

DEVELOPMENT NO.:	25018399
APPLICANT:	Pink Acacia Pty Ltd
ADDRESS:	165 PRAIRIE RD CUDLEE CREEK SA 5232
NATURE OF DEVELOPMENT:	Change of use to include tourist accommodation & construction of two (2) tourist accommodation units & associated water storage tank
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Productive Rural Landscape <p>Overlays:</p> <ul style="list-style-type: none"> • Environment and Food Production Area • Hazards (Bushfire - High Risk) • Hazards (Flooding - Evidence Required) • Limited Land Division • Mount Lofty Ranges Water Supply Catchment (Area 2) • Native Vegetation • Prescribed Water Resources Area • Water Resources
LODGEMENT DATE:	25 June 2025
RELEVANT AUTHORITY:	Adelaide Hills Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2025.11 19/06/2025
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Doug Samardzija Senior Statutory Planner
REFERRALS STATUTORY:	Environment Protection Authority South Australian Country Fire Service
REFERRALS NON-STATUTORY:	Environmental Health Department Engineering Department

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ATTACHMENT 1:	Further information	ATTACHMENT 4:	Previous CAP Minutes
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DETAILED DESCRIPTION OF PROPOSAL:

The proposal is for a change of use to include tourist accommodation & construction of two (2) tourist accommodation units & associated water storage tank

The following is a more detailed overview of the proposal:

- Construction of two (2) tourist accommodation units located to the south of the existing dwelling. The units are of identical design style but of a slightly different footprint with a simple modern form comprising weatherboard cladding and skillion Colorbond roof. Unit 1 includes two bedrooms, with open plan kitchen dining and living with an associated alfresco deck area for a total floor area of 81.36m². Unit 2 includes one bedroom, kitchen, meals and living area with an associated alfresco and deck for a total floor area of 66.83m². The wall heights are proposed at 2.4m with the maximum overall building height of 3.5m.
- Externally, the walls will be of weatherboard cladding painted in Oyster Linen whilst the roof will be Colorbond Manor Red.
- New single vehicle access point has been proposed to service the two units with an internal track as well as a turning area for fire-fighting vehicles. There is space adjacent to each unit for one car parking space.
- A 10,000 litre rainwater tank dedicated for firefighting is to be provided between the two units. New wastewater system has been designed to service the two units and the existing dwelling.
- The plans provided indicate that the maximum extent of the earthworks proposed related to the driveway whilst the units are proposed to be elevated on blocks approximately 0.1 to 0.6m above the ground.
- The applicant has confirmed that a maximum of six guests will be permitted on site at any one time with a maximum fortnight stay.
- No signage is proposed.

BACKGROUND:

This matter was previously considered by the Council Assessment Panel at its meeting on 14th of January 2026. The Panel resolved to defer a decision on this matter pending clarification of three matters of further information as detailed in the minute extract below:

8.1.2 Decision of Panel

The following was adopted by consensus of all members (2)

The Council Assessment Panel resolved to Defer consideration of Development Application Number 25018399 by Pink Acacia Pty Ltd for Change of use to include tourist accommodation & construction of two (2) tourist accommodation units & associated water storage tank at 165 Prairie Road, Cudlee Creek to allow the applicant to provide the following further information:

- 1) Demonstrate the extent of primary production use on the subject land and adjoining allotments in the same ownership.
- 2) Details of tourist experiences or value adding linkages
- 3) Details of current, planned and ongoing works in the orchard

The further information has now been furnished to Council. A detailed report has been provided by Stimson Consulting outlining the nature of the primary production use as well as providing a historical context and the improvements made to the site since the current owners purchased it.

The report outlines the historical use of the site from 1920s up until 1994 for intensive fruit production involving apples, pears, peaches, prunes and quinces. Since 1994 the only commercial sales of fruit that continued was the sale of quinces to Maggie Beer, which has been further continued by the current owner.

The report provides a detailed overview as well as photographic evidence of the remedial work that's occurred on site since the purchase in 2022. These works include removal of stands of trees that were in poor health, remedial pruning of the orchard and quince trees to improve structure and health. Additional seeding of areas has also occurred to improve pasture. The current owner has also completed the refencing of the property, including partial fencing of the creek whilst further fencing of the creek is planned along the eastern boundary of the subject land.

In addition to the above, applicant has also advised that there has been a construction of the new sheepyards to facilitate safe stock handling and installation of the new water infrastructure which includes new bore licence for 10 megalitres and installation of a 360,000 litre rainwater tank.

The applicant has acknowledged whilst improvements to the pear trees are being undertaken, these trees are no longer suitable for fresh fruit consumption. However, the aim is to improve the fruit quality for manufacturing, with the future intent being to enter into a commercial venture with local breweries producing pear cider or turning it into juice/paste.

In terms of sheep production, the farm is running 200 head of breeding ewes, with associated lambs (approximately 100) and 4 rams. Lambs and mutton are marketed annually according to market demand either direct to Thomas Foods abattoir, or via market at Mount Pleasant or at Dublin. In the future, it is expected that the carrying capacity will increase to 300-350 breeding ewes once land remediation is completed. Rotational grazing is employed, with mobs grazing on paddocks for 4-6 week periods, followed by rest periods of 4-6 weeks (depending on pasture growth rates). The subject land is included in this grazing pattern and it is intended this will continue on the majority of the parcel not occupied by the tourist accommodation.

