

**CAP MEETING – 11 June 2025****ITEM 8.1**

<b>DEVELOPMENT NO.:</b>	24015639
<b>APPLICANT:</b>	The Hills Christian Community School Inc.
<b>ADDRESS:</b>	LOT 4 SANDOW RD VERDUN SA 5245
<b>NATURE OF DEVELOPMENT:</b>	Change in use to include place of worship on a temporary basis
<b>ZONING INFORMATION:</b>	<b>Zones:</b> <ul style="list-style-type: none"><li>• Rural Settlement</li></ul> <b>Overlays:</b> <ul style="list-style-type: none"><li>• Hazards (Bushfire - Medium Risk)</li><li>• Limited Land Division</li><li>• Mount Lofty Ranges Water Supply Catchment (Area 2)</li><li>• Native Vegetation</li><li>• Prescribed Water Resources Area</li><li>• Traffic Generating Development</li><li>• Water Resources</li></ul>
<b>LODGEMENT DATE:</b>	27 Jun 2024
<b>RELEVANT AUTHORITY:</b>	Council Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	P&D Code (in effect) Version 2024.11 20/06/2024
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Tim Mason Statutory Planner
<b>REFERRALS STATUTORY:</b>	None
<b>REFERRALS NON-STATUTORY:</b>	Environmental Health Unit Civil Services

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**DETAILED DESCRIPTION OF PROPOSAL:**

The proposal is for the commencement of an additional temporary land use to the Educational Facility for a Place of Worship. This is to be undertaken in the existing Gymnasium which forms part of the Hills Christian Community School. The key features of this proposal are:

- Commencement of the additional land use of Place of Worship to be undertaken on a temporary basis;
- The proposed operating hours for this land use are Sundays 7:30am to 11:30am;
- The application seeks a maximum capacity of 250 people to attend the proposed land use;
- The application seeks no additional signage;
- No alterations are sought to the existing structure nor are any alterations sought to facilitate access to the site.
- The land use will cease December 2026.

**BACKGROUND:**

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
20/09/2004	2004/921	Demolition
03/06/2005	2005/403	Community Facility - shed
20/09/2010	2009/479	Addition to existing community facility (Primary School) comprising a single storey building containing 4 classrooms and multi purpose hall
15/09/2009	2009/851	Variation to development authorisation 473/171/09 to stage development Stage 1 - site works Stage 2 remainder of works
04/11/2014	2010/1134	Fencing (minimum height 2.1m) on eastern portion (25m)
30/01/2012	2011/932	Variation to DA 473/851/09 - additional retaining wall on south-eastern boundary (maximum height 1.6 m) adjacent the multi-purpose hall at Lot 4 part section 1922
29/10/2013	2012/403	Alterations & additions to existing community facility - single storey office addition
29/10/2013	13/846	Variation to development authorisation 473/403/2012 including amendments to window
15 December 2014	14/123	Change of use to Community facility - classroom and outdoor area in association with existing school

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17/07/2019	19/245	Staged expansion to existing community facility, namely change of use of existing residential property & primary school to educational establishment (pre-school, primary & secondary school)
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#### SUBJECT LAND & LOCALITY:

**Location reference:** LOT 4 SANDOW RD VERDUN SA 5245

**Title ref.:** CT 5593/376    **Plan Parcel:** F157239 AL4    **Council:** ADELAIDE HILLS COUNCIL

#### Site Description:

The subject land comprises a single allotment located at Lot 4 Sandow Road, Verdun. Sandow Road is a two-way road which connects to Onkaparinga Valley Road. However, this road forms a single lane ring-route which encompasses the Hills Christian Community School, approximately 20m after the intersection with Onkaparinga Valley Road. Sandow Road is partially located on public land, with much land remaining unmade road reserve. However, the road continues to Onkaparinga Valley Road via the ring road located at 10 Onkaparinga Valley Road, Verdun, being the Hills Christian Community School.

The subject land is substantially rectangular in shape with a road frontage width of 70 metres, a depth of up to 40 metres and a total site area of 3,100m<sup>2</sup>.

The subject land includes a two-storey gymnasium as well as four classrooms, each connected by a verandah. The gymnasium includes a basketball court, downstairs kitchen, storage room and toilets as well as three mixed-use spaces upstairs

There is a CWMS pipe located parallel to the north-western (side) boundary. This is located in an existing easement under the control of the Council.

The site is naturally sloping with a fall of around 4 metres from the road to the rear eastern corner of the site. This allotment includes an approximate average gradient of 1-in-10.70.

The subject land is accessed from the school by an existing pedestrian crossing across Sandow Road, which leads to steps down to the existing gymnasium and abutting courtyard. Carparking on-site is achieved via a crossover located at the north-western (front) corner of the allotment. There are a total 14 vehicle parking spaces on site.

#### Locality

The surrounding locality is substantially mixed in nature, including the existing residential allotments in the Verdun settlement as well as the educational facility and predominately productive land in the greater surrounding locality.

The locality is substantially low-intensity in nature, including a number of single-storey dwellings along Onkaparinga Valley Road as well as rural-residential allotments consisting of productive land and accompanying dwellings.

The local area is characterised by mixed building styles and sizes on allotments ranging between 700m<sup>2</sup> and 54,000m<sup>2</sup> in area. Larger allotments surrounding the subject land are either substantially vegetated with trees and shrubbery or productive land

Onkaparinga Valley Road is noted for being a significant landmark in the locality, forming the main street for the Verdun Settlement as well as being a significant transport route for the Onkaparinga Valley. This road is noted for being the only road access to Sandow Road.

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Overall, the locality is considered to have a pleasant living environment that is of high amenity.

**CONSENT TYPE REQUIRED:**

Planning Consent

**CATEGORY OF DEVELOPMENT:**

- **PER ELEMENT:**  
Place of worship: Code Assessed - Performance Assessed  
Change of use: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**  
Code Assessed - Performance Assessed
- **REASON**  
The Rural Settlement Zone does not provide an 'Accepted' or 'Deemed to Satisfy' pathway for a Place of Worship, nor is the proposal listed as 'Restricted' under Table 4 of the Zone. Therefore, as per sections 105 (b) and 107 of the Planning Development & Infrastructure Act 2016, the development is categorised as Code Assessed – Performance Assessed.

**PUBLIC NOTIFICATION**

- **REASON**

Table 5 for the Zone; a place of worship is not listed as exempt from notification.

Public Notification period – 17 February 2025 to 7 March 2025

- **LIST OF REPRESENTATIONS**

Representor Name	Representor's Property Address	Wishes to be heard (Y/N)	Nominated Speaker (if relevant)
Daniel Edwards	26 Onkaparinga Valley Road, Verdun	Yes	Self
Mark Baryczka	PO Box 345, Aldgate	No	N/a

- **SUMMARY**

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

- The level of noise generated by the Place of Worship, this includes the location of noise generated inside the building and concern regarding the ability for the existing structure to attenuate noise
- Seeking additional clarification regarding testing of noise levels generated by the Place of Worship from the boundaries of adjoining residential allotments
- Noise attenuation being enforced should the application receive Development Approval
- Concern has been raised regarding the operating hours of the land use
- The on-going use of the land as a Place of Worship and whether an end date is to be enforced as the application is outlined as temporary

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- Seeking confirmation that a maximum capacity will be conditioned into the application should it receive Development Approval

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

### AGENCY REFERRALS

No agency referrals were required.

