds that the proposed development:

- Is tourist accommodation for which there is no demonstrated requirement in this locality; and
- Fails to meet several planning / development requirements; and
- Will have a detrimental impact on the locality, particularly as experienced from our property.
- Is a commercial development that is detrimental to the residential locality.

Having reviewed the publicly available information in respect of this development application, we consider that it is at variance with the provisions of the Planning and Design Code as outlined in our submission and that Planning Consent should be REFUSED.

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

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

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

By: ☒ appearing personally
☐ being represented by the following person: Click here to enter text.

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

Signature: 

Date: 4 Dec 2022

Return Address: 63 Mount Barker Road Stirling SA 5152 *[relevant authority postal address]* or

Email: mail@ahc.sa.gov.au *[relevant authority email address]* or

Complete online submission: planninganddesigncode.plan.sa.gov.au/haveyoursay/

Details of Representations

Application Summary

Application ID	22028767
Proposal	Change of use to include tourist accommodation comprising one self-contained unit
Location	35 JACOBS LANE MYLOR SA 5153

Representations

Representor 1 - Judith McKinnon

Name	Judith McKinnon
Address	168 Cyanide Road MOUNT TORRENS SA, 5244 Australia
Submission Date	25/11/2022 01:23 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development
Reasons The Adelaide Hills and surrounding area needs more of this style of accommodation as there is a great demand by people to get out of the city.	

Acknowledged & agree, our own market research indicates there is a demand for this type of accommodation.

Representor 2 - robert burgess

Name	robert burgess
Address	142 ridge rd MYLOR SA, 5153 Australia
Submission Date	29/11/2022 01:31 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons the site is in the middle of a paddock with no provision for waste drainage, water and power supply Water quality concerns me as I use bore water and soakage of waste will contaminate this supply If generators are used for power I would object strongly to noise levels being amplified in this quiet location I am also concerned about the visible impact of what is really a converted shipping container in this location as well	

We are looking to locate the B&B as close to our boundary fence as possible. The proposed location of the B&B is situated below the ridgeline, 20m from our property boundary & positioned in a way to capitalise on the scenic views across our property & dam.

The proposed design submitted was a concept & whilst indicative, the final design will be developed by an architect we have engaged. Although still to be finalised, the exterior cladding is likely to consist of Colourbond Maxline in Monument which is consistent across modern architecturally designed buildings. The dark colour & modest size of the B&B along with the chosen location being well below the ridge line will allow the B&B to sit sympathetically in the landscape, maintaining a pleasant rural character & amenity as per PO 6.04.

We have engaged the services of a landscape architect who will help design the landscaping around the B&B, which may include some screening vegetation. However, the proposed location & size of the structure along with the planned low reflective exterior materials, would render the proposed B&B to be unobtrusive to the property at 142 Ridge Rd., Mylor.

Being a single bedroom, the nature of the clientele is expected to predominantly, if not exclusively be couples wanting a peaceful rural retreat. That being the case & in combination with the relatively small volumes of visitors, it would be reasonable to expect the visitors to the B&B will cause no more disturbance to the locality than any regular visitor attending any of the houses on Jacobs Lane.

The proposed B&B will be serviced by rainwater. The wastewater will be managed via an onsite aerobic wastewater system with surface sprinklers as designed by our wastewater engineer & approved by the Environment Protection Authority (EPA) & the Adelaide Hills Council (subject to the final underfloor plumbing plan). In addition, we are looking to set the B&B further back from the watercourse on our property than required, to additionally mitigate against any potential environmental impact. There are no grounds to be concerned about the 'potential contamination of ground water' from this proposal, as per the approvals obtained by the EPA & the AHC. Power will be run from the bore on our property to the B&B via an underground trench & therefore there is no need for a permanent power generator.

Representor 3 - Kevin Brogan

Name	Kevin Brogan
Address	PO Box 677 MYLOR SA, 5153 Australia
Submission Date	04/12/2022 10:42 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons In summary, we oppose this application on the grounds that the proposed development: • Is tourist accommodation for which there is no demonstrated requirement in this locality; and • Fails to meet several planning / development requirements; and • Will have a detrimental impact on the locality, particularly as experienced from our property. • Is a commercial development that is detrimental to the residential locality. Having reviewed the publicly available information in respect of this development application, we consider that it is at variance with the provisions of the Planning and Design Code as outlined in our submission and that Planning Consent should NOT be granted. Detailed reasoning is provided in the attached public notification representation document.	

Attached Documents

Representation_on_Application_-_Performance_Assessed_Development-22028767-35-Jacobs-Lane,-Mylor-1152329.pdf

Loss of Visual Amenity

PO6.4 seeks for tourist accommodation in a new building or buildings to be sited, designed and of a scale that maintains a pleasant rural character and amenity. Specifically, DTS/DPF6.4 gives guidance that tourist accommodation development should be setback at least 40m from all boundaries..."

General Development Policies:**Design**

Desired Outcome -DO1 a) Development is: a) Contextual – by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area"

The proposed structure is located so as not to be visible from the existing dwelling on the property, but it will be highly visible from our property. The design of the property does not appear to mitigate the visual intrusion on the landscape. The 'unit' is a prefabricated box of a type used to provide mining camp accommodation. The proposal is for the unit to be mounted atop piers to minimise excavation. However, this means that the structure will be over 3m high. It is understood that external finishes are still to be decided and our expectation is that agreement on these will form part of any final approval. The design of the accommodation unit is not appealing or 'pleasant.'

The chosen location for the proposed structure is to capitalise on the scenic views across our property & dam. Having scenic views from the B&B is imperative to the appeal & the business plan of the proposal. Alternative

locations that were considered to capitalise on these views would have situated the proposed B&B further north on our block, meaning it would sit higher in the landscape & closer to the Brogan's property.

The proposed location is situated lower in the landscape, at least 10m lower in elevation than the Brogan's residence & therefore not obstructing any view they may have across our property. As per PO 6.4 this proposed tourist accommodation will not exceed 7.0m above natural ground level. Further, the proposed site for the tourist accommodation is approximately 110m from the Brogan's residence & orientated so the living areas are facing away from the Brogan's property.

The proposed design submitted was a concept & whilst indicative, the final design will be developed by the architect we have engaged. Although still to be finalised, the exterior cladding is likely to consist of Colourbond Maxline in Monument colour which is consistent across modern architecturally designed buildings. The dark colour & modest size of the tourist accommodation along with the chosen location being well below the ridge line will allow the B&B to sit sympathetically in the landscape, maintaining a pleasant rural character & amenity as per PO 6.04.

There is no mention in the proposal of how power will be provided to the site (although the bore power supply is depicted on the site plan) and it seems likely that a transformer or solar panels will be required. Either will increase the visual impact and solar panels on the roof would increase the total height of the structure.

Power will be run from the bore on our property to the tourist accommodation via an underground trench. There are no plans for solar panels & no need for an additional transformer.

There is little comment about possible screening / landscaping to mitigate the visual impact. Any approval should include landscaping in accordance with Council's Native Habitat Landscaping and Gardening Guide as a condition.

We have engaged the services of a landscape architect who will help design the landscaping around the B&B. We would be happy to consider plantings that will reduce the visual impact of the B&B. However, any plantings will be minimal to satisfy CFS requirements, be sympathetic with the location & consist of local indigenous plants in line with the Adelaide Hills Councils Native Habitat Landscaping and Gardening Guide as well as the SA Health Plant List for Recycled Water Irrigation.

The proposed signage is disproportionately large and completely unnecessary. The specifications given are more like an advertising sign. Many B & B facilities in the Adelaide Hills have discreet name plates manufactured from natural materials that would be more like 600 mm by 200 mm at a maximum height of 1 metre.

The design of the sign is to be determined. However, it will be discreet & smaller than the maximum size permitted in PO 16.1.

We note that an amended plan is included in the information made available for comment. The amendment relates to a re-siting of the proposed accommodation to a site that is 20m from the Jacobs Lane boundary for 'technical reasons.' We accept that advice was professionally given to the applicant by Council staff in this regard, but consider that the panel should consider the siting of the accommodation unit in the context of other factors including the scenic qualities of the landscape as required by PO6.4.

Our intent with constructing this tourist accommodation is to minimise our environmental impact as far as practicable. The 20m offset from the boundary is proposed to maximise the distance of the structure from the watercourse, reducing the risk of impact to the water course & the broader catchment. The revised location allows for more favourable topography for the B&B site, as well as minimising ground disturbance activities associated with constructing a longer driveway than necessary. The longer driveway would also reduce pasture availability to livestock on the property by approximately 60m².

Repositioning the site to satisfy the 40m from the boundary, will have negligible difference to the Brogan's outlook.

The property also has vehicular access from an existing gate on Ridge Road (which is a bitumen surfaced roadway) and other sites on the property may be better suited to the proposed tourist accommodation use, with less visual impact to adjoining owners.

The nature of the topography of our property means that any position chosen will make the B&B visible by surrounding landowners in some way. Our proposed site was chosen as being optimal to capitalise on the scenic views across our property & dam, whilst having minimal visual impact to surrounding properties.

Relocating the B&B off Ridge Rd will still be in the line of site of the Brogan's property, along with at least four other surrounding residences. To access a suitable site on this part of our block would mean the driveway would be in excess of 100m long, the views aren't as appealing & would also present topographical challenges.

Having views from the B&B is imperative to the appeal & the business plan of the proposal.

Land Use

PO6.3 seeks for tourist accommodation to be associated with the primary use of the land for primary production or a primary production related value adding industry and to provide authentic visitor experiences. Part a) of DTS/DPF6.3 seeks for tourist accommodation to be ancillary to and located on the same allotment, or adjoining allotment used for primary production or primary production related value adding industry.

In the material provided for comment, there is a request for 'supporting information to justify the need for the proposed tourist accommodation use'. The request includes the following comment **"...tourist accommodation is mostly anticipated where it is associated with primary production or a primary production value adding activity."** If this criterion is critical to the assessment, it is important to recognise that it is not met.

The property on which the development is proposed is used residentially (as are all of the properties on Jacobs Lane). A hobby farm is a purely residential use and does not constitute primary production. We find the answer to this question provided by the applicant to be rather misleading as there is no "...upmarket farm stay experience". This is an application for tourist accommodation on a residential property and should be assessed on that basis. We note that a request for a notional value for rating purposes requires certain tests to be satisfied to demonstrate a primary production use, including:

- **"continuity of an organised primary production operation along with a reasonable size and scale normally expected for the primary production activity being undertaken"**
- **Diligence and repetition of actions associated with primary production being undertaken on the land**
- **The primary production operations must have some significant commercial purposes or character demonstrating a degree of sustainability or viability**
- **There is the intention to make a profit, despite not always realising a profit in any particular year"**

Livestock at the property currently comprises two miniature pet goats and none of the above conditions are met. The current use of the property is residential.

Since purchasing this property 6.5 years ago we have run livestock (bought & sold), as did the previous owners before us. Presently we have removed the livestock to assist with the rehabilitation of the land. These rehabilitation activities have included selective weed control, pasture improvement, the installation of a header tank & associated water infrastructure, protected the two first order watercourses with stock proof fences & re-fenced the entire 25+ acre property from 1 paddock into 5. In addition, we have planted in excess of 700 local indigenous plant species for the improvement of the biodiversity values of our property & the broader catchment. These activities have been done to increase the carrying capacity of our property & the overall productivity of our farm. All of which have come at a significant cost to us. Livestock in the way of Merino sheep will be returning to the property imminently. We have a registered Property Identification Code (PIC) number, hold a current ABN, run livestock & are therefore defined as a primary producer by the Australian Taxation Office.