Lastly, the applicant has provided additional information demonstrating the intended link between the proposed tourist accommodation and value adding. The applicant argues that the pears on the subject land are authentically beautiful especially in spring when in full flower and the area offers shady places for picnicking and interaction with livestock and wildlife.

Visitor experiences to be offered include farm tours of the orchard and buildings of historic interest such as the original coldstore building. Additional tours include foraging tours to sample ripe products and farm tours of sheep husbandry activities occurring on site. Other small scale visitor experience opportunities outlined include tour experience with the owner's chickens, and horse and pony feeding.

SUBJECT LAND & LOCALITY:

Location reference: 165 PRAIRIE ROAD, CUDLEE CREEK SA 5232

Title ref.: CT 6308/673 **Plan Parcel:** D134142 **Council:** ADELAIDE HILLS COUNCIL

Site Description:

The subject land is an irregular shaped allotment with a wide frontage directly to Prairie Road. The allotment is 1.670 hectares sloping north/west to south/east and includes a single storey dwelling of roughly 200m² along the northern portion of the allotment. Other site features include an old orchard which once formed part of a larger land holding and a watercourse running along the rear boundary and then through the middle of the allotment. With

Locality:

The locality is comprised of a mixture of allotment sizes and land uses. The locality can be defined as being one of a semi-rural nature where there are a large number of rural living allotments. The locality has a history of primary production use as is evident by the remaining orchard on the subject land as well as the surrounding allotments, whilst at the same time there are still a large number of bush blocks.

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
Tourist accommodation: Code Assessed - Performance Assessed

• **OVERALL APPLICATION CATEGORY:**

Code Assessed- Performance Assessed

• **REASON**

The Planning and Design Code does not provide an 'Accepted' or a 'Deemed to Satisfy' pathway for the above noted elements. They are also not listed as being 'Restricted' forms of development under Table 4 of the Productive Rural Landscape Zone. Therefore, it is considered that as per Sections 105 (b) and 107 of the PDI Act 2016, that the proposal be assessed as 'Performance Assessed' development.

PLANNING ASSESSMENT

Desired outcomes

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

Performance outcomes

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

Designated performance features

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

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 7 – Relevant P & D Code Policies**.

Zone:**Productive Rural Landscape Zone:**

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

It is evident that the principal use of the subject land and adjoining land is primary production. In regard to the subject land it is comprised of a fruit orchard and livestock. There is a historical orchard portion which is currently not undertaken at a commercial scale, comprised primarily of pears; whereas there is a substantial quince harvesting activity in place (10.6 tonnes harvested in 2024, 15 tonnes ordered for the upcoming season, with harvesting activity expected to commence in March). The pasture activities are well organised and substantial, with approximately 350 breeding ewes hosted on the combined land with rotational grazing (a typical grazing strategy, particularly when considering the size of the landholding for the volume of sheep).

As evidence images of the site have been supplied, and the applicant has also provided livestock account sale invoices from Nutrien with respect to the sales of dorper ewes and dorper wether lambs (a hardy breed preferred for its meat production and, in fact, the second most popular breed in Australia); and an abattoir invoice for the processing of carcasses. Finally, the view that the primary production activities on this site are undertaken at a commercial scale is bolstered by the applicants' submission of the order of quinces for Maggie Beer. POs 6.3 and 6.4 are therefore achieved comfortably as the tourist accommodation is associated with a primary production use that is substantial and well documented. The tourism accommodation activity will therefore be achieved at an appropriate level that expands on the established agricultural economic base of the subject land, and of the broader region.

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:
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. <ul style="list-style-type: none"> a) potential for uncontrolled bushfire events taking into account the increased frequency and intensity of b) bushfires as a result of climate change c) high levels and exposure to ember attack d) impact from burning debris e) radiant heat f) likelihood and direct exposure to flames from a fire front.

DO3	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1, 2.1, 3.1, 4.1, 4.2, 4.3, 6.2 and 6.3	
DPFs: 4.2 and 6.2	

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

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

- A water supply of 10,000 litres will be provided for the accommodation units for firefighting in accordance with *Ministerial Building Standard MBS 008 - Designated bushfire prone areas - additional requirements*;
- Buildings are not sited near any potentially hazardous vegetation;
- The new vehicle access and internal driveway is designed with a formed all-weather surface with a gradient, dimension and turning areas that facilitate safe and convenient access for fire fighting vehicles (as per DPF 5.1); and
- Clear and unobstructed pedestrian pathways.

The supplementary information supplied with respect to primary production does not change the level of risk associated with bushfire, which was acceptable in any case. As noted, bushfire risks have been adequately considered by the CFS and deemed to be acceptable. Four conditions are recommended relating to access, water supply and vegetation management (refer Recommended Conditions 9 to 12). The proposal therefore satisfies the requirements of the Hazards (Bushfire – High Risk) Overlay.