### INTERNAL REFERRALS

- **Environmental Health Unit**  
Distribution and assessment of the accompanying Wastewater Works application (25/W041/473). This application has since received approval from the Environmental Health Unit.
- **Council Engineering**  
The Technical Officer who reviewed the supporting Traffic Management Report requested more recent data supporting the report and evidence that the Verdun Hall had agreed to facilitate additional off-street parking in support of the land use. As a response to representations, the applicant reduced operating hours to Sunday morning only and outlined that the Hills Baptist Church provides monthly payments to the Verdun Hall Committee for use of the space for parking. The assessing officer agreed with the applicant that an updated report was no longer required given the use of the land is to be undertaken during low intensity traffic times and satisfies the quantitative parking provision for a Place of Worship as per Transport, Access and Parking General Development Policies.

### 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.*

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

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**Zone:**

**Rural Settlement Zone:**

Desired Outcomes	
DO 1	A small mixed-use settlement supporting a limited range of residential development, tourist, recreation and community facilities grouped together to serve the local community and visitors.
DO 2	Development contributes to and enhances the local context and development pattern comprising the settlement.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 1.2, 1.4 DPFs: 1.1, 1.2, 1.4	

The Subject land is located in the Rural Settlement Zone, a Zone which supports a limited range of land-uses, including community facilities, which serve the local community and visitors as well as buildings which enhance the local context and development pattern comprising the settlement.

PO 1.1 and the corresponding DPF 1.1 establish land uses which are envisaged for this Zone. While a Place of Worship is not a listed as an envisaged land use as per DPF 1.1, this land use is considered to constitute a 'complementary non-residential' land use which is able to correspond to the existing low-intensity settlement as desired by the PO 1.1. Additionally, the proposal utilises higher-intensity structures and facilities which have been clustered towards the western portion of the settlement. This includes the existing school buildings which maintains the existing development pattern in the locality as envisaged by PO 1.4.

Furthermore, the proposal will benefit from the town's proximity to the South Eastern Freeway, minimising disruption to the rural roads will filter to Onkaparinga Valley Road and the freeway and reduce congestion on surrounding non-arterial roads.

The proposed operating hours of 7:30am and 11:30am on Sundays are considered to be limited to minimise disruption to existing services and functionality of the school and surrounding locality. It is further noted that the proposed operating hours were reduced as a response to representations, where concerns were raised surrounding noise disruptions on Friday nights. As a result, the application seeks to operate on Sunday mornings only.

As the proposal does not seek to alter the existing built form of structures on the subject land, built form policies are not considered applicable to this development application.

### Overlays

**Hazards (Bushfire- Medium Risk) Overlay:**

Desired Outcomes	
DO 1	Development, including land division responds to the medium level of bushfire risk and potential for ember attack and radiant heat by siting and designing buildings in a manner that mitigates the threat and impact of bushfires on life and property taking into account the increased frequency and intensity of bushfires as a result of climate change.
DO 2	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 2.1	

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The provisions of the Hazards (Bushfire – Medium Risk) Overlay do not specifically address a Place of Worship given this is not considered to constitute a habitable structure.

However, with regard to Desired Outcome 2 the associated sealed, public road network facilitates emergency service access to the land and the car park area would provide on-site access to emergency service vehicles.

The building itself is fully enclosed and is built to the standard of an educational facility, which is considered to be comparable building standard.

The applicant has provided the Emergency Evacuation Plan which applies to the gymnasium where used in association with the school. This is considered to provide clear direction to people using this structure to evacuate the structure and congregate off-site in the event of an emergency.

#### Limited Land Division Overlay

Desired Outcomes	
DO 1	The long term use of land for primary production is maintained by minimising fragmentation through division of land.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
N/A	

This Overlay is not relevant to the proposal as it relates to the division of land which results in the fragmentation of land envisaged for primary production.

#### Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay

Desired Outcomes	
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) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 1.2, 2.1, 2.4, DPFs: 1.2, 2.1, 2.4,	

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

The applicant has sought approval for the additional use of the on-site wastewater management system and overflow to the Community Waste Management System as a result of the Place of Worship. This has been endorsed by the Council Environmental Health Unit as per Wastewater Works Application 25/W041/473. As a result, this is considered to have a neutral effect on the quality of water draining from the subject land.

Further policies of the Overlay relate to stormwater management. Stormwater management is not considered to be affected by this proposal given the application does not seek to modify the built form of the existing building.

#### Native Vegetation Overlay

Desired Outcomes
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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.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1 DPFs: 1.1	

The proposal does not seek to clear any existing native vegetation. Additionally, as the proposal does not result in changes to the existing built form of structures on the subject land, no additional clearance rights over native vegetation will be established.

The applicant has also provided a Native Vegetation Declaration advising that the proposal will not include the removal of native vegetation. The proposal is therefore consistent with DO 1 and PO 1.1.

### Prescribed Water Resources Overlay

<b>Desired Outcomes</b>	
DO1	Sustainable water use in prescribed water resources areas maintains the health and natural flow paths of surface water, watercourses and wells.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
N/A	

The proposal does not require additional water use for which a licence would be required under the Landscape South Australia Act 2019.

The proposal is considered to be consistent with the Prescribed Water Resources Overlay.

### Traffic Generating Development Overlay

<b>Desired Outcomes</b>	
DO 1	Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users.
DO 2	Provision of safe and efficient access to and from urban transport routes and major urban transport routes.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1, 1.2, 1.3 DPFs: 1.1, 1.2, 1.3	

Traffic leaving the site is to be directed to the one-way private road encompassing the school, with traffic flow proceeding to Onkaparinga Valley Road. This intersection allows for road users to connect to the state-maintained road in either direction as to efficiently diffuse traffic once services are complete.

Access to the subject land is to be facilitated by the existing crossover from the Public Road.

The proposal is considered to be consistent with the Traffic Generating Development Overlay.



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#### Water Resources Overlay

Desired Outcomes	
DO 1	Protection of the quality of surface waters considering adverse water quality impacts associated with projected reductions in rainfall and warmer air temperatures as a result of climate change.
DO 2	Maintain the conveyance function and natural flow paths of watercourses to assist in the management of flood waters and stormwater runoff.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 1.3, 1.4, 1.5, 1.7, 1.8, 1.9 DPFs: 1.5	

There is an existing watercourse flowing approximately parallel to the rear boundary of the subject land. The proposal does not seek the construction of any new buildings within close proximity to this water resource. Additionally, there are no proposed changes to the management of stormwater overflow from buildings on the subject land.

#### General Development Policies

##### Design

Desired Outcomes	
DO1	Development is: <ul style="list-style-type: none"><li>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</li><li>b) durable - fit for purpose, adaptable and long lasting</li><li>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</li><li>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.</li></ul>
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.5, 2.1, 2.2, 2.3, 2.4, 2.5, 6.1 DPFs: 6.1	

The applicant has outlined that the operation of the Place of Worship will not generate substantial solid waste. It is considered that the existing educational facility will facilitate any incidental waste generated during the operation of the proposal.

While the existing structure is considered to be designed to facilitate the safe entry and exit of the building during operation, the applicant has supplied a supplementary Emergency Evacuation Plan and associated flip chart.

As previously discussed, the application has been accompanied by a relevant Wastewater Works Application for the additional use of the on-site wastewater management system. This has been endorsed by the Council Environmental Health Unit.

As the proposed change of use does not result in any alterations to the built form of the existing gymnasium, provisions relating to built form are not considered to be applicable to the proposed development.