The intent of the proposed B&B is to provide a city escape, high-end boutique farm stay experience for couples. Visitors to the site will be able to walk our paddocks, in amongst the sheep, picnic at our dam & have the option to purchase farm fresh meat, which can either be cooked on site at the B&B or taken with them. The B&B will be a value add to our hobby farm enterprise by promoting environmentally sensitive farming practices, attracting a premium for 'farm fresh' meat purchased (& potentially woollen products), by increased appeal, branding & quality. We also intend to establish a collaborative partnership with an environmental organisation to promote & contribute towards the ecological restoration of degraded land across the Adelaide Hills region.

In addition to the value add to our enterprise, our intention is to also value add to other local primary production, horticulture & retail businesses. Collaborating with & supporting local businesses through the B&B will also be supporting local tourism within the area.

Overall, this proposal clearly satisfies PO6.3, to enhance & provide authentic visitor experiences.

Increased traffic on Jacobs Lane

Jacobs Lane is currently a quiet no-through residential road with a gravel / dirt surface, but there is still a significant degree of dust nuisance as vehicles travel quickly up and down the very steep section of the lane from Bradbury Road. This steep section is also very prone to degradation and storm damage. Large volumes of the road base are transported downhill by surface flow after heavy rainfall. Visitors to Bed and Breakfast accommodation are likely to make multiple trips to and from the unit. Additional traffic will increase the dust nuisance and will also speed the degradation of the road surface.

Jacobs Lane is an un-sealed road maintained by the Adelaide Hills Council. It is constructed & maintained to a standard consistent with the other unsealed roads in the AHC area. These roads are capable of handling volumes of vehicles, orders of magnitude greater than the traffic experienced on Jacobs Lane. Therefore, the expected additional, relatively small volumes of visitors to the B&B will be negligible to the 'increased dust' & 'degradation of the road surface'.

Need for Tourist Accommodation

The applicant response does not address whether there is a 'need' for the proposed tourist accommodation use. If approved, the tourist accommodation will provide an income to the applicant, so the applicant may want to operate tourist accommodation, but the case has not been made to demonstrate a 'need' for this tourist accommodation. We consider that the demonstration of a compelling need for this accommodation is a prerequisite for a development that fails to meet many planning and design requirements. Further, even if the need for tourist accommodation in the area is demonstrated, then Council should be concerned with encouraging tourist accommodation developments in locations where such developments are able to comply with Planning requirements and not in residential locations.

The latest South Australian Tourism Commission data (to June 2022) shows that there are 544 rooms in the Adelaide Hills Region. Occupancy rates have been affected by COVID, but for the first 3 months of 2022 the average reported occupancy rate was 63% (higher than pre-COVID). This is not considered to support a need for the proposed tourist accommodation development.

The proposed B&B intends to provide a city escape, high-end boutique farm stay experience for couples. There currently is nothing of this nature in our area. Our own market research indicates there is a demand for this type of accommodation & consequently we are prepared to invest significant dollars into this project. Tourist accommodation is mostly anticipated where it is associated with primary production or a primary production value adding activity & the detail we have provided in this response clearly satisfies the Desired Outcomes (DO1, DO2 & DO3).

Operation

General Development Policies:

Interface between land uses

Desired Outcome - DO1 Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.

The proposed check in and departure times seem to be reversed (should be check-in 15.00 and check-out 11.00) and are not likely to be representative of actual arrival times – late check in is to be expected and there will be noise nuisance from visitors, sound travels long distances in the tranquil rural / residential valley locality. It will also be important to ensure that the opportunity for light nuisance is minimised.

We acknowledge the indicative check in time will be around 15:00 & the indicative check-out time will be around 11:00.

Being a single bedroom, the nature of the clientele is expected to predominantly, if not exclusively be couples wanting a peaceful rural retreat. That being the case & in combination with the relatively small volumes of visitors, it would be reasonable to expect the visitors to the B&B will cause no more disturbance to the locality than any regular visitor attending any of the houses on Jacobs Lane.

The B&B will be positioned on our block so that the living areas are facing the view across our property & therefore away from the Brogans property. Through finalising the design with our architect, we will look to further minimise light pollution to neighbours as far as practicable.

We understand that the bushfire survival plan will need to be developed, but one of the proposals is that the accommodation will be closed on catastrophic fire danger days. This does not seem to be feasible due to the respective timescales of booking and the declaration of a catastrophic fire danger day – it can reasonably be expected that guests will be in residence or in transit to the accommodation when a declaration is made.

This is not a requirement as part of Development Approval, however, as stated in our Development Application, the B&B will be closed on 'Catastrophic Fire Danger Days'. This will be a condition at the time of booking. Other B&B businesses in the Adelaide Hills also have this condition.

Other tourist accommodation / B & B's operated in Mylor are in a mixed use area, with access from a surfaced road and have discreet (if any) signage.

Signage covered earlier within this response.

Any approval should include conditions to ensure that the use of the accommodation is restricted to that for which approval has been sought and should also ensure that it does not set a precedent for future expansion to add further units.

This DA should be assessed on the current situation through the existing assessment pathway. There is no call to place encumbrances or conditions on our property in this regard. Whilst we have no plans for additional units, I would expect that any potential future DA's should be assessed on merit at that point in time, against the relevant policies at that point in time.

In addition, the design of the accommodation does not make any concessions to universal access requirements, which we would expect to be a requirement of a new tourist accommodation facility.

Unclear why this is of relevance to the DA. However, our architect is taking this into consideration with the final design.

Precedent

In considering another application for tourist accommodation at Woodside (**Dev No 21030805 – Dev No 21030805 – 12Tiers Road**), the Council Assessment Panel was cognisant of the existing land use (primary production) and also proximity to the Township Main Street Zone. The council report concluded in that case that **“the tourist accommodation use should not take away from grazing and cropping occurring on the balance of the land. The adjoining land is also used for primary production.”** The development under consideration in Jacobs Lane is on a residential property and all adjoining properties are residential.

The proposed B&B has a modest footprint. Typical hay sheds or rural sheds are much larger in size & area than this proposed structure & any loss of pasture will be insignificant in proportion to the size of our 25+ acre allotment. Locating the structure 20m from the boundary rather than 40m will minimise the driveway area & further minimising any pasture loss.

Both neighbours adjoining our property also run sheep which is clearly a form of primary production. There are many examples within the AHC area where approval for more than one tourist accommodation building has been granted. One example is the Pavilions at Lt 10 Swamp Rd, Lenswood.

Conclusion

In summary, we oppose this application on the grounds that the proposed development:

- Is tourist accommodation for which there is no demonstrated requirement in this locality; and
- Fails to meet several planning / development requirements; and
- Will have a detrimental impact on the locality, particularly as experienced from our property.
- Is a commercial development that is detrimental to the residential locality.

Having reviewed the publicly available information in respect of this development application, we consider that it is at variance with the provisions of the Planning and Design Code as outlined in our submission and that Planning Consent should be REFUSED.

Given this project is in the planning stage, we appreciate that not all the information was publicly available to the representor. However, the detail provided within this response clearly demonstrates how this proposed development can satisfy all the planning & development requirements associated with this application.

Referral Snapshot

Development Application number:

22028767

Consent:

Planning Consent

Relevant authority:

Adelaide Hills Council

Consent type for distribution:**Referral body:**

South Australian Country Fire Service

Response type:

Schedule 9 (3)(2) Hazards (Bushfire - High Risk) Overlay

Referral type:

Direction

Response date:

2 Mar 2023

Advice:

With comments, conditions and/or notes

Condition 1

The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 3.2) details the mandatory requirements for extensions to buildings, outbuildings and other ancillary structures are sited and constructed using materials to minimise the threat of fire spread to residential and tourist accommodation (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) in the event of bushfire.

- Outbuildings and other ancillary structures shall be sited no closer than 6m from the habitable building, unless built to relevant building standards for associated structures in Bushfire Prone Areas.

Condition 2

ACCESS TO HABITABLE BUILDING

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

- A clear and unobstructed vehicle or pedestrian pathway shall be provided; no greater than 60 metres in length between the most distant part of the habitable building and the nearest part of the formed public access way.

Condition 3

WATER SUPPLY & ACCESS (to dedicated water supply)

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

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

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

SA CFS has no objection to the proposed location for the dedicated water supply as detailed on drawing named SERVICES PLAN dated at last revision 07/02/2023, 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.
- The minimum water supply required may be combined with domestic use, providing the outlet for domestic use is located above the dedicated fire water supply (in order for it to remain as a dedicated supply).
- Where access to the habitable building is not required due to proximity to the public road, but the hardstand adjacent the outlet is located more than 6m within the boundary of the allotment, the access to the outlet shall:
 1. be connected to a formed, all-weather public road; and
 2. have a gradient of not more than 16 degrees (1-in-3.5) at any point; and
 3. provide overhead clearance of not less than 4.0m horizontally and vertically between the driveway surface and overhanging branches or other obstructions, including building and/or structures; and
 4. shall not include guest car parking space/s within the minimum dimensions.
- The all-weather access to the hardstand 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.

Condition 4

MAINTAIN AN ASSET PROTECTION ZONE (APZ) - VEGETATION MANAGEMENT

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

SA CFS has no objection to the location and extent of the asset protection zone as detailed on drawing named **PLANTING ZONES** dated at last revision 01/02/2023, providing it complies with the following conditions:

- Vegetation management shall be established and maintained within 20 metres of the habitable building (or to the property boundaries – whichever comes first) as follows:
 1. The number of trees and understorey plants existing and to be established within the APZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%'.
 2. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
 3. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
 4. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
 5. Shrubs must not be planted under trees and must be separated by at least 1.5 times their mature height from the trees' lowest branches.
 6. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
 7. No understorey vegetation shall be established within 2 metres of the habitable building (understorey is defined as plants and bushes up to 2 metres in height).
 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 APZ shall be maintained to be free of accumulated dead vegetation.

Advisory Note 1

BUILDING CONSIDERATIONS

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

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

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

Category of Bushfire Attack Level: **BAL 19**

This BAL rating is conditional upon the establishment and maintenance of a 20 metre Asset Protection Zone, in accordance with the Asset Protection Zone –

Vegetation Management condition of consent placed on the planning consent with the same application reference.

This result is considered relevant at the date of assessment with respect to the elevations detailed on SERVICES PLAN, dated 07/02/2023 and shall not be considered as SA CFS endorsement of any subsequent development.



Environment Protection Authority
GPO Box 2607 Adelaide SA 5001
211 Victoria Square Adelaide SA 5000
T (08) 8204 2004
Country areas 1800 623 445

OFFICIAL

EPA Reference: PDI 419

4 October 2022

Marie Molinaro
Adelaide Hills Council
Po Box 44
Woodside SA 5244

mmolinaro@ahc.sa.gov.au

Dear Marie,

EPA Development Application Referral Response

Development Application Number	22028767
Applicant	Damian & Linda Stam
Location	35 Jacobs Lane Mylor SA 5153
Proposal	Change of use to include tourist accommodation comprising one self-contained unit

This application was referred to the Environment Protection Authority (EPA) by the Adelaide Hills Council in accordance with section 122 of the *Planning, Development and Infrastructure Act 2016*. The following response is provided in accordance with section 122(5)(b)(ii) of the Planning, Development and Infrastructure Act.