Hazards (Flooding-Evidence Required) Overlay

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

The subject land is not registered as flood prone and there is no evidence to suggest that it is subject to flooding. As such, no further investigation was deemed necessary.

Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay

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

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

A new single and shared on-site waste system has been designed to cater for the proposed tourist accommodation units and the existing dwelling on site, whilst the existing system is proposed to be decommissioned. This system has been assessed and approved by Council's Environmental Health Department.

Additionally, the system has been assessed by the Environmental Protection Authority and was required to demonstrate a neutral or beneficial environmental impact from the proposed development. A system has been designed which demonstrates that a nutrient balance has been provided within an irrigation area of 300m² for nutrient uptake by the shrubs and trees being irrigated. The EPA therefore considers the potential environmental risks associated with the proposed development to be low and that the proposal would have a neutral or beneficial effect on water quality.

The proposal will not result in any negative impacts on the water quality within the catchment area. The proposal is therefore consistent with DO 1 and the relevant POs 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	

The proposal will not require removal of any native vegetation. The subject site and the development area is clear of native vegetation. A declaration has also been provided by the applicant confirming that there will be no vegetation clearance required.

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

Whilst there is a water course on the subject land, it runs along the rear property boundary and approximately 76m away from the proposed tourist accommodation units. As such, the proposed tourist accommodation building and all associated earthworks, as well as infrastructure works, are well removed from the water course.

General Development Policies

Clearance from Overhead Powerlines

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

POs: 1.1

DPFs: 1.1

The Powerlines Declaration has been signed and provided with the application stating that the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996.

Design**Desired Outcomes**

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

POs: 6.1 and 8.1

DPFs: 6.1 and 8.1

The proposal includes two accommodation units located on the south/western portion of the allotment. The units are clustered together and not too far removed from the existing dwelling on site. They will have a setback of 12.9m and 16.4m from the front allotment boundary whilst the closest neighbouring dwellings are approximately 64m and 126m away.

The supplied additional information demonstrates it is supplementary to an established use that has due regard to its natural surroundings and the primary production focused activities that are established on the land.

The size, scale, design and the siting of the proposed tourist accommodation units along with the proposed landscaping will ensure that the character and amenity of the area is maintained.

Apart from some minor alterations to the natural topography for the new internal driveway and to provide a bench surface for the buildings, there will be limited disturbance to the natural ground levels. The proposal will not result in significant scarring of the land. PO/DPF 8.1 (Design) is satisfied.

Infrastructure and Renewable Energy Facilities**Desired Outcomes**

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

POs: 11.1, 12.1 and 12.2

DPFs: 11.1 and 12.1

As discussed earlier in the report, as part of the development application process the new on-site waste control system has been designed by a wastewater engineer to service the existing dwelling and the two tourist accommodation units whilst the existing system is proposed to be decommissioned. This system has been assessed and approved by Council's Environmental Health Department and the Environmental Protection Authority.

Considering that the site is not connected to mains water, the proposal will need to facilitate onsite water supply. The Applicant has confirmed that each of the units will be provided with a 10,000 litre water tank for water supply purposes. These tanks are not development and there is ample space available onsite to accommodate the two water tanks for water supply.

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: 9.3, 9.4 and 9.5	
DPFs: 9.3, 9.4 and 9.5	

DO1 and PO 1.2 (Interface between Land Uses) seek to ensure that new development is operated in a manner that adequately protects the amenity of the locality. Representors opposing the proposed development have also identified concerns regarding potential noise and lighting impacts.

The proposed units have one and two bedrooms with capacity for a maximum of six guests on the site at any one time. The proposed tourist accommodation is akin to a residential land use and the noise generation from such a small number of guests would be negligible. It is acknowledged that the proposal will generate additional traffic to the site, however the tourist accommodation will likely result in a maximum of three vehicles accessing the site when at full capacity, which makes the proposed development a low traffic generator. The small amount and infrequent nature of the additional traffic, the provision of an all-weather surface for the internal driveway and the siting of the units well away from property boundaries will ensure the amenity and enjoyment of existing properties in the locality will not be detrimentally impacted.

It is also evident by the policies generated by the Code relating to the interface issues for tourist accommodation units that the policy focus is more concerned with the tourist accommodation units being sufficiently separated from land uses that could impact on it rather than the tourist accommodation being adequately separated and designed to mitigate impacts on adjoining residential land uses.

Whilst there were concerns raised in relation to lighting, these issues are not controlled through a planning process and instead fall under the control of Local Nuisance and Litter Control Act 2016 which gives Council appropriate measure to deal with light spill should it arise.

Accordingly, it is considered that the proposal would not adversely impact upon the amenity of nearby sensitive land uses.

Site Contamination

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

As the proposal would not be changing the use of land to a more sensitive use the proposal meets P.O 1.1 and DPF 1.1. The site is currently used for residential purposes and the proposed tourist accommodation is not considered to be a more sensitive land use in Table 1 of Practice Direction 14.

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

Tourist Development

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

The proposed tourist accommodation facility will cater to the needs of visitors and contribute positively to the local tourism economy. It occurs on a site that has an established primary production activity which enhances the fundamental agricultural element which is an important part of the South Australian social and cultural heritage, as well as its economy.