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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 (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 1.2, 2.1, 4.1, 4.6, 6.1, 6.2, DPFs: 2.1, 4.1, 4.6,	

The Interface between Land Uses General Development Polices supports development which minimise impacts on surrounding sensitive receivers.

Given the proximity of the proposed Place of Worship to surrounding sensitive receivers, the primary concern of the application was the level of noise that this change of land use would generate during operation. The quantitative provision of DPF 4.6 outlines that any Music Noise Level should be less than 8dB above the level of background noise (L90,15min) in any octave band of the sound spectrum.

In support of the application, the applicant engaged BESTEC to prepare a Music Noise Assessment for the proposed Place of Worship which included a survey of noise being produced at this site during a service. This found that the service exceeded the maximum allowable noise level (L10,15min) at the nearest boundary.

Resultantly, BESTEC has provided recommendations which will reduce noise at this site as to ensure that the proposal is consistent with the quantitative provisions of the Planning and Design Code. These recommendations have been conditioned as recommended by the assessing officer.

The hours of operation initially included 5:30pm to 7:30pm on Fridays as well as the hours of 7:30am and 11:30am on Sundays. However, it was decided that the Place of Worship would not operate on Fridays as a result of feedback received during Public Notification. Additionally, it is considered that the proposed operating hours will not result in nuisance to neighbours on the basis that noise be managed as per recommendations by BESTEC and traffic disruptions are unlikely given the low-intensity commuter nature of Sunday mornings.

Furthermore, no changes to overshadowing of surrounding allotments are expected given the application does not result in any changes to the built form of structures on-site.

#### Transport, Access and Parking

Desired Outcomes	
DO1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 5.1, 6.1, PO 6.2, 6.3, 6.4, 6.7 DPFs: 5.1, 6.1	

When assessed against Table 1 - General Off-Street Car Parking Requirements, there is a requirement for 1 vehicle parking space for every 3 visitor seats. The application has sought a maximum capacity of 250 people for the Place of Worship and would resultantly require 83 parking spaces.

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The applicant has supplied a Traffic and Parking Assessment prepared by FRANK SLOW & ASSOCIATES which was prepared in support of Development Application DA 19/245/473 which related to the expansion of the Hills Christian Community School. This report outlines that there are 84 Vehicle Parking spaces at the Verdun Hall, which the applicant has outlined is commissioned by the Hills Baptist Church for use during the operating hours of the Place of Worship.

Vehicle parking behind the Verdun Hall is located approximately 100m from the proposed Place of Worship, requiring a short walk between the two sites, this includes crossing Onkaparinga Valley Road. However, it is considered that the proposed operating hours, 7:30 – 11:30 Sunday are low intensity commuter times and not expected to result in significant difficulty for pedestrians access parking at the site and travelling to the Place of Worship.

It is additionally noted that the gymnasium is sited with 14 on-site vehicle parking spaces access by the existing crossover to Sandow Road as well as an additional 10 parking spaces along Sandow Road.

This figure is consistent with the vehicle parking requirement outlined in Table 1 - General Off-Street Car Parking Requirements.

Furthermore, the proposal does not seek to alter the existing vehicle access to Lot 4 Sandow road, nor does it modify the existing pedestrian access to the site.

### **CONSIDERATION OF SERIOUSLY AT VARIANCE**

Having considered the proposal against the relevant provisions of the Planning and Design Code Version 2024.11 20/06/2024, the proposal is not considered to be seriously at variance with the provisions of the Planning and Design Code for the following reasons:

- The proposed Place of Worship is considered to be a complementary non-residential land use which is compatible with the Rural Settlement Zone.
- The proposed intensity of development is considered to be reasonable when considering the intensity of the existing educational facility on the subject land.
- The proposed operating hours are considered reasonable and are not expected to detract from the flow of traffic on the adjoining state-maintained road or introduce undue congestion to the primary street.
- The proposal does not result in changes to the built form of structure on the subject land.
- It has been reasonably demonstrated that the proposal would not adversely impact upon the amenity of nearby sensitive uses.
- The development includes safe and convenient access and adequate car parking.

Therefore, the proposal is not considered to be seriously at variance with the intentions of the Planning and Design Code.

### **CONCLUSION**

The proposal is for a temporary Place of Worship at Lot 4 Sandow Road, Verdun, to be used in conjunction with the existing educational facility. The subject land is located in the Rural Settlement Zone and surrounded by allotments used predominantly for residential land uses.

The key issues associated with the proposed use and raised by representors are the noise and music generated while the land use is undertaken, operating hours and the increased activity introduced into the Verdun Township.

As a result of the supporting Noise Music Assessment prepared by BESTEC, the proposal is not expected to result in unreasonable acoustic disruption to the locality should all recommendations be adhered to. Additionally, the frequency of operation is not expected to detract from existing flow of traffic to the site from the adjoining state-maintained road and was reconsidered as a response to concerns raised during Public Notification.

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The proposal does not seek any alterations to the existing built form of structures on the subject land and does not introduce any advertising signs. As a result, the visual appearance of the subject land will remain unchanged.

The proposal, whilst not being specifically listed or envisaged in the zone is also not specifically listed as a form of land use which is restricted and has instead been assessed on its merits. As such, when assessed against the relevant zone policies, overlays and general development policies for developments of a similar nature, the proposal is considered to generally address those criteria. As such, the proposal warrants planning consent being granted.

**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 24015639 by The Hills Christian Community School Inc. for Change in use to include place of worship on a temporary basis at Lot 4 Sandow Road Verdun is granted Planning Consent subject to the following conditions:**

**CONDITIONS**

**Planning Consent**

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).**
- 2) The hours of operation of the herein approved uses shall be as follows:**  
  
**7:30am to 11:30am on Sunday**  
  
**Deliveries to the subject land are to be undertaken during the operating hours granted herein.**
- 3) At any one time, the overall capacity of the place of worship shall be limited to a maximum of 250 people.**  
  
**This includes outdoor areas.**
- 4) The sound level at 1m from each speaker is to be limited to values as outlined in Table 3: Maximum allowable C-weighted sound pressure levels at 1m from the speaker as outlined in the associated Music Noise Assessment (Rev. 01 dated 21/08/2024) prepared by BESTEC Pty Ltd.**
- 5) Music shall be contained within the place of worship building during the operating hours. Windows and doors of the building shall be kept closed during times when music is played.**
- 6) Once the sound from each speaker is adjusted, the sound levels at the residential boundary is below the music noise criterion nominated in Table 4: Predicted Noise levels at the nearest residential boundary as outlined in the associated Music Noise Assessment (Rev. 01 dated 21/08/2024) prepared by BESTEC Pty Ltd.**
- 7) The development granted herein shall expire on 31 December 2026.**

**ADVISORY NOTES**

**General Notes**

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.**
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.**
- 3) This 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).**

**OFFICER MAKING RECOMMENDATION**

**Name:** Tim Mason  
**Title:** Statutory Planner

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<b>DEVELOPMENT NO.:</b>	25006366
<b>APPLICANT:</b>	Medallion Homes
<b>ADDRESS:</b>	16 HIGHLANDS CT WOODFORDE SA 5072
<b>NATURE OF DEVELOPMENT:</b>	Two storey detached dwelling, retaining walls, fence, swimming pool and associated safety fence
<b>ZONING INFORMATION:</b>	<b>Zones:</b> <ul style="list-style-type: none"> <li>• Housing Diversity Neighbourhood</li> </ul> <b>Overlays:</b> <ul style="list-style-type: none"> <li>• Affordable Housing</li> <li>• Hazards (Bushfire - Urban Interface)</li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Traffic Generating Development</li> <li>• Urban Tree Canopy</li> <li>• Water Resources</li> </ul> <b>Technical Numeric Variations (TNVs):</b> <ul style="list-style-type: none"> <li>• Maximum Building Height (Metres) (Maximum building height is 9m)</li> <li>• Maximum Building Height (Levels) (Maximum building height is 2 levels)</li> </ul>
<b>LODGEMENT DATE:</b>	17 Mar 2025
<b>RELEVANT AUTHORITY:</b>	Council Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	P&D Code (in effect) Version 2025.5 13/3/2025
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Tim Mason Statutory Planner
<b>REFERRALS STATUTORY:</b>	Not required
<b>REFERRALS NON-STATUTORY:</b>	Not required

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**DETAILED DESCRIPTION OF PROPOSAL:**

The proposal is for the construction of a two-storey detached dwelling with associated earthworks, retaining walls, fencing and swimming pool.