PROPOSAL

The proposal is for a one-bedroom self-contained unit where a dwelling and shed already exist on site. The existing dwelling is serviced by its own wastewater system, which is not subject to this development application. The proposed tourist accommodation would require the installation of a new wastewater management system.

SITE

The subject site consists of Allotment 11 in Filed Plan 159288, Certificate of Title Volume 5690 Folio 430 in the Hundred of Noarlunga. The subject site is approximately 10 hectares in area and is irregular / rectangular in shape. Surrounding land uses primarily consist of rural residential allotments.

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The subject site is located within the Productive Rural Landscape Zone, Environment and Food Production Area Overlay, Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay and Prescribed Water Resources Area Overlay of the *Planning and Design Code*.

The subject land is located within the Mount Lofty Ranges Water Protection Area proclaimed under the *Environment Protection Act 1993* (the EP Act).

CONSIDERATION

The EPA assessment criteria are outlined in section 57 of the EP Act and include the objects of the EP Act, the general environmental duty, relevant environment protection policies and the waste strategy for the State.

The trigger for referral of this development application to the EPA was for the proposal being a ‘*tourist accommodation where a habitable dwelling or tourist accommodation already exists on the same allotment (including where a valid planning authorisation exists to erect a habitable dwelling or tourist accommodation on the same allotment)*’ within the Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay. The referral requires the EPA to provide assessment and direction on whether the proposed development would have a neutral or beneficial effect on water quality.

ENVIRONMENTAL ASSESSMENT

Water Quality

Unsewered residential development is considered one of the highest risk activities in a public water supply catchment. Potential pollutants from such activities include nutrients, microorganisms and pathogens from human effluent. Other risks include contaminated stormwater and wastewater from various other activities and sources.

Water quality in South Australia is protected by the EP Act and the associated *Environment Protection (Water Quality) Policy 2015* (‘the Water Policy’). Pursuant to the Water Policy, a person must not discharge a Class 1 pollutant into any waters or onto land in a place from which it is reasonably likely to enter any waters, including through the rising of the water table. Human waste is considered a Class 1 pollutant. Ensuring that human wastewater is managed so that it would not enter surface and ground waters is of primary concern when assessing proposed developments within the highly water sensitive MLR WPA.

Wastewater

A new aerobic on-site wastewater management system (Ozzi Kleen RP10) is proposed to cater for the tourist accommodation which is identified in the “*Aerobic with Surface Sprays for Proposed Accommodation Area Report 2032 35 Jacobs Lane Mylor*”, by Archer Environmental (Wastewater Report). Wastewater from this system would be irrigated on site to a woodlot with plants/trees selected from Appendix D of the SA Health *On-site Wastewater Systems Code* dated April 2013.

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To demonstrate a neutral or beneficial environmental impact from this development, a nutrient balance has been provided demonstrating that an irrigation area of 80m² is required for nutrient uptake by the trees. A stormwater diversion bund around the irrigation area has also been proposed.

The Wastewater Report states that irrigation area would be located on site in a place more than 50m from the nearest watercourse and bore, more than 1.2m from the seasonal groundwater table, on a slope less than 20% and not in the 10% annual exceedance probability (AEP) flood zone.

The EPA is satisfied it has been demonstrated that the proposed wastewater system would have a 'neutral or beneficial' impact to water quality for the surrounding environment. A condition is directed below to ensure that the wastewater system is installed prior to occupation and in accordance with the Wastewater Report.

Stormwater

A new rubble driveway is proposed for access to the accommodation, which would allow infiltration of rainfall and reduce the risk of flooding. The application does not appear to include any stormwater infrastructure such as rainwater tanks to capture run-off from the roof of the tourist accommodation. Given the small scale of development, the EPA is satisfied that this is not a critical issue for the EPA.

Construction Management

All reasonable and practicable measures should be implemented during the construction of the tourist accommodation to minimise soil exposure and disturbance and to control and minimise surface runoff entering and leaving disturbed areas. This can be achieved by installing and maintaining sediment and erosion control devices, appropriately managing any stockpiles and rehabilitating disturbed areas. Further guidance may be sought from the EPA's [Stormwater pollution prevention code of practice for the building and construction industry](#).

The above strategies would assist in minimising water quality impacts from the construction of the development. A note to this effect is included below.

Conclusion

As demonstrated in the application, the proposed tourist accommodation is considered to achieve a 'neutral or beneficial' impact to water quality for the surrounding environment, as required for development Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay, subject to the directed condition below.

DIRECTION

The relevant authority is directed to attach the following conditions to any approval:

1. Prior to occupation, the on-site wastewater system must be installed in accordance with the "Aerobic with Surface Sprays for Proposed Accommodation Area Report 2032 35 Jacobs Lane Mylor", prepared by Archer Environmental, dated 2 August 2022, and include:

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- a. The installation of an Ozzi Kleen RP10 system.
- b. The construction of an 80m² irrigation area which is:
 - i. located more than 50m from the nearest watercourse, dam or bore
 - ii. more than 1.2m from the seasonal groundwater table
 - iii. on a slope less than 20%
 - iv. not in the 10% annual exceedance probability flood zone
- c. Vegetating the irrigation area with a woodlot
- d. Bunding to direct surface runoff away from the irrigation area and creating a bund downhill to prevent any runoff (from over-irrigation) moving off site.

The following notes provide important information in relation to the development and are requested to be included in any approval:

- The applicant is reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.
- The applicant is advised that, during construction, appropriate measures should be put in place to ensure that no soil transport occurs during rain events. This could include using silt fences on the downhill side of the exposed area to capture any soil runoff, and appropriately managing any soil stockpiles kept on site with silt fencing, or through temporary coverage with matting or hydroseeding. Further guidance may be sought from the EPA's *Stormwater pollution prevention code of practice for the building and construction industry* (found at: https://www.epa.sa.gov.au/files/47790_bccop1.pdf)
- More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au.

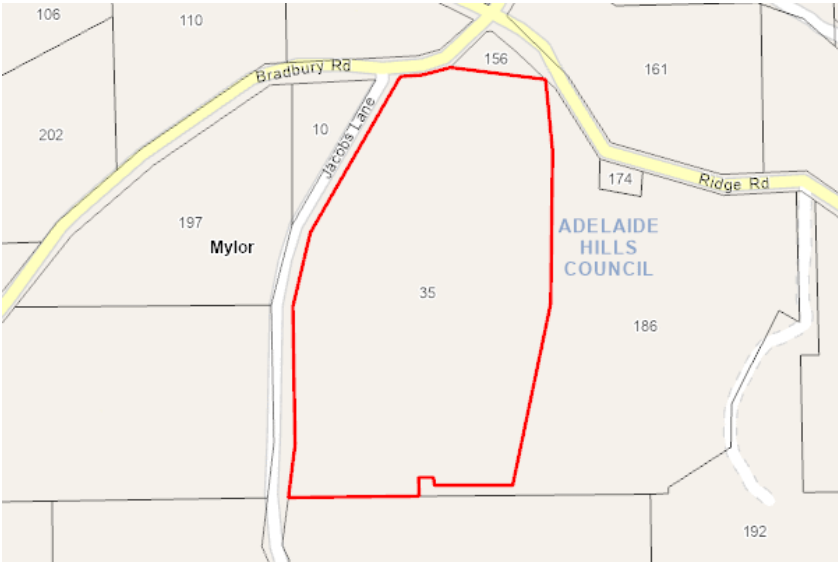
If you have any questions about this response, please contact Josh Gill on 08 8204 2129 or josh.gill2@sa.gov.au.

Yours faithfully,

Courtney Stollznaw
Delegate
ENVIRONMENT PROTECTION AUTHORITY

35 JACOBS LANE MYLOR SA 5153
Address: Click to view a detailed interactive [SAILIS](#) in [SAILIS](#)

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



Property Zoning Details

Overlay

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

Zone

- Productive Rural Landscape

Selected Development(s)

Tourist accommodation

This development may be subject to multiple assessment pathways. Please review the document below to determine which pathway may be applicable based on the proposed development compliances to standards.
If no assessment pathway is shown this mean the proposed development will default to performance assessed. Please contact your local council in this instance. Refer to Part 1 - Rules of Interpretation - Determination of Classes of Development

Property Policy Information for above selection

Tourist accommodation - Code Assessed - Performance Assessed

Part 2 - Zones and Sub Zones

Productive Rural Landscape Zone

Assessment Provisions (AP)

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

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use and Intensity	
PO 1.1 The productive value of rural land for a range of primary production and horticultural activities and associated value adding of primary produce (such as beverage production), retailing and tourism is supported, protected and maintained. The proliferation of land uses that may be sensitive to those activities is avoided.	DTS/DPF 1.1 Development comprises one or more of the following: <ul style="list-style-type: none"> (a) Advertisement (b) Agricultural building (c) Brewery (d) Carport (e) Cidery (f) Distillery (g) Dwelling (h) Dwelling addition (i) Farming (j) Function centre (k) Horse keeping (l) Horticulture (m) Industry (n) Low intensity animal husbandry (o) Outbuilding (p) Shop (q) Small-scale ground mounted solar power facility (r) Tourist accommodation (s) Transport distribution (t) Verandah (u) Warehouse (v) Winery (w) Workers' accommodation
Siting and Design	
PO 2.1	DTS/DPF 2.1

Development is provided with suitable vehicle access.	Development is serviced by an all-weather trafficable public road.
PO 2.2 Buildings are generally located on flat land to minimise cut and fill and the associated visual impacts.	DTS/DPF 2.2 Buildings: (a) are located on a site with a slope not greater than 10% (1-in-10) (b) do not result excavation and/or filling of land that is greater than 1.5m from natural ground level.
Shops, Tourism and Function Centres	
PO 6.3 Tourist accommodation is associated with the primary use of the land for primary production or primary production related value adding industry to enhance and provide authentic visitor experiences.	DTS/DPF 6.3 Tourist accommodation, other than where located in The Cedars Subzone: (a) is ancillary to and located on the same allotment or an adjoining allotment used for primary production or primary production related value adding industry (b) in relation to the area used for accommodation: (i) where in a new building, does not exceed a total floor area of 100m ² (ii) where in an existing building, does not exceed 150m ² (c) does not result in more than one facility being located on the same allotment.
PO 6.4 Tourist accommodation proposed in a new building or buildings are sited, designed and of a scale that maintains a pleasant rural character and amenity.	DTS/DPF 6.4 Tourist accommodation in new buildings: (a) is setback from all property boundaries by at least 40m (b) has a building height that does not exceed 7m above natural ground level.
Adaptive Reuse of Existing Buildings	
PO 8.1 Adaptive reuse of existing buildings for small-scale shops, offices, tourist accommodation or ancillary rural activities.	DTS/DPF 8.1 Development within an existing building is for any of the following: (a) a shop (b) office (c) tourist accommodation.
Built Form and Character	
PO 11.1 Large buildings designed and sited to reduce impacts on scenic and rural vistas by: (a) having substantial setbacks from boundaries and adjacent public roads (b) using low reflective materials and finishes that blend with the surrounding landscape (c) being located below ridgelines.	DTS/DPF 11.1 None are applicable.