The clustering of the accommodation is supported by PO 1.2.

Transport, Access and Parking

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

The proposal will install a new access point from Prairie Road. This access will only serve the two tourist accommodation units whilst the dwelling on site will utilise the existing access. There will also be a new internal driveway for guests and fire-fighting vehicles.

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

There were concerns raised from a few of the representors about the increase in vehicle movements and the ability of Prairie Road to handle the additional vehicle movements. Council's Engineering Department in their review of the proposal did not raise any concerns about the capacity of the road. It is also the view of the planning staff that the two tourist accommodation units with the maximum capacity of 6 persons would generate low levels of traffic movements not dissimilar to the residential land use and would not lead to conditions detrimental to the free flow or safety of vehicular traffic on the surrounding road network. The relevant provisions of the General Section (Transport, Access and Parking) are therefore considered to have been satisfied.

CONSIDERATION OF SERIOUSLY AT VARIANCE

Having considered the proposal against the relevant provisions of the Planning and Design Code Version 2025.11 dated 19 June 2025, and having considered the rationale for the deferral of a decision by the Panel on the 14th of January, 2025, the proposal is not considered to be seriously at variance with the provisions of the Planning and Design Code for the following reasons:

- Additional evidence demonstrates that there is clearly primary production in place on the land and adjoining land, which the tourism accommodation activities will be secondary, ancillary and subordinate to.

CONCLUSION

The subject land is a rural living allotment that is situated within Productive Rural Landscape Zone. The additional information provided indicates that the subject land whilst limited does have primary production potential and currently includes primary production use with continued sale of quinces to Maggie Beer which are partially grown on the subject land. The additional information also demonstrates that the subject land operates as a collective with the adjoining allotments under the same ownership with varied primary production uses such as an existing orchards and livestock, all which would provide authentic visitor experience associated with the proposed tourist accommodation.

The proposed tourist accommodation is an envisaged form of development from a land use perspective, particularly given the small-scale and low intensive nature of the proposed units. The proposed units are sensitively designed and sited with minimal earthworks to complement the residential and rural character while avoiding conflicts with existing land uses. Landscaping has also been proposed along the front of the property which will improve the overall appearance of the site.

The tourist accommodation will also cater to the needs of visitors and contribute positively to the local economy without undermining the land use intent of the zone or the area's natural and rural character.

It has been demonstrated that adequate provisions are made for vehicle access and car parking. Additionally, the issues relating to wastewater management and bushfire safety, and the impacts on the amenity of surrounding properties, have been considered and deemed to not be significant.

Accordingly, the proposal would reasonably achieve the Desired and Performance Outcomes for the Productive Rural Landscape Zone, the relevant Overlays and General Provisions of the Code and warrants the granting of Planning Consent subject to conditions.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

- 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 21019844 by Pink Acacia Pty Ltd for Change of use to include tourist accommodation & construction of two (2) tourist accommodation units & associated water storage tanks at 165 Prairie Road, Cudlee Creek is granted Planning Consent subject to the following conditions:

RESERVED MATTERS

Pursuant to section 102 (3) (c) of the Planning, Development and Infrastructure Act of 2016, the following matters shall be reserved for further assessment prior to the granting of Development Approval:

The applicant must obtain authorisation under Section 221 of the *Local Government Act 1993* for the alterations to the Council road verge, which include creation of the new driveway and crossover.

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 car parking and the driveway areas shall be maintained in good condition at all times to provide safe vehicle navigation, to the reasonable satisfaction of Council.
- 3) Landscaping, detailed in the site plan prepared by Stimson Consulting shall be planted in the planting season following commencement of the use and maintained in good health and condition at all times. Any such vegetation shall be replaced in the next planting season if and when it dies or becomes seriously diseased.
- 4) Prior to occupation, each tourist accommodation unit shall be provided with a 10,000-litre water tank for water supply purposes.
- 5) The person(s) having the benefit of this consent shall refrain from permitting the use of the building (or any part thereof) for provision of long term accommodation or as a separate dwelling. The tourist accommodation shall be used and operated on a short-term rental arrangement with a maximum of a fourteen (14) day stay per occupancy.

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

- 6) The maximum combined capacity of the tourist accommodation shall be six (6) persons at any one time.
- 7) 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.
- 8) Stormwater management shall be undertaken in accordance with the civil plan prepared by TMK, drawing number 2504 126-C1/PF dated 01.12.2025. 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.

Stormwater overflow management shall be designed to not permit trespass into the effluent disposal area.

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

9) SITING (ANCILLARY STRUCTURES)

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

- Outbuildings and other ancillary structures shall be sited no closer than 6m from each habitable building, unless built to relevant building standards for associated structures in Bushfire Prone Areas. This includes existing and future structures which may or may not require planning and/or building consent including (but not limited to) garden sheds, animal shelters and cubby houses.