The proposed dwelling is of a modern design with a front façade that features a double garage under the main roof, floor to ceiling fenestration, a front entrance with a stone veneer wall and cantilevered canopy, and a pitched roof behind parapet walls. The main level of the dwelling presents to the street as single storey, with a ‘concealed’ lower level that steps down below the road level as the land falls away significantly from the road frontage. The external material palette is predominately brick and rendered wall cladding in light colour tones, aluminium frame windows and doors and Colorbond roof sheeting in surfmist.

The height of the dwelling varies across the site given the slope of the land and the split-level design. The highest point of the roof, which is the parapet wall above the front entrance, is approximately 10.6 metres above the lowest natural or finished ground level of any part of the proposed building.

The main front of the dwelling is setback 5 metres from the road boundary with the garage setback at 6 metres. The sides of the dwelling are setback a minimum of 1 and 1.3 metres at the ground level and between 1 metre and 2.5 metres at the upper level. The rear of the dwelling is setback at least 13 metres from the southwestern boundary.

Retaining walls are to be provided along sections of the side boundaries and internally to stabilise a small amount of excavation at the front of the site and more significant excavation for the lower level. The retaining walls varying between 0.3 and 2.65 metres in height. Good neighbour fencing at a height of 1.8 metres will be erected on top of the retaining walls.

A partially inground swimming pool and safety fence is to be proposed adjacent to a rear alfresco area.

**BACKGROUND:**

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
19 Mar 2024 - Planning Consent Only	23035295	Three storey detached dwelling, fence, retaining walls and swimming pool

No applications have received full Development Approval at this site.

**SUBJECT LAND & LOCALITY:**

**Location reference:** 16 HIGHLANDS CT WOODFORDE SA 5072

**Title ref.:** CT 6258/237   **Plan Parcel:** D127625 AL263   **Council:** ADELAIDE HILLS COUNCIL

**Site Description:**

The subject land comprises a single allotment located at 16 Highlands Court, Woodforde. The land is part of the Hamilton Hill master planned development in Woodforde.

The allotment is a rectangle shape with a frontage width of 15 metres, a depth of up to 39.58 metres and a site area of approximately 590m<sup>2</sup>. The land comprises a single allotment that is formally described as Allotment 263 in Deposited Plan 127625, Certificate of Title Volume 6258 Folio 237. It is noted there is an encumbrance on the title that requires the consent of the Hamilton Hill Design Panel. There is also a drainage easement at the rear of the site.

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The allotment is currently vacant and is naturally sloping with a crossfall of approximately 8 metres from the road frontage to the rear southwestern corner of the site.

#### **Locality**

The locality is residential in land use and built form character, with existing and new residential development interfacing with densely vegetated open space to the east near Norton Summit Road.

The locality comprises mostly of the newly developed Hamilton Hill estate that surrounds the subject land. Allotments within Highlands Court are between 500m<sup>2</sup> and 700m<sup>2</sup> and are currently being developed with new modern dwellings of generous proportions. Significant earthworks and retaining walls are evident due to the sloping topography of the land.

The established residential area to the north is characterised by detached dwellings of low densities. There are several large two-storey dwellings with distant views of the city and existing trees and gardens are notable features within this area.

Land to the east and south-east near Norton Summit Road is densely vegetated and has an open and vegetated character.

#### **CONSENT TYPE REQUIRED:**

Planning Consent

#### **CATEGORY OF DEVELOPMENT:**

- **PER ELEMENT:**  
Swimming pool or spa pool and associated swimming pool safety features: Accepted  
Detached dwelling: Code Assessed - Performance Assessed  
Fence: Code Assessed - Performance Assessed  
Retaining wall: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**  
Code Assessed - Performance Assessed
- **REASON**  
P&D Code

#### **PUBLIC NOTIFICATION**

Yes

- **REASON**  
  
The proposed dwelling exceeds Class of Development 3 (b) Exception 1 with a maximum height which exceeds the maximum building height specified in Housing Diversity Neighbourhood Zone 3.1.

Public Notification period – 25 March 2025 to 14 April 2025

- **LIST OF REPRESENTATIONS**  
  
One (1) representation was received during the notification period raising some concerns with the proposed development. The representation has requested to be heard by the Panel.



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Representor Name	Representor's Property Address	Wishes to be heard (Y/N)	Nominated Speaker (if relevant)
Hugh Marquis	15 Highlands Court, Woodforde	Yes	Self

- **SUMMARY**

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

- Privacy impacts from overlooking

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

**AGENCY REFERRALS**

No agency referrals were required.

**INTERNAL REFERRALS**

No internal referrals were required.

**PLANNING ASSESSMENT**

***Desired outcomes***

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

***Performance outcomes***

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

***Designated performance features***

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

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

**Zone:**

**Housing Diversity Neighbourhood Zone:**

Desired Outcomes	
DO1	Medium density housing supports a range of needs and lifestyles, located within easy reach of a diversity of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 3.1, 4.1, 6.1, 7.1 and 8.1	
DPFs: 1.1, 3.1, 4.1, 6.1, 7.1 and 8.1	

The subject land is a recently created residential allotment situated within the Hamilton Hill master planned development. The land is within the Housing Diversity Neighbourhood Zone of the Planning and Design Code. DO 1 and PO 1 of the Zone are seeking a diverse range of medium density housing. The proposal to construct a detached dwelling on a recently created allotment is therefore a desirable form of development from a land use perspective.

DPF 3.1 of the Zone recommends a maximum height of 9 metres and two building levels. PO 3.1 is seeking a building height that is consistent with the DPF or development that is “generally low rise or complements the height of nearby buildings”. The proposal is a low-rise form of housing despite having two storeys and a maximum height of 10.6 metres. The Code defines low-rise as “up to and including 2 building levels”. The Code also defines building height as “the maximum vertical distance between the lower of the natural or finished ground level at any point of any part of a building and the finished roof height at its highest point”. While the dwelling is higher than 9 metres, this is not a significant departure as the dwelling presents to the street as a single storey building and the tallest part of the building above ground level is to the rear where the visual bulk is concealed from the street.

Although not a relevant Code consideration, it is noted that the proposal has been approved by the Hamilton Hill Design Panel as the building height is deemed to be consistent with the design guidelines of the encumbrance. The proposed building height is also consistent with other large dwellings within the locality.

Therefore, the proposal is supported from a building height and scale perspective as it is a low-rise form of development that would sufficiently complement the height of nearby buildings. PO 3.1 of the Housing Diversity Neighbourhood Zone is reasonably satisfied.