Table 5 - Procedural Matters (PM) - Notification

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

Interpretation

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

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

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

Class of Development (Column A)	Exceptions (Column B)
1. Development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. Any development involving any of the following (or of any combination of any of the following): (a) advertisement (b) agricultural building (c) air handling unit, air conditioning system or exhaust fan (d) ancillary accommodation (e) building work on railway land (f) carport (g) demolition (h) dwelling (i) dwelling addition (j) farming (k) horse keeping (l) internal building work (m) land division (n) outbuilding (o) private bushfire shelter (p) protective tree netting structure (q) replacement building (r) retaining wall (s) solar photovoltaic panels (roof mounted) (t) shade sail (u) swimming pool or spa pool (v) temporary accommodation in an area affected by bushfire (w) tree damaging activity (x) verandah (y) water tank.	None specified.

3. Any development involving any of the following (or of any combination of any of the following): (a) industry (b) store (c) warehouse.	Except development that does not satisfy any of the following: 1. Productive Rural Landscape Zone DTS/DPF 4.1 2. Productive Rural Landscape Zone DTS/DPF 4.3.
4. Demolition.	Except any of the following: 1. the demolition of a State or Local Heritage Place 2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.
5. Function centre within The Cedars Subzone.	None specified.
6. Function centre.	Except function centre that does not satisfy Productive Rural Landscape Zone DTS/DPF 6.6.
7. Horticulture.	Except horticulture that does not satisfy any of the following: 1. Productive Rural Landscape Zone DTS/DPF 3.1(d) 2. Productive Rural Landscape Zone DTS/DPF 3.1(e).
8. Shop within The Cedars Subzone.	None specified.
9. Shop.	Except shop that does not satisfy any of the following: 1. Productive Rural Landscape Zone DTS/DPF 6.1 2. Productive Rural Landscape Zone DTS/DPF 6.2.
10. Tourist accommodation within The Cedars Subzone.	None specified.
11. Tourist accommodation.	Except tourist accommodation that does not to satisfy any of the following: 1. Productive Rural Landscape Zone DTS/DPF 6.3 2. Productive Rural Landscape Zone DTS/DPF 6.4.

Placement of Notices - Exemptions for Performance Assessed Development

None specified.

Placement of Notices - Exemptions for Restricted Development

None specified.

Part 3 - Overlays

Hazards (Bushfire - High Risk) Overlay

Assessment Provisions (AP)

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

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use	
PO 1.1 Development that significantly increases the potential for fire outbreak as a result of the spontaneous combustion of materials, spark generation or through the magnification and reflection of light is not located in areas of unacceptable bushfire risk.	DTS/DPF 1.1 None are applicable.
PO 1.2 Pre-schools, educational establishments, hospitals, retirement and supported accommodation are sited away from areas of unacceptable bushfire risk and locations that: <ul style="list-style-type: none"> (a) are remote from or require extended periods of travel to reach safer locations (b) don't have a safe path of travel to safer locations. 	DTS/DPF 1.2 None are applicable.
Siting	
PO 2.1 Buildings and structures are located away from areas that pose an unacceptable bushfire risk as a result of vegetation cover and type, and terrain.	DTS/DPF 2.1 None are applicable.
Built Form	
PO 3.1	DTS/DPF 3.1

Buildings and structures are designed and configured to reduce the impact of bushfire through using designs that reduce the potential for trapping burning debris against or underneath the building or structure, or between the ground and building floor level in the case of transportable buildings and buildings on stilts.	None are applicable.
PO 3.2 Extensions to buildings, outbuildings and other ancillary structures are sited and constructed using materials to minimise the threat of fire spread to residential and tourist accommodation (including boarding houses, hostels, dormitory style accommodation, student accommodation and Workers' accommodation) in the event of bushfire.	DTS/DPF 3.2 Outbuildings and other ancillary structures are sited no closer than 6m from the habitable building.
Habitable Buildings	
PO 4.1 To minimise the threat, impact and potential exposure to bushfires on life and property, residential and tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) is sited on the flatter portion of allotments away from steep slopes.	DTS/DPF 4.1 None are applicable.
PO 4.2 Residential and tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) is sited away from vegetated areas that pose an unacceptable bushfire risk.	DTS/DPF 4.2 Residential and tourist accommodation and habitable buildings for vulnerable communities are provided with asset protection zone(s) in accordance with (a) and (b): (a) the asset protection zone has a minimum width of at least: <ul style="list-style-type: none"> (i) 50 metres to unmanaged grasslands (ii) 100 metres to hazardous bushland vegetation (b) the asset protection zone is contained wholly within the allotment of the development.
PO 4.3 Residential and tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) has a dedicated area available that: (a) is capable of accommodating a bushfire protection system comprising firefighting equipment and water supply in accordance with <i>Ministerial Building Standard MBS 008 - Designated bushfire prone areas - additional requirements</i> (b) includes the provision of an all-weather hardstand area in a location that: <ul style="list-style-type: none"> (i) allows fire-fighting vehicles to safely access the dedicated water supply and exit the site in a forward direction (ii) is no further than 6 metres from the dedicated water supply outlet(s) where required. 	DTS/DPF 4.3 None are applicable.

Vehicle Access –Roads, Driveways and Fire Tracks	
<p>PO 6.1</p> <p>Roads are designed and constructed to facilitate the safe and effective:</p> <ul style="list-style-type: none"> (a) access, operation and evacuation of fire-fighting vehicles and emergency personnel (b) evacuation of residents, occupants and visitors. 	<p>DTS/DPF 6.1</p> <p>Roads:</p> <ul style="list-style-type: none"> (a) are constructed with a formed, all-weather surface (b) have a gradient of not more than 16 degrees (1-in-3.5) at any point along the road (c) have a cross fall of not more than 6 degrees (1-in-9.5) at any point along the road (d) have a minimum formed road width of 6m (e) provide overhead clearance of not less than 4.0m between the road surface and overhanging branches or other obstructions including buildings and/or structures (Figure 1) (f) allow fire-fighting services (personnel and vehicles) to travel in a continuous forward movement around road curves by constructing the curves with a minimum external radius of 12.5m (Figure 2) (g) incorporating cul-de-sac endings or dead end roads are provided within an alternative evacuation route and do not exceed 200m in length and the end of the road has either: <ul style="list-style-type: none"> (i) a turning area with a minimum formed surface radius of 12.5m (Figure 3) or (ii) a 'T' or 'Y' shaped turning area with a minimum formed surface length of 11m and minimum internal radii of 9.5m (Figure 4) (h) incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.
<p>PO 6.2</p> <p>Access to habitable buildings is designed and constructed to facilitate the safe and effective:</p> <ul style="list-style-type: none"> (a) use, operation and evacuation of fire-fighting and emergency personnel (b) evacuation of residents, occupants and visitors. 	<p>DTS/DPF 6.2</p> <p>Access is in accordance with (a) or (b):</p> <ul style="list-style-type: none"> (a) a clear and unobstructed vehicle or pedestrian pathway of not greater than 60 metres in length is available between the most distant part of the habitable building and the nearest part of a formed public access road (b) driveways: <ul style="list-style-type: none"> (i) do not exceed 600m in length (ii) are constructed with a formed, all-weather surface (iii) are connected to a formed, all-weather public road with the transition area between the road and driveway having a gradient of not more than 7 degrees (1-in-8) (iv) have a gradient of not more than 16 degrees (1-in-3.5) at any point along the driveway (v) have a crossfall of not more than 6 degrees (1-in-9.5) at any point along the driveway (vi) have a minimum formed width of 3m (4m where the gradient of the driveway is steeper than 12 degrees (1-in-4.5)) plus 0.5 metres clearance either side of the driveway from overhanging branches or other obstructions, including buildings and/or structures (Figure 1) (vii) incorporate passing bays with a minimum width

	<p>of 6m and length of 17m every 200m (Figure 5)</p> <p>(viii) provide overhead clearance of not less than 4.0m between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures (Figure 1)</p> <p>(ix) allow fire-fighting services (personnel and vehicles) to travel in a continuous forward movement around driveway curves by constructing the curves with a minimum external radius of 12.5m (Figure 2)</p> <p>(x) allow fire-fighting vehicles to safely enter and exit an allotment in a forward direction by using a 'U' shaped drive through design or by incorporating at the end of the driveway either:</p> <p>A. a loop road around the building or</p> <p>B. a turning area with a minimum radius of 12.5m (Figure 3) or</p> <p>C. a 'T' or 'Y' shaped turning area with a minimum formed length of 11m and minimum internal radii of 9.5m (Figure 4)</p> <p>(xi) incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.</p>
<p>PO 6.3</p> <p>Development does not rely on fire tracks as means of evacuation or access for fire-fighting purposes unless there are no safe alternatives available.</p>	<p>DTS/DPF 6.3</p> <p>None are applicable.</p>

Procedural Matters (PM) - Referrals

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

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
<p>Except if a relevant certificate accompanies the application for planning consent in respect of the development, any of the following classes of development (including alterations and additions which increase the floor area of such buildings by 10% or more):</p> <p>(a) land division creating one or more additional allotments</p> <p>(b) dwelling</p> <p>(c) ancillary accommodation</p> <p>(d) residential flat building</p> <p>(e) tourist accommodation</p> <p>(f) boarding home</p> <p>(g) dormitory style accommodation</p>	South Australian Country Fire Service.	To provide expert assessment and direction to the relevant authority on the potential impacts of bushfire on the development.	Development of a class to which Schedule 9 clause 3 item 2 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

(h)	workers' accommodation		
(i)	student accommodation		
(j)	pre-school		
(k)	educational establishment		
(l)	retirement village		
(m)	supported accommodation		
(n)	residential park		
(o)	hospital		
(p)	camp ground.		

Figures and Diagrams

<div> <div>Fire Appliance Clearances</div> <div> <div>Figure 1 - Overhead and Side Clearances</div> <p>MINIMUM 4 METRES OVERHEAD CLEARANCE</p> <p>CLEARANCE</p> <p>4 METRES</p> <p>0.5m</p> <p>CARRIAGEWAY WIDTH</p> <p>(3m Minimum for Driveways) (6m Minimum for Roads)</p> <p>0.5m</p> <p>A MINIMUM 0.5 METRES CLEARANCE IS TO BE PROVIDED ON EACH SIDE OF CARRIAGEWAY / DRIVEWAY</p> </div> </div>	
<div> <div>Roads and Driveway Design</div> <div> <div>Figure 2 - Road and Driveway Curves</div> </div> </div>	