10) ACCESS TO HABITABLE BUILDING

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

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

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

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

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

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

SA CFS has no objection to the proposed location for the dedicated water supply as detailed on drawing named SITE PLAN dated at last revision 28/11/25 providing the outlet is positioned to comply with the following conditions:

- The water supply outlet shall be easily accessible and clearly identifiable from the access way and is no greater than 60m path of travel to the furthermost point of each building, to enable fire services to reach all parts of each building with no more than two lengths of hose from the hardstand area.
- The dedicated water supply and its location should be identified with suitable signage (i.e. blue sign with white lettering "FIRE WATER").
- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- Provision shall be made adjacent the water supply for a nominally level hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
- SA CFS appliance's inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.

- A gravity fed water supply outlet may be remotely located from the above ground tank to provide adequate access.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.
- Access to the outlet shall:
 1. be connected to a formed, all-weather public road; and
 2. have a gradient of not more than 16 degrees (1-in-3.5) at any point; and
 3. provide overhead clearance of not less than 4.0m horizontally and vertically between the driveway surface and overhanging branches or other obstructions, including building and/or structures; and
 4. the transition area between the road and the driveway / hardstand shall have a gradient of not more than 7 degrees (1-in-8).

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

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

An APZ shall be implemented and maintained for each habitable building in line with the vegetation management conditions below:

- Vegetation management shall be established and maintained within 20 metres of each habitable building (or to the property boundaries – whichever comes first) as follows:
 1. The number of trees and understorey plants existing and to be established within the APZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous and not within 5 metres of surrounding hazardous vegetation. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%'. SA CFS notes that coverage of vegetation within 20m, to the North, North-East and East of the proposed habitable building (Tourist Acc. 01) AND to the North-East, East and South-East of the proposed habitable building (Tourist Acc. 02) is currently greater than 30%.
 2. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
 3. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
 4. Trees and shrubs must not overhang the roofline of the building(s), touch walls, windows or other elements of the building(s).
 5. Shrubs must not be planted under trees or must be separated by at least 1.5 times their mature height from the trees' lowest branches.
 6. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
 7. No understorey vegetation shall be established within 2 metres of each habitable building (understorey is defined as plants and bushes up to 2 metres in height).
 8. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building(s) such as windows, decks and eaves
 9. The APZ shall be maintained to be free of accumulated dead vegetation.

- A single row of trees or shrubs are permitted closer to the building(s) than their mature height for screening purposes, providing they are not connected to other hazardous vegetation, are not within close proximity of timber building elements, windows and doors and do not touch or overhang any part of the building(s). Screening plants should have low flammability characteristics, be kept in optimum health, pruned regularly and any dead vegetation removed.

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

13) The on-site wastewater system must be installed in accordance with that proposed in the Onsite Wastewater Assessment and Design - addendum, prepared by Waterscope, dated 5 September 2025, and must include:

- a. the installation of an Ozzi Kleen RP10A+ system
- b. the establishment of a 300m² irrigation area, to be located more than 50m from the nearest watercourse, dam or bore, more than 1.2m from the seasonal groundwater table, on a slope less than 20% and not in the 10% AEP flood zone
- c. vegetating the irrigation area with a mixture of shrubs and trees, which will be pruned and harvested at least annually with all clippings to be removed from site
- d. bunding to direct surface runoff away from the irrigation area and creating a bund downhill to prevent any runoff, from over-irrigation, moving off site.

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) A separate development application is required for any signs or advertisements (including flags and bunting) associated with the development herein approved.

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

6) BUILDING CONSIDERATIONS

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

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

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

Category of Bushfire Attack Level:

Tourist Acc. 01 - BAL 12.5

Tourist Acc. 02 - BAL 12.5

This BAL rating is conditional upon the establishment and maintenance of a 20 metre Asset Protection Zone (or to the property boundaries – whichever comes first), in accordance with the Asset Protection Zone – Vegetation Management condition of consent placed on the planning consent with the same application reference.

This result is considered relevant at the date of assessment with respect to the elevations detailed on proposed SITE PLAN, dated 28/11/25 and shall not be considered as SA CFS endorsement of any subsequent development.

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

- 7) The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.
- 8) More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au