The zone policies provide limited guidance with respect to the architectural style, form and appearance of buildings. The proposed dwelling is designed with a modern form and materials finished in light colour tones. A feature of the design are front walls with angular profile and a recessed garage door and fenestration. The modern design is consistent with other newly construction buildings in the street.

The front of the dwelling is setback between 5 and 6 metres from the road boundary. These front setbacks are consistent with the siting of the existing dwelling on the eastern side and that of most dwellings within the street. The siting of the proposed dwelling will therefore maintain the existing streetscape in accordance with the PO 4.1 of the Zone.

The sides of the dwelling are setback a minimum of 0.9 and 1.3 metres at the ground level and between 0.9 metre and 2.5 metres at the upper level. PO/DPF 7.1 of the Zone recommends a side boundary setback of at least 0.9 metres at ground level and 2.4 metres for the upper storey based on the height of the walls. While there is setback shortfall to the western side boundary, the proposed setback is considered to meet PO 6.1 given that:

- The space alongside the dwelling is consistent with the existing development pattern in the locality as most dwellings are located close to side boundaries and in some instances have walls sited on boundaries;
- The two-storey component of the western side has a footing that is mostly located below the natural ground level (i.e. excavated) resulting in a lower wall and roof height relative to the existing ground level of adjacent land; and

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- The subject land has a north to south orientation resulting in minimal overshadowing of adjoining properties, noting also that the adjoining land to south is a public reserve.

The rear of the dwelling is setback at least 13 metres from the rear boundary and satisfies PO/DPF 8.1 of the Zone.

### Overlays

#### Affordable Housing Overlay

Desired Outcomes	
DO1	Affordable housing is integrated with residential and mixed use development.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs:	
DPFs:	

The proposal does not include any affordable housing.

#### Hazards (Flooding – Evidence Required) Overlay

Desired Outcomes	
DO1	Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1	
DPFs: 1.1	

The proposal includes an engineered stormwater management system and adequate space will be maintained around the curtilage of the dwelling to mitigate any potential flooding impacts.

#### Stormwater Management Overlay

Desired Outcomes	
DO1	Development incorporates water sensitive urban design techniques to capture and re-use stormwater.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1	
DPFs: 1.1	

The proposed stormwater system includes a 5000L rainwater tank that will be plumbed into the dwelling comprising 1000L of detention and 4000L of retention. Overflow from the tank will be directed to a drainage easement in the southwestern corner of the site.

The rainwater tank capacity satisfies DPF 1.1 of the Stormwater Management Overlay and it has been demonstrated that the proposed development will not adversely impact on the existing local stormwater system. As the proposal is considered to satisfy the provisions of the Overlay, the application was not considered to warrant a referral to Council Civil Engineering.

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#### Traffic Generating Development Overlay

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

The subject land does not have access to a State Maintained Road and the proposed dwelling will have a negligible impact on traffic generation.

The proposal will not impact on the State Maintained Road network.

#### Urban Tree Canopy Overlay

Desired Outcomes	
DO1	Residential development preserves and enhances urban tree canopy through the planting of new trees and retention of existing mature trees where practicable.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1	
DPFs: 1.1	

The applicant has provided a basic landscape plan that includes the planting of four (4) small size trees in the front and rear yards. A condition of consent has been included to ensure the number and size of the proposed trees satisfy DPF 1.1 of the Urban Tree Canopy Overlay.

#### Water Resources Overlay

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

There are no watercourses that traverse the site. The proposal is consistent with the Water Resources Overlay.

#### General Development Policies

##### Design in Urban Areas

Desired Outcomes	
DO1	Development is: <ul style="list-style-type: none"><li>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</li><li>b) durable - fit for purpose, adaptable and long lasting inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and</li></ul>

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	<p>promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors</p> <p>c) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.</p>
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 6.1, 8.1, 8.2, 8.3, 8.4, 8.5, 10.1, 10.2, 17.1, 17.2, 18.1, 20.1, 20.2, 20.3, 21.1, 21.2 and 22.1	
DPFs: 6.1, 8.1, 8.2, 10.1, 10.2, 17.1, 17.2, 18.1, 20.1, 20.2, 21.2, 21.2 and 22.1	

The proposed garage will not dominate the dwelling façade or detract from the streetscape as it is located one metre behind the main front wall and has a modest size door opening of only 5 metres. PO 20.1 of Design in Urban Areas is satisfied.

The front façade includes windows to facilitate passive surveillance of the adjacent public realm, and the front entrance addresses the street and provides a legible entry point. These design features satisfy PO 17.1 and 17.2.

The proposed plans indicate that the elevated windows on the side elevations have either raised sills or obscure glass to a height of at least 1.5 metres above the finished floor. Similarly, the sides of the rear balcony have solid privacy to a height of 1.5 metres. These measures will mitigate direct overlooking into the neighbouring properties. While the rear elevation has living room windows and a balcony with no privacy treatments, views to the rear would not have any privacy impact as the adjoining land consists of a public reserve. The proposal adequately mitigates direct overlooking to habitable rooms and private open spaces of adjoining properties in accordance with PO 10.1.

The dwelling will be provided with more than 200m<sup>2</sup> private open space. The amount of private open space satisfies the requirements of the Table 1 of the General Policies (Design) and is directly accessible to living areas. Suitable private open space for entertaining, clothes drying and other domestic functions is therefore provided for occupants of the dwelling as sought by PO 21.1 and 21.2.

Retaining walls are to be provided along sections of the side boundaries and internally to stabilise a small amount of fill and more significant excavation for the lower level. The retaining walls varying between 0.3 and 2.65 metres in height with good neighbour fencing at a height of 1.8 metres will be erected on top of the retaining walls. Although some sections of retaining and fencing will be quite tall, the proposed earthworks and retaining is reasonable from a visual amenity perspective given that in most cases the retaining walls will no higher than the existing ground levels as retaining is for cut/excavation rather than fill. Overall, the proposed earthworks, retaining and fencing will “maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to sunlight or the amenity of public places” as sought by PO 9.1 and 9.2 General Policies (Design in Urban Areas).

### Interface between Land Uses

<b>Desired Outcomes</b>	
DO1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 3.1, 3.2 and 3.3	
DPFs: 3.1 and 3.2	

Given the two-storey scale of the development it is expected that some shadow will be cast over adjoining land, however the extent of overshadowing is not expected to be significant given the north-east to south-west orientation of the land, the low-profile roof design, and separation to side boundaries. Most shadow will be cast over the rear yard of the subject land and the adjacent reserve.

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The adjoining properties will experience a relatively small amount of overshadowing that would not adversely impact on their amenity. The adjoining properties will continue to receive at least three hours of sunlight to the north-facing habitable windows and rear yards during the winter solstice as sought by PO 3.1 and 3.2 of the General Development Policies (Interface between Land Uses) are satisfied.

#### Site Contamination

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

As the allotment was initially divided for residential purposes as part of the Land Division Application 473/D049/15 and has not been used for any other land uses since that time, the application is not considered to result in a change in land use to a more sensitive use as per Part 5 (5) (d) of *PRACTICE DIRECTION 14 - Site Contamination Assessment 2021*.

#### Transport, Access and Parking

Desired Outcomes	
DO1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.4, 3.1, 3.5, 4.1, 5.1, 6.1 and 6.2	
DPFs: 1.4, 3.1, 3.5, 5.1 and 6.1	

An existing crossover will be utilised for driveway access. The crossover location and design, and the driveway gradients would facilitate safe and convenient access.