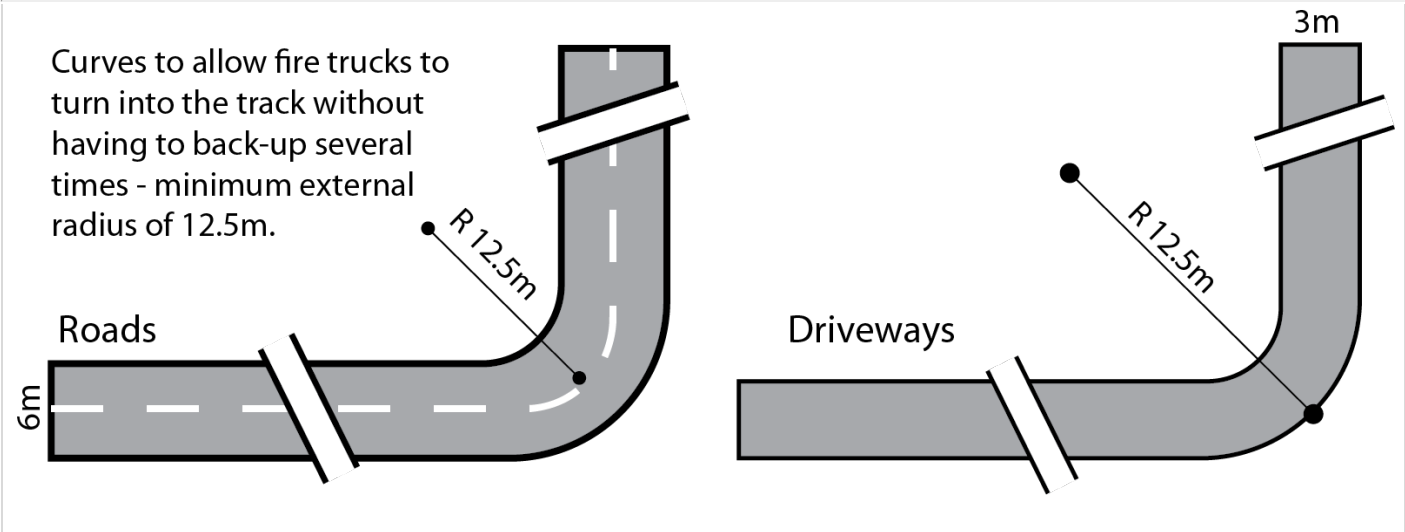


Figure 3 - Full Circle Turning Area

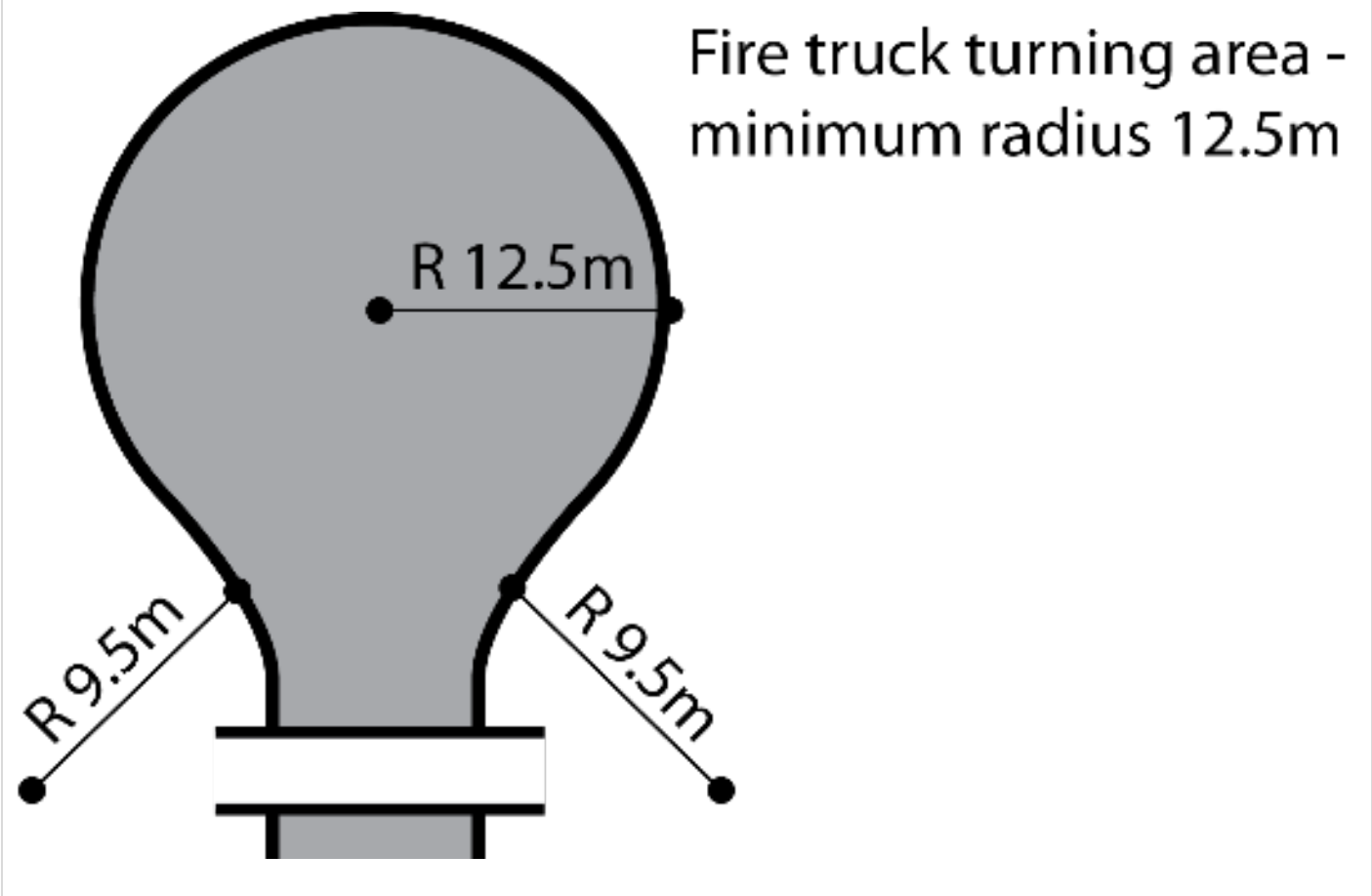


Figure 4 - 'T' or 'Y' Shaped Turning Head

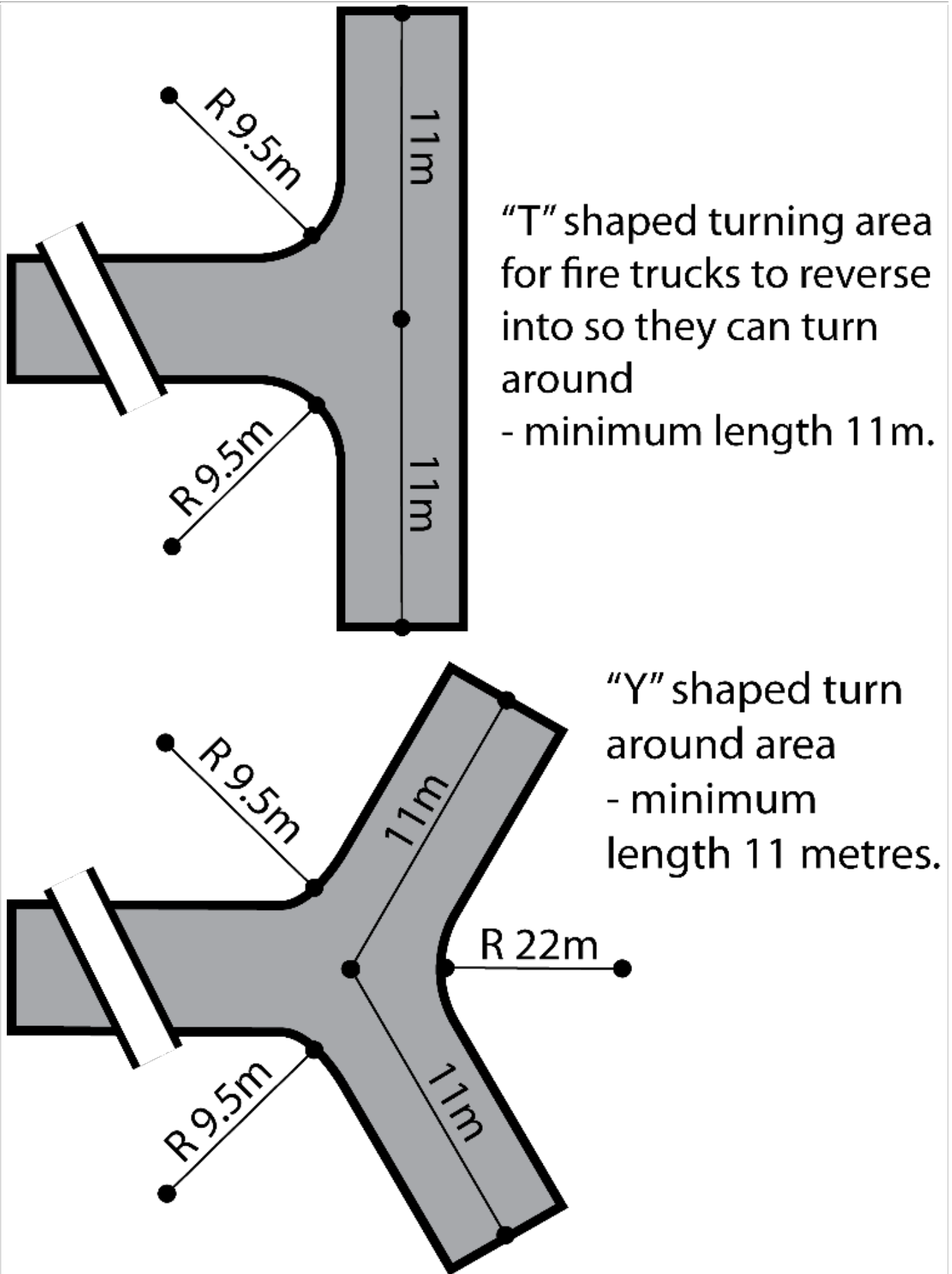
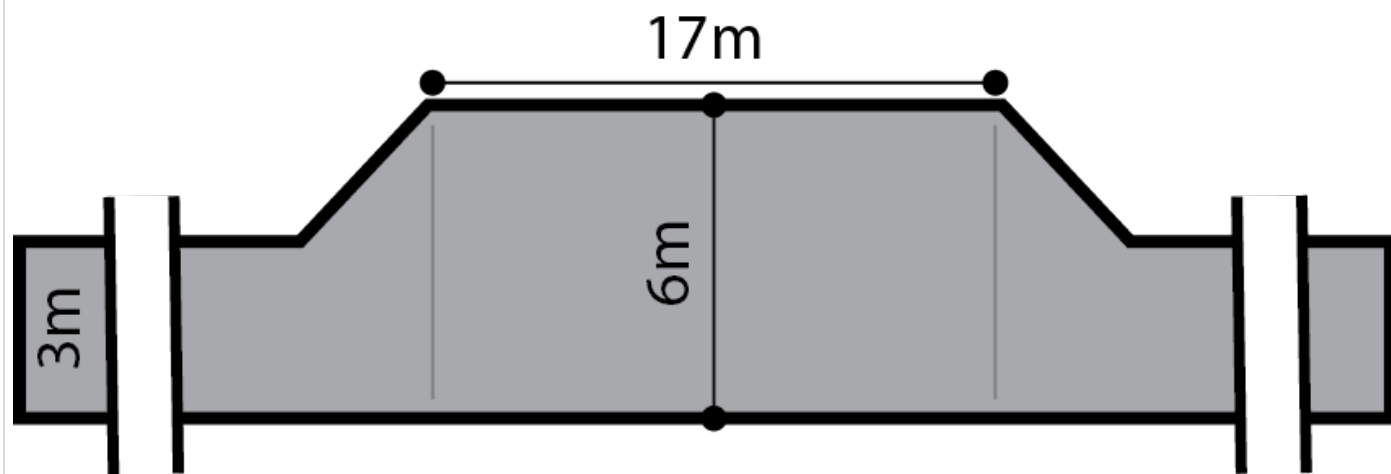


Figure 5 - Driveway Passing Bays

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



Hazards (Flooding - Evidence Required) Overlay

Assessment Provisions (AP)

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

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

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

Procedural Matters (PM) - Referrals

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

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
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None	None	None	None
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Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay

Assessment Provisions (AP)