OFFICER MAKING RECOMMENDATION

Name: Doug Samardzija
Title: Senior Statutory Planner

20 January 2026

 john@stimsonconsulting.net.au
 www.stimsonconsulting.net.au

 Mr D Samardzija
 Adelaide Hills Council
 PO Box 44
 Woodside SA 5244

ABN 87 096 337 576

Dear Doug

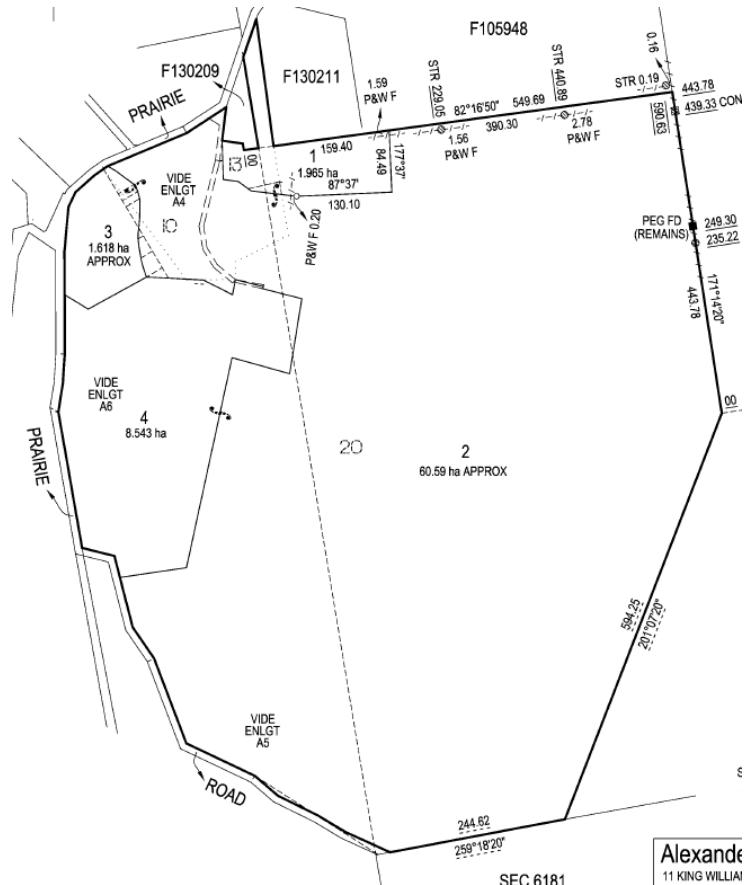
ID 25018399 – 165 Prairie Rd Cudlee Creek – proposed tourist accommodation

With regard to the decision made by the CAP (resolution below) on Wednesday 14 January 2026 which was for a deferral seeking further information please find below the applicant's response.

The Council Assessment Panel resolved to Defer consideration of Development Application Number 21019844 by Pink Acacia Pty Ltd for Change of use to include tourist accommodation & construction of two (2) tourist accommodation units & associated water storage tank at 165 Prairie Road, Cudlee Creek to allow the applicant to provide the following further information:

- 1) Demonstrate the extent of primary production use on the subject land and adjoining allotments in the same ownership.
- 2) Details of tourist experiences or value adding linkages
- 3) Details of current, planned and ongoing works in the orchard

The subject land being lot 3 in DP 134142 (165 Prairie Rd) is 1.618ha in size and is one of four lots that are owned by the applicant with the total land area being 72.71ha. See plan below.





The four properties have a long history of primary production which continues today.

Historic Context

Prairie Estate is comprised of 4 conjoined titles that have been continuously farmed as an orchard and sheep grazing property since the 1920s. The first trees were planted in the 1920s, and at peak capacity, produced 40,000-50,000 cases of apples, pears, peaches, prunes and quinces per season. Some of the original plantings are still retained on the property, namely quinces and pears. Fat lambs have been consistently produced on the four titles since it was initially farmed and continues to the present day. The holdings ceased significant intensive fruit production in 1994, however commercial sales of quinces have been maintained annually to Maggie Beer. Additionally, a partnership of the previous owner with the Adelaide Zoo existed, providing fruit weekly for the animals from 1976 until the previous owners death in 2021.

Current Situation

Currently, the remaining orchard stands are non-commercial in nature and have not been maintained to support meaningful production for domestic markets since 1994, with the exception of the quinces, which have continuously produced good quality fruit which has been marketed annually. The quinces will again be harvested this year with an order of 15 tons in place to Maggie Beer. In 2024 10.6 tonnes were supplied. Approximately 2-3 tons of the quinces to be harvested this coming season will come from the eastern portion of the subject land. Annual site inspection/fruit assessment by Maggie Beers' general manager (Bec Bombardieri) occurred in mid December 2025, and harvest is anticipated in late March.