When assessed against Table 1 – General Off-Street Car Parking Requirements, there is a requirement for at least two car parking spaces for a dwelling, with one space to be covered. The dwelling is provided with two garage spaces and one visitor space in front of the garage. The car parking provision is acceptable.

The proposal satisfies PO 5.1 and 10.1 of the General Development Policies (Transport, Access and Parking) and PO 23.1, 23.3, 23.4 and 23.5 (Design in Urban Areas).

### CONSIDERATION OF SERIOUSLY AT VARIANCE

Having considered the proposal against the relevant provisions of the Planning and Design Code 2025.5 13/3/2025, the proposal is not considered to be seriously at variance with the provisions of the Planning and Design Code for the following reasons:

- The proposed dwelling is an envisaged land use in the Housing Diversity Neighbourhood Zone.
- The proposed built form is sufficiently compatible with the local context.
- It has been reasonably demonstrated that the proposal would not adversely impact upon the amenity of nearby sensitive uses.
- The development includes safe and convenient access and adequate car parking.

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#### **CONCLUSION**

Having considered the proposal against the relevant provisions of the Planning and Design Code, the proposal is not seriously at variance with the Planning and Design Code.

The proposed dwelling is a desirable form of development within the Housing Diversity Neighbourhood Zone.

The size, scale and design of the dwelling is consistent with the local context, which is characterised by large and visually prominent buildings, modern architectural styles and sloping land with retaining walls.

It has been demonstrated that adequate provision is made for private open space, landscaping and on-site car parking and that any increase in traffic movements would not adversely impact upon traffic or pedestrian safety on the adjacent road network.

For these reasons, the proposal would achieve the relevant Desired and Performance Outcomes for the Housing Diversity Neighbourhood Zone and meet the relevant Overlays and general policies of the Code, thus warranting Planning Consent subject to conditions.

#### **RECOMMENDATION**

**It is recommended that the Council Assessment Panel resolve that:**

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and**
- 2) Development Application Number 25006366 by Medallion Homes for a two storey detached dwelling, retaining walls, fence, swimming pool and associated safety fence at 16 Highlands Court, Woodforde is granted Planning Consent subject to the following conditions:**

#### **CONDITIONS**

##### **Planning Consent**

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).**
- 2) Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.**
- 3) All external materials and finishes shall be of subdued colours and of a low-light reflective nature which blend with the natural features of the landscape.**

**NOTE: browns, greys, greens and beige are suitable and galvanised iron and zincalume are not suitable.**

- 4) All roof runoff generated by the development hereby approved shall be directed to a rainwater tank with overflow to the street (via a pump if necessary) or a Council drainage easement to the satisfaction of Council within one month of the roof cladding being installed. All roof and hard surface runoff shall be managed to prevent trespass onto adjoining properties and into the effluent disposal area where an on-site waste control system exists.**

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- 5) Prior to commencement of work, straw bales (or other soil erosion control methods as approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during construction.
- 6) Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).
- 7) All external lighting shall be directed away from residential development and shielded if necessary to prevent light spill causing nuisance to the occupiers of those residential properties.
- 8) The balcony of the dwelling shall be fitted with fixed screening to a minimum height of 1.5 metres above the balcony floor level. The screening shall be installed prior to occupation and be maintained in good condition at all times.
- 9) The upper level windows of the dwelling shall be glazed with fixed obscure glass to a minimum height of 1.5 metres above finished floor level. The glazing of these windows shall be installed prior to occupation and be maintained in good condition at all times.

**ADVISORY NOTES**

**General Notes**

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

**OFFICER MAKING RECOMMENDATION**

**Name:** Tim Mason  
**Title:** Statutory Planner



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<b>DEVELOPMENT NO.:</b>	24005354
<b>APPLICANT:</b>	Dominic Burchell
<b>ADDRESS:</b>	10 Kemp Road, Aldgate SA 5154
<b>NATURE OF DEVELOPMENT:</b>	Change of use to include an outdoor store for plants and trees, store building (shipping container), and water tank (retrospective)
<b>ZONING INFORMATION:</b>	<b>Zones:</b> <ul style="list-style-type: none"> <li>• Productive Rural Landscape</li> </ul> <b>Overlays:</b> <ul style="list-style-type: none"> <li>• Environment and Food Production Area</li> <li>• Hazards (Bushfire - High Risk)</li> <li>• Heritage Adjacency</li> <li>• Limited Land Division</li> <li>• Mount Lofty Ranges Water Supply Catchment (Area 2)</li> <li>• Native Vegetation</li> <li>• Prescribed Water Resources Area</li> <li>• Scenic Quality</li> <li>• Water Resources</li> </ul>
<b>LODGEMENT DATE:</b>	3 April 2024
<b>RELEVANT AUTHORITY:</b>	Council Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	P&D Code (in effect) Version 2024.5 14/03/2024
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Sebastien Paraskevopoulos – Senior Statutory Planner and Brendan Fewster – Consultant Planner
<b>REFERRALS STATUTORY:</b>	None
<b>REFERRALS NON-STATUTORY:</b>	Civil Services

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**DETAILED DESCRIPTION OF PROPOSAL:**

The application is for a partial change of use of land to a storage area for plants and trees and associated pots and organic material. The proposed use includes an outdoor storage area and a storage building in the form of a shipping container.

The proposed storage use covers an area of approximately 2100m<sup>2</sup> on the southeastern side of the subject land. The storage area is excess plant stock from Cleveland Nursery that are not suitable for sale. No sales will be conducted from the site.

A '20-foot' shipping container measuring 6 metres in length, 2.3 metres wide and 2.35 metres in height will be located approximately 40 metres from the eastern and southern boundaries. The shipping container will be used to store pots and organic material.

It is anticipated that only two staff will visit the site for up to 9.5 hours a week for deliveries, plant maintenance and irrigation. A 2.6 tonne truck will be used for deliveries, with no more than three deliveries to take place per week from the Cleveland Nursery to the site. The delivery truck will split its time stored on site and off site at the nursery.

There is no change to the existing vehicle access arrangements from Kemp Road or internal driveways.

A 9000-litre rainwater tank is to be provided.

**BACKGROUND:**

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
30/05/2023	22028931	Two storey detached dwelling alterations and additions, deck, and swimming pool
21/06/2022	22009663	Outbuilding
22/11/1999	99/D71/473	Land division – boundary realignment

**SUBJECT LAND & LOCALITY:**

**Location reference:** 10 KEMP RD ALDGATE SA 5154

**Title ref.:** CT 6242/114   **Plan Parcel:** D53955 AL25   **Council:** ADELAIDE HILLS COUNCIL

**Site Description**

The subject land is a rural living type allotment of approximately 2.5 hectares located at 10 Kemp Road, Aldgate.

The land comprises a single allotment that is formally described as Allotment 25 in Deposited Plan 53955, Certificate of Title Volume 6242 Folio 114. It is both subject to and together with free and unrestricted rights of way registered on the Title. The rights of way facilitate access to both the land itself and neighbouring properties, with driveway access occurring over land privately held by 7 Kemp Road.

The land is irregular in shape, with no direct frontage to Kemp Road. Once it departs Kemp Road, the private access is unsealed. The site is covered with dense vegetation with a cleared area on the northern side that contains a dwelling and outbuilding. There is also a cleared area at the southeastern end of the site where the proposed store is to be located.

**ITEM 8.3**

There is an internal driveway that traverses the middle of the site from the private access to the existing dwelling.

**Locality**

The locality has a semi-rural character where land borders existing residential land within the Aldagte township to the south and east near the railway and Mount Barker Road and the more vegetated rural landscape to the north.