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

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Water Quality	
PO 1.1 Development results in a neutral or beneficial effect on the quality of water draining from the site to maintain and enhance the role of the catchment as a water supply.	DTS/DPF 1.1 None are applicable.
Wastewater	
PO 2.1 Development that generates human wastewater, including alterations and additions, are established at an intensity and in a manner to minimise potential adverse impact on water quality within secondary reservoir and weir catchment areas.	DTS/DPF 2.1 Development including alterations and additions, in combination with existing built form and activities within an allotment: (a) do not generate a combined total of more than 1500 litres of wastewater per day and (b) will be connected to the same on-site wastewater system that is compliant with relevant South Australian standards or is otherwise connected to a sewer or community wastewater management system.
PO 2.3 Development that generates trade or industrial wastewater is of a scale and design to ensure wastewater is managed to avoid adverse water quality impacts is of a scale and design that will avoid adverse water quality impacts.	DTS/DPF 2.3 Development that generates trade or industrial wastewater with a peak biological oxygen demand (BOD) of greater than 100 milligrams per litre satisfies the following: (a) disposes of all wastewater to a sewerage or community wastewater management system, or (b) operates at a scale that generates less than 5 million litres of wastewater per year, and (i) is located greater than 300 metres from a watercourse, dam, bore or well, except where a spill retention basin is constructed, in which case, the minimum setback to a watercourse, dam, bore or well is 50 metres, and

	<p>(ii) a development that incorporates a spill retention basin(s) for the purpose of reducing the setback to a watercourse, dam, bore or well, has basins designed and located:</p> <ul style="list-style-type: none"> A. to minimise the risk of spills entering a downgradient watercourse, dam, bore or well B. in close proximity to wine making, wine storage and wastewater treatment facilities C. to capture 120% of the maximum aggregate volume of liquid raw materials, product and untreated wastewater which can be contained or produced at any one time during the peak of operation D. to be impervious; and E. to minimise the interception of any natural or artificial stormwater flow.
<p>PO 2.4</p> <p>Wastewater management systems result in a neutral or beneficial effect on the quality of water draining from the site.</p>	<p>DTS/DPF 2.4</p> <p>Development results in:</p> <ul style="list-style-type: none"> (a) a building or land use that is currently connected to an existing on-site wastewater system that is non-compliant with relevant South Australian standards being connected to a new or upgraded system that complies with such standards or (b) an existing on-site wastewater system being decommissioned and wastewater being disposed of to a sewer or community wastewater management system that complies with relevant South Australian standards.
<p>PO 2.5</p> <p>Surface and groundwater protected from wastewater discharge pollution.</p>	<p>DTS/DPF 2.5</p> <p>All components of an effluent disposal area are:</p> <ul style="list-style-type: none"> (a) setback 50 metres or more from a watercourse (b) setback 100 metres or more from a public water supply reservoir (c) located on land with a slope no greater than 1-in-5 (20%) (d) located on land with 1.2m or more depth to bedrock or a seasonal or permanent water table (e) above the 10% AEP flood level.
Stormwater	
<p>PO 3.1</p> <p>Post-development peak stormwater discharge quantities and rates do not exceed pre-development quantities and rates to maintain water quality leaving the site.</p>	<p>DTS/DPF 3.1</p> <p>None are applicable.</p>
<p>PO 3.2</p> <p>Stormwater run-off from areas not likely to be subject to pollution diverted away from areas that could cause pollution.</p>	<p>DTS/DPF 3.2</p> <p>None are applicable.</p>
PO 3.3	DTS/DPF 3.3

Polluted stormwater is treated prior to discharge from the site.	None are applicable.
PO 3.4 Stormwater from carports, verandahs, outbuildings and agricultural buildings captured to protect water quality.	DTS/DPF 3.4 Development includes: (a) rainwater tanks with a minimum capacity of 1,000L connected to carports, verandahs and outbuildings or (b) rainwater tanks with a minimum capacity of 4,500L connected to agricultural buildings exceeding 100m ² .
PO 3.9 Stormwater from excavated and filled areas is managed to protect water quality.	DTS/DPF 3.9 Excavation and/or filling satisfy all the following: (a) is located 50m or more from watercourses (b) is located 100m or more from public water supply reservoirs and diversion weirs (c) does not involve excavation exceeding a vertical height of 0.75m (d) does not involve filling exceeding a vertical height of 0.75m (e) does not involve a total combined excavation and filling vertical height of 1.5m.
Landscapes and Natural Features	
PO 4.1 Development minimises the need to modify landscapes and natural features.	DTS/DPF 4.1 None are applicable.

Procedural Matters (PM)

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

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Any of the following classes of development that are not connected (or not proposed to be connected) to a community wastewater management system or sewerage infrastructure: (a) land division creating one or more additional allotments, either partly or wholly within the area of the overlay (b) function centre with more than 75 seats for customer dining purposes (c) restaurant with more than 40 seats for customer dining purposes (d) restaurant with more than 30 seats for customer dining purposes in association with a cellar door (e) dwelling where a habitable dwelling or tourist accommodation already exists on the same allotment (including where a	Environment Protection Authority.	To provide expert technical assessment and direction to the relevant authority on whether a proposed development will have a neutral or beneficial impact on water quality.	Development of a class to which Schedule 9 clause 3 item 9 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

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

Native Vegetation Overlay

Assessment Provisions (AP)

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

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Environmental Protection	
<p>PO 1.1</p> <p>Development avoids, or where it cannot be practically avoided, minimises the clearance of native vegetation taking into account the siting of buildings, access points, bushfire protection measures and building maintenance.</p>	<p>DTS/DPF 1.1</p> <p>An application is accompanied by:</p> <ul style="list-style-type: none"> (a) a declaration stating that the proposal will not, or would not, involve clearance of native vegetation under the Native Vegetation Act 1991, including any clearance that may occur: <ul style="list-style-type: none"> (i) in connection with a relevant access point and / or driveway (ii) within 10m of a building (other than a residential building or tourist accommodation) (iii) within 20m of a dwelling or addition to an existing dwelling for fire prevention and control (iv) within 50m of residential or tourist accommodation in connection with a requirement under a relevant overlay to establish an asset protection zone in a bushfire prone area or (b) a report prepared in accordance with Regulation 18(2) (a) of the Native Vegetation Regulations 2017 that establishes that the clearance is categorised as 'Level 1 clearance'.
<p>PO 1.2</p> <p>Native vegetation clearance in association with development avoids the following:</p> <ul style="list-style-type: none"> (a) significant wildlife habitat and movement corridors (b) rare, vulnerable or endangered plants species (c) native vegetation that is significant because it is located in an area which has been extensively cleared (d) native vegetation that is growing in, or in association with, a wetland environment. 	<p>DTS/DPF 1.2</p> <p>None are applicable.</p>
<p>PO 1.3</p> <p>Intensive animal husbandry and agricultural activities are sited,</p>	<p>DTS/DPF 1.3</p> <p>Development within 500 metres of a boundary of a State</p>

set back and designed to minimise impacts on native vegetation, including impacts on native vegetation in an adjacent State Significant Native Vegetation Area, from:	Significant Native Vegetation Area does not involve any of the following:
<ul style="list-style-type: none"> (a) the spread of pest plants and phytophthora (b) the spread of non-indigenous plants species (c) excessive nutrient loading of the soil or loading arising from surface water runoff (d) soil compaction (e) chemical spray drift. 	<ul style="list-style-type: none"> (a) horticulture (b) intensive animal husbandry (c) dairy (d) commercial forestry (e) aquaculture.

Procedural Matters (PM) - Referrals

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

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

Scenic Quality Overlay

Assessment Provisions (AP)

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

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use and Intensity	
PO 1.1 Land uses that complement and enhance the natural and rural character.	DTS/DPF 1.1 None are applicable.

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

Procedural Matters (PM) - Referrals

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

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

Water Resources Overlay

Assessment Provisions (AP)

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

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Water Catchment	
<p>PO 1.1</p> <p>Watercourses and their beds, banks, wetlands and floodplains (1% AEP flood extent) are not damaged or modified and are retained in their natural state, except where modification is required for essential access or maintenance purposes.</p>	<p>DTS/DPF 1.1</p> <p>None are applicable.</p>
<p>PO 1.2</p> <p>Development avoids interfering with the existing hydrology or water regime of swamps and wetlands other than to improve the existing conditions to enhance environmental values.</p>	<p>DTS/DPF 1.2</p> <p>None are applicable.</p>
<p>PO 1.3</p> <p>Wetlands and low-lying areas providing habitat for native flora and fauna are not drained, except temporarily for essential management purposes to enhance environmental values.</p>	<p>DTS/DPF 1.3</p> <p>None are applicable.</p>
<p>PO 1.4</p> <p>Watercourses, areas of remnant native vegetation, or areas prone to erosion that are capable of natural regeneration are fenced off to limit stock access.</p>	<p>DTS/DPF 1.4</p> <p>None are applicable.</p>
<p>PO 1.5</p> <p>Development that increases surface water run-off includes a suitably sized strip of vegetated land on each side of a watercourse to filter runoff to:</p> <ul style="list-style-type: none"> (a) reduce the impacts on native aquatic ecosystems (b) minimise soil loss eroding into the watercourse. 	<p>DTS/DPF 1.5</p> <p>A strip of land 20m or more wide measured from the top of existing banks on each side of the watercourse is free from development, livestock use and revegetated with locally indigenous vegetation.</p>
<p>PO 1.6</p> <p>Development resulting in the depositing or placing of an object or solid material in a watercourse or lake occurs only where it involves any of the following:</p> <ul style="list-style-type: none"> (a) the construction of an erosion control structure (b) devices or structures used to extract or regulate water flowing in a watercourse (c) devices used for scientific purposes (d) the rehabilitation of watercourses. 	<p>DTS/DPF 1.6</p> <p>None are applicable.</p>
<p>PO 1.7</p> <p>Watercourses, floodplains (1% AEP flood extent) and wetlands protected and enhanced by retaining and protecting existing native vegetation.</p>	<p>DTS/DPF 1.7</p> <p>None are applicable.</p>

PO 1.8	DTS/DPF 1.8
Watercourses, floodplains (1% AEP flood extent) and wetlands are protected and enhanced by stabilising watercourse banks and reducing sediments and nutrients entering the watercourse.	None are applicable.