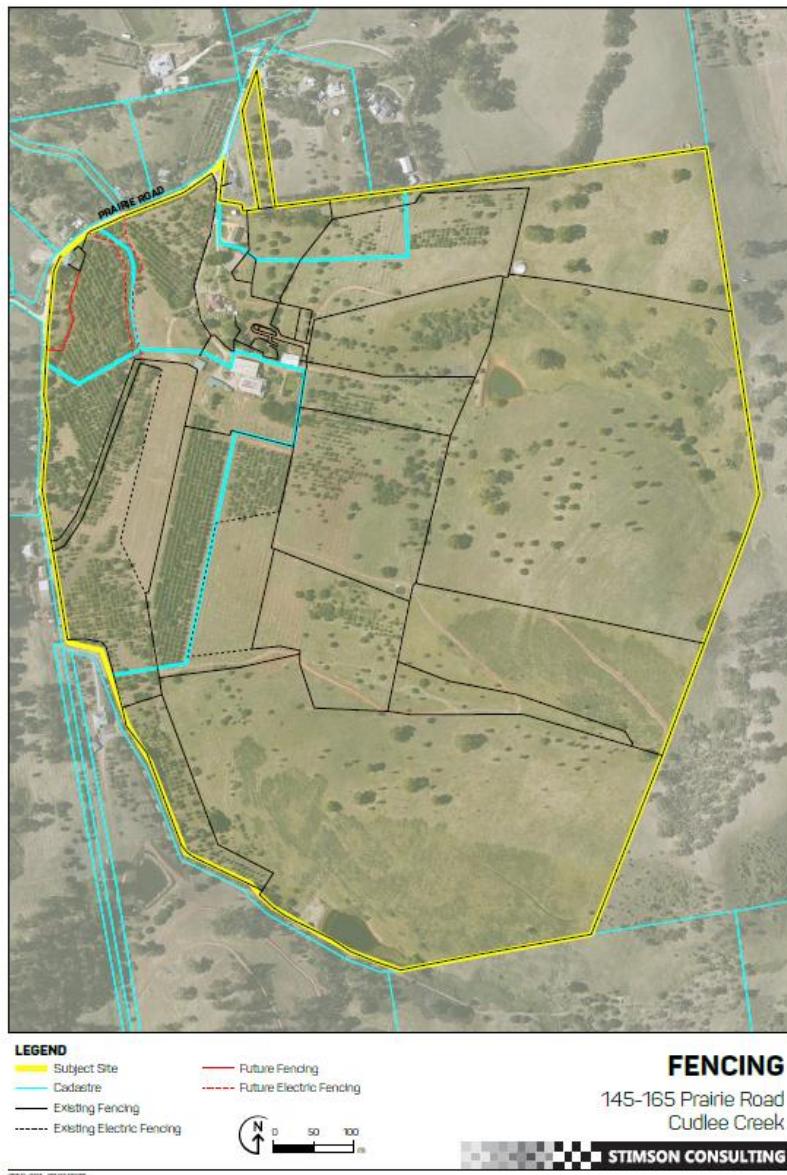
The holdings of Prairie Estate were purchased by the current owners in May 2022. Due to the state of disrepair of the holdings, significant capital works have been undertaken to support primary production undertakings including:

- Assessment of fruit tree health by orchard agronomist from Muirs at Lenswood.
- Removal of stands of apples/pears/plums in poor health, and subsequent remedial work on land. This has been a step-wise process and will be continued, paddock by paddock until trees in poor health have been removed to maximise production through grazing. These areas have been seeded with improved pastures for the sheep, and irrigation infrastructure has been installed to facilitate pasture production.
- Remedial pruning of orchard trees (predominantly pear trees) to be retained. This involves step-wise pruning of the pear trees over 2-3 years to encourage new growth and fruiting (pears require annual pruning to fruit well), and to allow traffic by stock and vehicles down the rows, whilst maintaining aesthetic appeal of the mature plantings. Approximately half of the pears on the subject land have had the first prune, with the remainder scheduled for the first step in pruning in 2026. See plan below and attached photos.



- Complete refencing of property, including partial fencing of creek to minimize degradation by stock. Future fencing of creek is planned along to the eastern boundary of the subject land, to further prevent stock impact on the watercourse, as well as some fencing on the subject land to prevent sheep from getting too close to the proposed cabins. Typically, the fencing that has recently been installed is a 1.1 – 1.2m high post and wire ringlock fence with 2 plain wires on top – see photo below. A Fencing Plan is also below.





- Complete new installation of water infrastructure, including:
 - procurement of bore license and water license for 10 megalitres of water.
 - Installation of 360,000 L rainwater tank, with inline UV Filtration for domestic use (maintained by Birdwood pumps)
- Sensitive pruning of quince trees (staged over 2-3 years), to improve structure and health, whilst maintaining production. Quinces are fertilized annually with a commercial fertilizer, but otherwise receive no other chemical treatments.
- Construction of new sheepyards to facilitate safe stock handling.

An aerial photo based plan below shows which sections of pear orchard have been pruned and which still need work undertaken, as well as where other varieties of trees are located. Attached are a series of photos of the subject land and the other three allotments showing different aspects.



In remediating the pear trees, the aim is to improve the health of both the trees and the paddock. It is expected that the pears will increase fruiting significantly after pruning, but the product will be suitable for manufacturing only (not as fresh fruit for consumption). Potential commercial applications for the crop would be either direct sale to, or joint venture with local breweries to make perry (pear cider) such as Union Bridge in Cudlee Creek, or Sidewood Distillery in Gumeracha, or to manufacturers such as Lobethal Pure Fruits, to be turned into juice/paste for addition into other products. At this stage it is uncertain as to what level of pear production will result until remediation work is done, or how high the demand for the fruit will be.

In terms of sheep production currently, the farm is running 200 head of breeding ewes, with associated lambs (approximately 100) and 4 rams. Lambs and mutton are marketed annually according to market demand either direct to Thomas Foods abattoir, or via



market at Mount Pleasant or at Dublin. Each year, 10-30 lambs are sold locally in a paddock-plate arrangement, processed through TPL meats in Two Wells.



As the aforementioned land remediation requires stock exclusion for prolonged periods to allow pasture establishment, it is anticipated that in the future, carrying capacity of the holdings will increase to 300-350 breeding ewes. Sound pasture management practices are employed on farm to preserve pasture quality, minimize overgrazing and maximizing sheep health. Rotational grazing is employed, with mobs grazing on paddocks for 4-6 week periods, followed by rest periods of 4-6 weeks (depending on pasture growth rates). The subject land is included in this grazing pattern, and will continue on the majority of the parcel not occupied by the tourist accommodation if development approval is granted. Additionally, the pasture on the parcel is of high value in the summer months, as the aspect and protection provided by the remnant pear orchard facilitate prolonged seasonal grass growth. The fruit trees offer fodder value for the sheep, with fruit dropped by birds grazed readily by the sheep. Most of the boundaries of the paddocks do not align with property boundaries, as can be seen on the Fencing Plan on the previous page. This emphasizes the integrated nature of primary production across all four lots, including the subject land.