Allotments on the northern side of the railway line are typically 1 to 2 hectares in area and densely vegetated. Existing buildings are setback from boundaries and are sited inconspicuously amongst vegetation.

On the southern side of the railway line residential allotments are generally around 2000m<sup>2</sup> in size and contain detached dwellings of varying size and style.

The wider locality has a mixed character where township uses interface with larger rural living allotments.

**CONSENT TYPE REQUIRED:**

Planning Consent

**CATEGORY OF DEVELOPMENT:**

- **PER ELEMENT:**

Water tank (above ground): Code Assessed - Performance Assessed

Change of use: Code Assessed - Performance Assessed

Store: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**

The Planning and Design Code provides no 'Accepted' or 'Deemed to Satisfy' pathway for the above elements –nor are they categorised as 'Restricted' under Table 4 of the zone. Therefore, as per sections 105 (b) and 107 of the Planning Development & Infrastructure Act 2016, the development is categorised as Code Assessed – Performance Assessed.

**PUBLIC NOTIFICATION**

- **REASON**

Table 5 – 3 of the Productive Rural Landscape Zone excludes store development from public notification, *except* if it does not satisfy DTS/DPF 4.1 and DTS/DPF 4.3. The proposed development does not satisfy either of these provisions, due to the size of the store area and its setback from boundaries and sensitive receivers.

Public notification was undertaken between 2 April – 24 April 2025

- **LIST OF REPRESENTATIONS**

One (1) representation was received during the notification period opposing the development. The representor has requested to be heard by the Panel.

Representor Name	Representor's Property Address	Wishes to be heard (Y/N)	Nominated Speaker (if relevant)
Paul Vinton	19 Pine Street, Stirling	Yes	Self

- **SUMMARY**

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

- The proposed commercial use is not compatible with the surrounding residential area.
- Noise impacts and disturbance.

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

## **AGENCY REFERRALS**

No agency referrals were required

## **INTERNAL REFERRALS**

### **Council Civil Services:**

There are no objections to the proposed development, provided that all stormwater runoff is managed on-site to prevent any nuisance to neighbouring properties. No concerns were raised regarding access or traffic impacts.

## **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.*

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

**Zone:**

**Productive Rural Landscape Zone:**

<b>Desired Outcomes</b>	
DO1	A diverse range of land uses at an appropriate scale and intensity that capitalise on the region's proximity to the metropolitan area and the tourist and lifestyle opportunities this presents while also conserving the natural and rural character, identity, biodiversity and sensitive environmental areas and scenic qualities of the landscape.
DO2	A zone that promotes agriculture, horticulture, value adding opportunities, farm gate businesses, the sale and consumption of agricultural based products, tourist development and accommodation that expands the economic base and promotes its regional identity.
DO3	Create local conditions that support new and continuing investment while seeking to promote co-existence with adjoining activities and mitigate land use conflicts.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1, 2.1, 2.2, 6.3, 6.4 and 11.1	
DPFs: 1.1, 2.1, 2.2, 6.3 and 6.4	

The subject land is a rural living allotment of approximately 2.5 hectares that contains a dwelling and dense vegetation. The proposal is seeking to use a small portion of the land (around 2100m<sup>2</sup>) for the storage of plants and trees that are excess plant stock from Cleveland Nursery.

The subject land is situated within the Productive Rural Landscape Zone of the Planning and Design Code. DO 1 and DO 2 and PO 1.1 of the Productive Rural Landscape Zone seek a diverse range of land uses that promote primary production activities and associated value adding uses. While a 'store' is not listed in DPF 1.1 of the zone as an envisaged land use, the proposed storage of various plants and trees is not industrial in nature and is more akin to a low intensive (almost benign) form of primary production that does not supplant or prejudice any such existing use on the land. There will be no business-related transactions conducted on the site and the stored plants will be confined to a relatively small area.

Furthermore, PO 4.1 and 4.3 of the zone support small-scale industry including storage uses that "provide opportunities for diversification and value adding to locally sourced primary production activities". The proposed storage of excess plant stock from Cleveland Nursery is small-scale, and while not directly related and ancillary to a primary production use on the same allotment, the proposal is of nature, scale and intensity that would maintain the rural function and character of the area. The proposal is therefore consistent with PO 1.1, 4.1 and 4.3 of the Productive Rural Landscape Zone.

The only building proposed is a shipping container that will provide covered storage for pots and organic material. The container has a modest floor size of 15m<sup>2</sup>, is set back more than 40 metres from the nearest property boundary and is finished in a green/brown colour. While the proposed shipping container has a simple form and appearance, the container will be a minor visual element as it is no larger than a small garden shed and will be screened by existing vegetation. PO 11.1 of the zone is satisfied.

The container and outdoor area will require minimal earthworks as it is located on relatively flat land and does not involve any building work. PO 2.2 of the zone is satisfied.

## CAP MEETING – 11 June 2025

### ITEM 8.3

It has been reasonably demonstrated that the nature/intensity, siting and scale of the proposed development is such that it would not undermine existing or desired primary production activities nor detract from the natural character and scenic qualities of the surrounding landscape. The proposal is consistent with DO 1 and PO 1.1, 2.1, 2.2, 4.1, 4.3 and 11.1 of the Productive Rural Landscape 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"><li>a. potential for uncontrolled bushfire events taking into account the increased frequency and intensity of bushfires as a result of climate change</li><li>b. high levels and exposure to ember attack</li><li>c. impact from burning debris</li><li>d. radiant heat</li><li>e. likelihood and direct exposure to flames from a fire front.</li></ul>
DO2	Activities that increase the number of people living and working in the area or where evacuation would be difficult is sited away from areas of unacceptable bushfire risk.
DO3	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 2.1, 3.1, 4.1, 4.2, 4.3, 6.1 and 6.2	
DPFs: 4.1, 6.1 and 6.2	

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

A referral to the SA Country Fire Service was not required as the proposal does not comprise of a habitable or sensitive activity listed in Procedural Matters (PM) – Referrals of the Overlay.

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

- The shipping container is a non-combustible structure;
- The proposed storage area is within a cleared area of land that is sited away from potentially hazardous vegetation; and
- The site has access to a public road (via the right of way) that is suitable for fire-fighting vehicles.

The bushfire risks would be low with adequate measures put in place to satisfy the requirements of the Hazards (Bushfire – High Risk) Overlay.

#### Heritage Adjacency Overlay

Desired Outcomes	
DO1	Development adjacent to State and Local Heritage Places maintains the heritage and cultural values of those Places.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1	

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The nearest heritage place is approximately 125 metres to the north of the development site. The setting of this Local Heritage Place would not be impacted by the proposed development given the significant separation distance and the low-impact nature of the development.

#### Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay

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

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

The proposal includes appropriate management of stormwater runoff and thus will not result in any negative impacts on the water quality within the catchment area. The proposal is consistent with DO 1 and the relevant PO's of the Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay.

#### Native Vegetation Overlay

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

This proposal does not include the removal of any native vegetation as the development site has been cleared of vegetation.

The applicant has also provided a Native Vegetation Declaration advising that the proposal will not impact on vegetation. The proposal is therefore consistent with DO 1 and PO 1.1.

#### Scenic Quality Overlay

Desired Outcomes	
DO1	Development complements natural and rural character, and areas of scenic value.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 2.1, 3.1 and 4.1	
DPFs: 3.1 and 4.1	

As previously considered, the proposed outdoor storage activities and shipping container are small-scale in nature and not highly visible from adjacent land or public roads. The development site is located in a cleared area of the land, which is surrounded by dense existing vegetation. The land itself is irregular in shape and does not have direct frontage to Kemp Road, being accessed via a private unsealed driveway, further limiting visibility from the public realm.