Procedural Matters (PM) - Referrals

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

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

Part 4 - General Development Policies

Clearance from Overhead Powerlines

Assessment Provisions (AP)

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

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

Design

Assessment Provisions (AP)

Desired Outcome	
DO 1	Development is: (a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area

	<ul style="list-style-type: none"> (b) durable - fit for purpose, adaptable and long lasting (c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors (d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.
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Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
All development	
External Appearance	
<p>PO 1.4</p> <p>Plant, exhaust and intake vents and other technical equipment is integrated into the building design to minimise visibility from the public realm and negative impacts on residential amenity by:</p> <ul style="list-style-type: none"> (a) positioning plant and equipment in unobtrusive locations viewed from public roads and spaces (b) screening rooftop plant and equipment from view (c) when located on the roof of non-residential development, locating the plant and equipment as far as practicable from adjacent sensitive land uses. 	<p>DTS/DPF 1.4</p> <p>Development does not incorporate any structures that protrude beyond the roofline.</p>
On-site Waste Treatment Systems	
<p>PO 6.1</p> <p>Dedicated on-site effluent disposal areas do not include any areas to be used for, or could be reasonably foreseen to be used for, private open space, driveways or car parking.</p>	<p>DTS/DPF 6.1</p> <p>Effluent disposal drainage areas do not:</p> <ul style="list-style-type: none"> (a) encroach within an area used as private open space or result in less private open space than that specified in Design Table 1 - Private Open Space (b) use an area also used as a driveway (c) encroach within an area used for on-site car parking or result in less on-site car parking than that specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas.
Carparking Appearance	
<p>PO 7.4</p> <p>Street level vehicle parking areas incorporate tree planting to provide shade and reduce solar heat absorption and reflection.</p>	<p>DTS/DPF 7.4</p> <p>None are applicable.</p>
<p>PO 7.5</p> <p>Street level parking areas incorporate soft landscaping to improve visual appearance when viewed from within the site and from public places.</p>	<p>DTS/DPF 7.5</p> <p>None are applicable.</p>
Earthworks and sloping land	
<p>PO 8.1</p>	<p>DTS/DPF 8.1</p>

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

Assessment Provisions (AP)

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

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Water Supply	
<p>PO 11.1</p> <p>Development is connected to an appropriate water supply to meet the ongoing requirements of the intended use.</p>	<p>DTS/DPF 11.1</p> <p>Development is connected, or will be connected, to a reticulated water scheme or mains water supply with the capacity to meet the on-going requirements of the development.</p>
Wastewater Services	
<p>PO 12.1</p> <p>Development is connected to an approved common wastewater disposal service with the capacity to meet the requirements of the intended use. Where this is not available an appropriate on-site service is provided to meet the ongoing requirements of the intended use in accordance with the following:</p> <ul style="list-style-type: none"> (a) it is wholly located and contained within the allotment of the development it will service (b) in areas where there is a high risk of contamination of surface, ground, or marine water resources from on-site disposal of liquid wastes, disposal systems are included to minimise the risk of pollution to those water resources (c) septic tank effluent drainage fields and other wastewater disposal areas are located away from watercourses and flood prone, sloping, saline or poorly drained land to minimise environmental harm. 	<p>DTS/DPF 12.1</p> <p>Development is connected, or will be connected, to an approved common wastewater disposal service with the capacity to meet the requirements of the development. Where this is not available it is instead capable of being serviced by an on-site waste water treatment system in accordance with the following:</p> <ul style="list-style-type: none"> (a) the system is wholly located and contained within the allotment of development it will service; and (b) the system will comply with the requirements of the South Australian Public Health Act 2011.
<p>PO 12.2</p> <p>Effluent drainage fields and other wastewater disposal areas are</p>	<p>DTS/DPF 12.2</p> <p>Development is not built on, or encroaches within, an area that is,</p>

maintained to ensure the effective operation of waste systems and minimise risks to human health and the environment.	or will be, required for a sewerage system or waste control system.
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Interface between Land Uses

Assessment Provisions (AP)

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

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Interface with Rural Activities	
<p>PO 9.3</p> <p>Sensitive receivers are located and designed to mitigate potential impacts from lawfully existing land-based aquaculture activities and do not prejudice the continued operation of these activities.</p>	<p>DTS/DPF 9.3</p> <p>Sensitive receivers are located at least 200m from the boundary of a site used for land-based aquaculture and associated components in other ownership.</p>
<p>PO 9.4</p> <p>Sensitive receivers are located and designed to mitigate potential impacts from lawfully existing dairies including associated wastewater lagoons and liquid/solid waste storage and disposal facilities and do not prejudice the continued operation of these activities.</p>	<p>DTS/DPF 9.4</p> <p>Sensitive receivers are sited at least 500m from the boundary of a site used for a dairy and associated wastewater lagoon(s) and liquid/solid waste storage and disposal facilities in other ownership.</p>
<p>PO 9.5</p> <p>Sensitive receivers are located and designed to mitigate the potential impacts from lawfully existing facilities used for the handling, transportation and storage of bulk commodities (recognising the potential for extended hours of operation) and do not prejudice the continued operation of these activities.</p>	<p>DTS/DPF 9.5</p> <p>Sensitive receivers are located away from the boundary of a site used for the handling, transportation and/or storage of bulk commodities in other ownership in accordance with the following:</p> <ul style="list-style-type: none"> (a) 300m or more, where it involves the handling of agricultural crop products, rock, ores, minerals, petroleum products or chemicals to or from any commercial storage facility (b) 300m or more, where it involves the handling of agricultural crop products, rock, ores, minerals, petroleum products or chemicals at a wharf or wharf side facility (including sea-port grain terminals) where the handling of these materials into or from vessels does not exceed 100 tonnes per day (c) 500m or more, where it involves the storage of bulk petroleum in individual containers with a capacity up to 200 litres and a total on-site storage capacity not exceeding 1000 cubic metres (d) 500m or more, where it involves the handling of coal with a capacity up to 1 tonne per day or a storage capacity up to 50 tonnes

	(e) 1000m or more, where it involves the handling of coal with a capacity exceeding 1 tonne per day but not exceeding 100 tonnes per day or a storage capacity exceeding 50 tonnes but not exceeding 5000 tonnes.
Interface with Mines and Quarries (Rural and Remote Areas)	
PO 10.1 Sensitive receivers are separated from existing mines to minimise the adverse impacts from noise, dust and vibration.	DTS/DPF 10.1 Sensitive receivers are located no closer than 500m from the boundary of a Mining Production Tenement under the <i>Mining Act 1971</i> .

Site Contamination

Assessment Provisions (AP)

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
PO 1.1 Ensure land is suitable for use when land use changes to a more sensitive use.	DTS/DPF 1.1 Development satisfies (a), (b), (c) or (d): (a) does not involve a change in the use of land (b) involves a change in the use of land that does not constitute a change to a more sensitive use (c) involves a change in the use of land to a more sensitive use on land at which site contamination is unlikely to exist (as demonstrated in a site contamination declaration form) (d) involves a change in the use of land to a more sensitive use on land at which site contamination exists, or may exist (as demonstrated in a site contamination declaration form), and satisfies both of the following: (i) a site contamination audit report has been prepared under Part 10A of the <i>Environment Protection Act 1993</i> in relation to the land within the previous 5 years which states that- A. site contamination does not exist (or no longer exists) at the land or B. the land is suitable for the proposed use or range of uses (without the need for any further remediation) or C. where remediation is, or remains, necessary for the proposed use (or range of uses), remediation work has been carried out or will be carried out (and the applicant has provided a written undertaking that the remediation works will be implemented in association with the development)

	<p>(ii) and no other class 1 activity or class 2 activity has taken place at the land since the preparation of the site contamination audit report (as demonstrated in a site contamination declaration form).</p>
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Tourism Development

Assessment Provisions (AP)

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

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
General	
PO 1.1 Tourism development complements and contributes to local, natural, cultural or historical context where: <ul style="list-style-type: none"> (a) it supports immersive natural experiences (b) it showcases South Australia's landscapes and produce (c) its events and functions are connected to local food, wine and nature. 	DTS/DPF 1.1 None are applicable.
PO 1.2 Tourism development comprising multiple accommodation units (including any facilities and activities for use by guests and visitors) is clustered to minimise environmental and contextual impact.	DTS/DPF 1.2 None are applicable.
Caravan and Tourist Parks	
PO 2.1 Potential conflicts between long-term residents and short-term tourists are minimised through suitable siting and design measures.	DTS/DPF 2.1 None are applicable.
PO 2.2 Occupants are provided privacy and amenity through landscaping and fencing.	DTS/DPF 2.2 None are applicable.
PO 2.3 Communal open space and centrally located recreation facilities	DTS/DPF 2.3 12.5% or more of a caravan park comprises clearly defined

are provided for guests and visitors.	communal open space, landscaped areas and areas for recreation.
PO 2.4 Perimeter landscaping is used to enhance the amenity of the locality.	DTS/DPF 2.4 None are applicable.
PO 2.5 Amenity blocks (showers, toilets, laundry and kitchen facilities) are sufficient to serve the full occupancy of the development.	DTS/DPF 2.5 None are applicable.
PO 2.6 Long-term occupation does not displace tourist accommodation, particularly in important tourist destinations such as coastal and riverine locations.	DTS/DPF 2.6 None are applicable.
Tourist accommodation in areas constituted under the National Parks and Wildlife Act 1972	
PO 3.1 Tourist accommodation avoids delicate or environmentally sensitive areas such as sand dunes, cliff tops, estuaries, wetlands or substantially intact strata of native vegetation (including regenerated areas of native vegetation lost through bushfire).	DTS/DPF 3.1 None are applicable.
PO 3.2 Tourist accommodation is sited and designed in a manner that is subservient to the natural environment and where adverse impacts on natural features, landscapes, habitats and cultural assets are avoided.	DTS/DPF 3.2 None are applicable.
PO 3.3 Tourist accommodation and recreational facilities, including associated access ways and ancillary structures, are located on cleared (other than where cleared as a result of bushfire) or degraded areas or where environmental improvements can be achieved.	DTS/DPF 3.3 None are applicable.
PO 3.4 Tourist accommodation is designed to prevent conversion to private dwellings through: (a) comprising a minimum of 10 accommodation units (b) clustering separated individual accommodation units (c) being of a size unsuitable for a private dwelling (d) ensuring functional areas that are generally associated with a private dwelling such as kitchens and laundries are excluded from, or physically separated from individual accommodation units, or are of a size unsuitable for a private dwelling.	DTS/DPF 3.4 None are applicable.

Transport, Access and Parking

Assessment Provisions (AP)

Desired Outcome

DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
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Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Movement Systems	
PO 1.4 Development is sited and designed so that loading, unloading and turning of all traffic avoids interrupting the operation of and queuing on public roads and pedestrian paths.	DTS/DPF 1.4 All vehicle manoeuvring occurs onsite.
Vehicle Access	
PO 3.1 Safe and convenient access minimises impact or interruption on the operation of public roads.	DTS/DPF 3.1 The access is: <ul style="list-style-type: none"> (a) provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land or (b) not located within 6m of an intersection of 2 or more roads or a pedestrian activated crossing.
PO 3.5 Access points are located so as not to interfere with street trees, existing street furniture (including directional signs, lighting, seating and weather shelters) or infrastructure services to maintain the appearance of the streetscape, preserve local amenity and minimise disruption to utility infrastructure assets.	DTS/DPF 3.5 Vehicle access to designated car parking spaces satisfy (a) or (b): <ul style="list-style-type: none"> (a) is provided via a lawfully existing or authorised access point or an access point for which consent has been granted as part of an application for the division of land (b) where newly proposed, is set back: <ul style="list-style-type: none"> (i) 0.5m or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset owner (ii) 2m or more from the base of the trunk of a street tree unless consent is provided from the tree owner for a lesser distance (iii) 6m or more from the tangent point of an intersection of 2 or more roads (iv) outside of the marked lines or infrastructure dedicating a pedestrian crossing.
Access for People with Disabilities	
PO 4.1 Development is sited and designed to provide safe, dignified and convenient access for people with a disability.	DTS/DPF 4.1 None are applicable.