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### ITEM 8.3

While the shipping container is utilitarian in appearance, it has a limited footprint (15m<sup>2</sup>), is well setback from boundaries (approximately 40 metres), and will be visually screened by surrounding vegetation. The storage of plants and trees will further soften the visual impact of the area.

Accordingly, the development is considered to complement the natural and rural character of the locality and aligns with DO1 and PO 1.1 and 2.1 of the Scenic Quality Overlay.

#### Water Resources Overlay

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

There are no watercourses affecting the subject land. The nearest watercourse extends across adjacent residential properties to the south.

The proposal is consistent with the Water Resources Overlay.

#### General Development Policies

##### Design

Desired Outcomes	
DO1	Development is: <ul style="list-style-type: none"><li>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</li><li>b) durable - fit for purpose, adaptable and long lasting inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors</li><li>c) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.</li></ul>
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.5, 6.1, 8.1, 10.1, 10.2, 20.1, 31.1 and 31.2	
DPFs: 6.1, 8.1, 10.1 and 10.2	

Shipping containers are typically used for storage or as a temporary, functional building solution due to their portability and minimal need for structural modifications. Given their size and dimensions, they have a similar visual impact to a small shed. While the proposed shipping container has a simple, utilitarian appearance, it is well-set back from property boundaries and screened by existing vegetation, making it largely inconspicuous from neighbouring properties. The outdoor storage of plants and trees will also blend harmoniously with the surrounding landscape. As a result, the proposal is not expected to have any significant visual impacts and satisfies PO 1.5.



**ITEM 8.3**

The proposal will require only a small amount of the earthworks as the land is relatively flat and does not require any building work or new internal driveways. PO 8.1 is satisfied.

**Interface between Land Uses**

<b>Desired Outcomes</b>	
DO1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.2, 2.1, 3.1, 3.2, 4.1, 4.2, 6.1, 6.2, 9.1, 9.2 and 9.7	
DPFs: 2.1, 3.1, 3.2, 4.1	

DO1 seeks to ensure that new development is operated in a manner that adequately protects the amenity of the locality.

The proposal to store plants and trees and associated pots and organic material would generate minimal noise or disturbance as no machinery or equipment would be operated on the site and delivery vehicle movements would be infrequent. The applicant has confirmed that only two staff will visit the site for up to 9.5 hours a week for deliveries, plant maintenance and irrigation and a 2.6 tonne truck will make no more than three deliveries to the site per week from the Cleveland Nursery to the site. The noise and disturbance from such deliveries will be negligible.

One representation was received during the public notification period raising concerns about commercial use and noise impacts. The applicant's written response has addressed these concerns, confirming the absence of retail activity, the infrequent and small-scale nature of operations, and the low potential for noise disturbance.

Accordingly, the proposed store would not adversely impact upon the amenity of nearby sensitive land uses and the locality by way of noise, light spill, glare or traffic. The proposal is considered to satisfy the relevant assessment provisions of the General Section (Interface between Land Uses).

**Transport, Access and Parking**

<b>Desired Outcomes</b>	
DO1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
<b>Performance Outcomes (PO) &amp; Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria</b>	
POs: 1.1, 2.1, 1.4, 3.1, 3.3, 3.4, 3.5, 3.8, 3.9, 4.1, 5.1, 6.1, 6.2, 6.3, 6.4, 6.5, 6.6 and 6.7	
DPFs: 1.4, 3.1, 3.5, 5.1, 6.1 and 6.6	

There is an internal driveway that traverses the middle of the site from the Kemp Road frontage to the existing dwelling. The proposal will utilise the existing driveway access from Kemp Road. The existing access arrangements are safe and convenient and any additional traffic generated by the development would be negligible given the nature of the proposed use, the small number of weekly deliveries and that only two staff will occupy the site at any one time.

There is an area set aside for the parking of a delivery truck and there is sufficient space for staff parking.

The proposal satisfies PO 1.1 and 5.1 of the General Development Policies (Transport, Access and Parking).

### **CONSIDERATION OF SERIOUSLY AT VARIANCE**

Having considered the proposal against the relevant provisions of the Planning and Design Code Version 2024.5 dated 14 March 2024, it is determined that the proposal is not seriously at variance with the Code. The proposed store represents a low-impact land use that aligns with the Desired Outcomes for the Productive Rural Landscape Zone. The storage area, including the associated shipping container, is positioned with substantial setbacks from property boundaries and is screened by existing vegetation, thereby avoiding any adverse visual impacts. Furthermore, the proposal is expected to have a negligible effect on existing traffic movements and car parking availability.

### **CONCLUSION**

Having considered the proposal against the relevant provisions of the Planning and Design Code, the proposal is not seriously at variance with the Planning and Design Code.

The proposed store is of nature, scale and intensity that would not undermine existing or desired primary production activities nor detract from the natural character and scenic qualities of the surrounding landscape.

The visual impact of the proposed outdoor storage area and associated shipping container would not be significant given small-scale and low-impact nature of the use, the separation to property boundaries and visual screening from existing vegetation.

Similarly, it has been demonstrated that the amenity of surrounding land would be maintained, as the impacts of noise and traffic would not be significant.

For these reasons, the proposal achieves the Desired and Performance Outcomes for the Productive Rural Landscape Zone, the relevant Overlays and General Provisions of the Code and thus warrants the granting of Planning Consent.

### **RECOMMENDATION**

**It is recommended that the Council Assessment Panel resolve that:**

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and**
- 2) Development Application Number 24005354 by Dominic Burchell for a Change of use to include an outdoor store for plants and trees, store building (shipping container), and water tank (retrospective) at 10 Kemp Road, Aldgate 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 external finishes to the store building (shipping container) herein approved shall be of subdued colours and of a low-light reflective nature which blend with the natural features of the landscape.**

**NOTE: browns, greys, greens and beige are suitable and galvanised iron and zincalume are not suitable.**

ITEM 8.3

- 3) All roof runoff generated by the development hereby approved shall be managed on-site to the satisfaction of Council within one month of the roof cladding being installed using design techniques such as:

- Rainwater tanks
- Grassed swales
- Stone filled trenches
- Small infiltration basins

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

- 4) All external lighting associated with the depot use shall be restricted to that necessity for security purposes only and shall be directed away from residential development and, shielded if necessary to prevent light spill causing nuisance to the occupiers of nearby residential properties.
- 5) No bulk storage of chemicals, oils or lubricants associated with the approved use is to occur on-site.
- 6) Movement of the truck and/or vehicles (including employee vehicles) associated with the plant nursery business shall be limited to 7:00am to 5:00pm, Monday to Friday. Vehicles must not be started earlier than 7:00am.

ADVISORY NOTES

General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) This 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) This consent is strictly limited to works on the subject land. This consent does not permit any alteration to road verge. Works including tree pruning/removal, earthworks, kerbing, storage of material or any alteration to the verge or a reserve requires a separate approval under Section 221 of the Local Government Act 1999. For more information regarding this process please visit: <https://www.ahc.sa.gov.au/development/roads-and-construction/authorisation-to-alter-a-public-road>

**ITEM 8.3**

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

**OFFICER MAKING RECOMMENDATION**

**Name:** Sebastien Paraskevopoulos

**Title:** Senior Statutory Planner