Vehicle Parking Rates	
<p>PO 5.1</p> <p>Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:</p> <ul style="list-style-type: none"> (a) availability of on-street car parking (b) shared use of other parking areas (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared (d) the adaptive reuse of a State or Local Heritage Place. 	<p>DTS/DPF 5.1</p> <p>Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant:</p> <ul style="list-style-type: none"> (a) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements (b) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas (c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.
Vehicle Parking Areas	
<p>PO 6.1</p> <p>Vehicle parking areas are sited and designed to minimise impact on the operation of public roads by avoiding the use of public roads when moving from one part of a parking area to another.</p>	<p>DTS/DPF 6.1</p> <p>Movement between vehicle parking areas within the site can occur without the need to use a public road.</p>
<p>PO 6.2</p> <p>Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced, and the like.</p>	<p>DTS/DPF 6.2</p> <p>None are applicable.</p>
<p>PO 6.6</p> <p>Loading areas and designated parking spaces for service vehicles are provided within the boundary of the site.</p>	<p>DTS/DPF 6.6</p> <p>Loading areas and designated parking spaces are wholly located within the site.</p>

Table 1 - General Off-Street Car Parking Requirements

The following parking rates apply and if located in an area where a lawfully established carparking fund operates, the number of spaces is reduced by an amount equal to the number of spaces offset by contribution to the fund.

Class of Development	Car Parking Rate (unless varied by Table 2 onwards)
<p>Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.</p>	
Residential Development	
Detached Dwelling	<p>Dwelling with 1 bedroom (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p>
Group Dwelling	<p>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p>

	0.33 spaces per dwelling for visitor parking where development involves 3 or more dwellings.
Residential Flat Building	<p>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p> <p>0.33 spaces per dwelling for visitor parking where development involves 3 or more dwellings.</p>
Row Dwelling where vehicle access is from the primary street	<p>Dwelling with 1 bedroom (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p>
Row Dwelling where vehicle access is not from the primary street (i.e. rear-loaded)	<p>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p>
Semi-Detached Dwelling	<p>Dwelling with 1 bedroom (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p>
Aged / Supported Accommodation	
Retirement village	<p>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling.</p> <p>0.2 spaces per dwelling for visitor parking.</p>
Supported accommodation	0.3 spaces per bed.
Residential Development (Other)	
Ancillary accommodation	No additional requirements beyond those associated with the main dwelling.
Residential park	<p>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling.</p> <p>0.2 spaces per dwelling for visitor parking.</p>
Student accommodation	0.3 spaces per bed.
Workers' accommodation	0.5 spaces per bed plus 0.2 spaces per bed for visitor parking.
Tourist	
Caravan park / tourist park	Parks with 100 sites or less - a minimum of 1 space per 10 sites to be used for accommodation.

	<p>Parks with more than 100 sites - a minimum of 1 space per 15 sites used for accommodation.</p> <p>A minimum of 1 space for every caravan (permanently fixed to the ground) or cabin.</p>
Tourist accommodation	1 car parking space per accommodation unit / guest room.
Commercial Uses	
Auction room/ depot	1 space per 100m ² of building floor area plus an additional 2 spaces.
Automotive collision repair	3 spaces per service bay.
Call centre	8 spaces per 100m ² of gross leasable floor area.
Motor repair station	3 spaces per service bay.
Office	4 spaces per 100m ² of gross leasable floor area.
Retail fuel outlet	3 spaces per 100m ² gross leasable floor area.
Service trade premises	<p>2.5 spaces per 100m² of gross leasable floor area</p> <p>1 space per 100m² of outdoor area used for display purposes.</p>
Shop (no commercial kitchen)	<p>5.5 spaces per 100m² of gross leasable floor area where not located in an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared.</p> <p>5 spaces per 100m² of gross leasable floor area where located in an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared.</p>
Shop (in the form of a bulky goods outlet)	2.5 spaces per 100m ² of gross leasable floor area.
Shop (in the form of a restaurant or involving a commercial kitchen)	<p>Premises with a dine-in service only (which may include a take-away component with no drive-through) - 0.4 spaces per seat.</p> <p>Premises with take-away service but with no seats - 12 spaces per 100m² of total floor area plus a drive-through queue capacity of ten vehicles measured from the pick-up point.</p> <p>Premises with a dine-in and drive-through take-away service - 0.3 spaces per seat plus a drive through queue capacity of 10 vehicles measured from the pick-up point.</p>
Community and Civic Uses	

Childcare centre	0.25 spaces per child
Library	4 spaces per 100m ² of total floor area.
Community facility	10 spaces per 100m ² of total floor area.
Hall / meeting hall	0.2 spaces per seat.
Place of worship	1 space for every 3 visitor seats.
Pre-school	1 per employee plus 0.25 per child (drop off/pick up bays)
Educational establishment	<p>For a primary school - 1.1 space per full time equivalent employee plus 0.25 spaces per student for a pickup/set down area either on-site or on the public realm within 300m of the site.</p> <p>For a secondary school - 1.1 per full time equivalent employee plus 0.1 spaces per student for a pickup/set down area either on-site or on the public realm within 300m of the site.</p> <p>For a tertiary institution - 0.4 per student based on the maximum number of students on the site at any time.</p>
Health Related Uses	
Hospital	<p>4.5 spaces per bed for a public hospital.</p> <p>1.5 spaces per bed for a private hospital.</p>
Consulting room	4 spaces per consulting room excluding ancillary facilities.
Recreational and Entertainment Uses	
Cinema complex	0.2 spaces per seat.
Concert hall / theatre	0.2 spaces per seat.
Hotel	1 space for every 2m ² of total floor area in a public bar plus 1 space for every 6m ² of total floor area available to the public in a lounge, beer garden plus 1 space per 2 gaming machines, plus 1 space per 3 seats in a restaurant.
Indoor recreation facility	<p>6.5 spaces per 100m² of total floor area for a Fitness Centre</p> <p>4.5 spaces per 100m² of total floor area for all other Indoor recreation facilities.</p>
Industry/Employment Uses	
Fuel depot	1.5 spaces per 100m ² total floor area

	1 spaces per 100m ² of outdoor area used for fuel depot activity purposes.
Industry	1.5 spaces per 100m ² of total floor area.
Store	0.5 spaces per 100m ² of total floor area.
Timber yard	1.5 spaces per 100m ² of total floor area 1 space per 100m ² of outdoor area used for display purposes.
Warehouse	0.5 spaces per 100m ² total floor area.
Other Uses	
Funeral Parlour	1 space per 5 seats in the chapel plus 1 space for each vehicle operated by the parlour.
Radio or Television Station	5 spaces per 100m ² of total building floor area.

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

The following parking rates apply in any zone, subzone or other area described in the 'Designated Areas' column subject to the following:

- (a) the location of the development is unable to satisfy the requirements of Table 2 – Criteria (other than where a location is exempted from the application of those criteria)
- or
- (b) the development satisfies Table 2 – Criteria (or is exempt from those criteria) and is located in an area where a lawfully established carparking fund operates, in which case the number of spaces are reduced by an amount equal to the number of spaces offset by contribution to the fund.

Class of Development	Car Parking Rate		Designated Areas
	Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.		
	Minimum number of spaces	Maximum number of spaces	
Development generally			
All classes of development	No minimum.	No maximum except in the Primary Pedestrian Area identified in the Primary Pedestrian Area Concept Plan, where the maximum is:	Capital City Zone
		1 space for each dwelling with a total floor area less than 75 square metres	City Main Street Zone City Riverbank Zone Adelaide Park Lands Zone Business Neighbourhood Zone (within the City of Adelaide)

		<p>2 spaces for each dwelling with a total floor area between 75 square metres and 150 square metres</p> <p>3 spaces for each dwelling with a total floor area greater than 150 square metres.</p> <p>Residential flat building or Residential component of a multi-storey building: 1 visitor space for each 6 dwellings.</p>	The St Andrews Hospital Precinct Subzone and Women's and Children's Hospital Precinct Subzone of the Community Facilities Zone
Non-residential development			
Non-residential development excluding tourist accommodation	3 spaces per 100m ² of gross leasable floor area.	5 spaces per 100m ² of gross leasable floor area.	<p>City Living Zone</p> <p>Urban Corridor (Boulevard) Zone</p> <p>Urban Corridor (Business) Zone</p> <p>Urban Corridor (Living) Zone</p> <p>Urban Corridor (Main Street) Zone</p> <p>Urban Neighbourhood Zone</p>
Non-residential development excluding tourist accommodation	3 spaces per 100m ² of gross leasable floor area.	6 spaces per 100m ² of gross leasable floor area.	<p>Strategic Innovation Zone</p> <p>Suburban Activity Centre Zone</p> <p>Suburban Business Zone</p> <p>Business Neighbourhood Zone</p> <p>Suburban Main Street Zone</p> <p>Urban Activity Centre Zone</p>
Tourist accommodation	1 space for every 4 bedrooms up to 100 bedrooms plus 1 space for every 5 bedrooms over 100 bedrooms	1 space per 2 bedrooms up to 100 bedrooms and 1 space per 4 bedrooms over 100 bedrooms	<p>City Living Zone</p> <p>Urban Activity Centre Zone</p> <p>Urban Corridor (Boulevard) Zone</p> <p>Urban Corridor (Business) Zone</p> <p>Urban Corridor (Living) Zone</p> <p>Urban Corridor (Main Street) Zone</p> <p>Urban Neighbourhood Zone</p>
Residential development			
Residential component of a multi-storey building	<p>Dwelling with no separate bedroom -0.25 spaces per dwelling</p> <p>1 bedroom dwelling - 0.75</p>	None specified.	<p>City Living Zone</p> <p>Strategic Innovation Zone</p> <p>Urban Activity Centre Zone</p>

	spaces per dwelling 2 bedroom dwelling - 1 space per dwelling 3 or more bedroom dwelling - 1.25 spaces per dwelling 0.25 spaces per dwelling for visitor parking.		Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone
Residential flat building	Dwelling with no separate bedroom -0.25 spaces per dwelling 1 bedroom dwelling - 0.75 spaces per dwelling 2 bedroom dwelling - 1 space per dwelling 3 or more bedroom dwelling - 1.25 spaces per dwelling 0.25 spaces per dwelling for visitor parking.	None specified.	City Living Zone Urban Activity Centre Zone Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone

Table 2 - Criteria:

The following criteria are used in conjunction with Table 2. The 'Exception' column identifies locations where the criteria do not apply and the car parking rates in Table 2 are applicable.

Criteria	Exceptions
<p>The designated area is wholly located within Metropolitan Adelaide and any part of the development site satisfies one or more of the following:</p> <p>(a) is within 200 metres of any section of road reserve along which a bus service operates as a high frequency public transit service⁽²⁾</p> <p>(b) is within 400 metres of a bus interchange⁽¹⁾</p> <p>(c) is within 400 metres of an O-Bahn interchange⁽¹⁾</p> <p>(d) is within 400 metres of a passenger rail station⁽¹⁾</p> <p>(e) is within 400 metres of a passenger tram station⁽¹⁾</p> <p>(f) is within 400 metres of the Adelaide Parklands.</p>	<p>(a) All zones in the City of Adelaide</p> <p>(b) Strategic Innovation Zone in the following locations:</p> <p>(i) City of Burnside</p> <p>(ii) City of Marion</p> <p>(iii) City of Mitcham</p> <p>(c) Urban Corridor (Boulevard) Zone</p> <p>(d) Urban Corridor (Business) Zone</p> <p>(e) Urban Corridor (Living) Zone</p> <p>(f) Urban Corridor (Main Street) Zone</p> <p>(g) Urban Neighbourhood Zone</p>

[NOTE(S): (1) Measured from an area that contains any platform(s), shelter(s) or stop(s) where people congregate for the purpose waiting to board a bus, tram or train, but does not include areas used for the parking of vehicles. (2) A high frequency public transit service is a route serviced every 15 minutes between 7.30am and 6.30pm Monday to Friday and every 30 minutes at night, Saturday, Sunday and public holidays until 10pm.]