Paddocks 2 and 4 have large sprinkler irrigation (see photos below) used in April to assist with germination of annual and perennial grasses which are then used for grazing by the sheep.



Attached is a document showing various recent invoices and account statements from Pink Acacia, Nutrien Ag Solutions, Thomas Foods, TPL and Maggie Beer which provide evidence of primary production activity.

Tourist experience with primary production

The historic orchards on the subject land and adjoining titles offer an authentic rural experience. The pears on the subject site are aesthetically beautiful, especially in spring when in full flower, and later in summer as the fruit is maturing. It is a lovely shady place for picnicking (offered as part of the stay) and enjoying the rural surround and interface with livestock and wildlife (kangaroos and bird life abound).

The visitor experience to be offered as part of the tourist accommodation is to include farm tours. Tours of the historic orchard stands, with explanation of orchard varieties and fruiting patterns. Pruning techniques and grafting can also be demonstrated if there is interest during the winter months. Foraging tours sampling ripe produce can also occur in the months between November and June. In addition to the pears and quinces, there are remnant stands of apples, plums, prunes, apricots, persimmons, as well as significant plantings of walnuts, pecans and sweet chestnuts. Wild blackberries also grow in the local area. There are buildings of historic interest on the estate to tour, namely a 3 storey brick coldstore and packing shed built in 1934 which is in largely original condition.

Farm tours are also anticipated to include involvement with sheep husbandry activities occurring on site at the time of stay. Opportunities will depend on the time of year (see schedule of husbandry below), but routine checking of mobs, movement between paddocks and treatment of sick/injured stock occur year round.

Sheep management schedule

Joining – (ewes with rams) occurs November to February. Pregnancy ultrasound is conducted 6 weeks after joining ends.

Drenching- Ewes (and rams) are typically drenched and vaccinated 4 weeks prior to lambing.

Lambing – occurs April- August. Sheep are checked 3 times daily during this time. Supplementary feeding via haybales occurs biweekly when grass is short. Orphan lambs are hand-raised, and bottle feeding opportunities will be offered to guests if lambs are being raised.

Lamb Marking - Lambs are yarded and marked (tagged and vaccinated) at 6-12 weeks of age, with booster vaccines given 4 weeks later.



Weaning - Lambs are weaned at 4-6 months of age (yarded and drafted). They are yarded monthly to monitor weight gain until sold. Lambs are typically sold between December and February each year.

Crutching and Shearing – the farm has a 3 stand fully operational shearing shed. Shearing and crutching are performed on an as needed basis between the months of August and December.

Routine checks/movements - Sheep mobs are moved between paddocks 4-6 weekly as deemed necessary. Stock troughs are checked every two days during summer, and mobs are checked at a minimum of every 3 days throughout the year.

Tours can also include experiences with the owners' chickens. Five heritage breeds are raised on farm, with eggs being incubated and chicks raised September-March annually with 60-80 birds of various ages being housed on site. A horse and a pony are kept on site and are fed daily. Tours of the owners' private home orchard, comprising in excess of 80 heritage stone fruit varieties, and dahlia cut flower garden can be included. Whilst not part of the primary production aspect of the holding, these activities are attractive to those seeking a 'farm experience' as part of their stay.

Planning and Design Code Considerations

The Productive Rural Landscape Zone DO1 states:

"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."

The Zone DO 2 states:

"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."

Zone DO 3 states:

"Create local conditions that support new and continuing investment while seeking to promote co-existence with adjoining activities and mitigate land use conflicts."

Zone PO 1.1 is below and Tourist Accommodation is a listed land use in Zone DPF 1.1

"The productive value of rural land for a range of primary production and horticultural activities and associated value adding of primary produce (such as beverage production), retailing and tourism is supported, protected and maintained. The proliferation of land uses that may be sensitive to those activities is avoided."

From a land use perspective, it is quite clear that tourist accommodation is envisaged in the Zone. Whether a particular proposal warrants consent is subject to assessment in relation to the full range of relevant Planning and Design Code policies.

Zone PO 6.3 and DPF 6.3 are below.



Tourist accommodation is associated with the primary use of the land for primary production or primary production related value adding industry to enhance and provide authentic visitor experiences.

Tourist accommodation, other than where located in The Cedars Subzone:

- (a) is ancillary to and located on the same allotment or an adjoining allotment used for primary production or primary production related value adding industry
- (b) in relation to the area used for accommodation:
 - (i) where in a new building, or buildings, does not exceed a cumulative total floor area of 100m² or
 - (ii) where in an existing building, does not exceed 150m² and
- (c) does not result in more than one tourist accommodation facility being located on the same allotment.

Zone PO 6.4 and DPF 6.4 are below

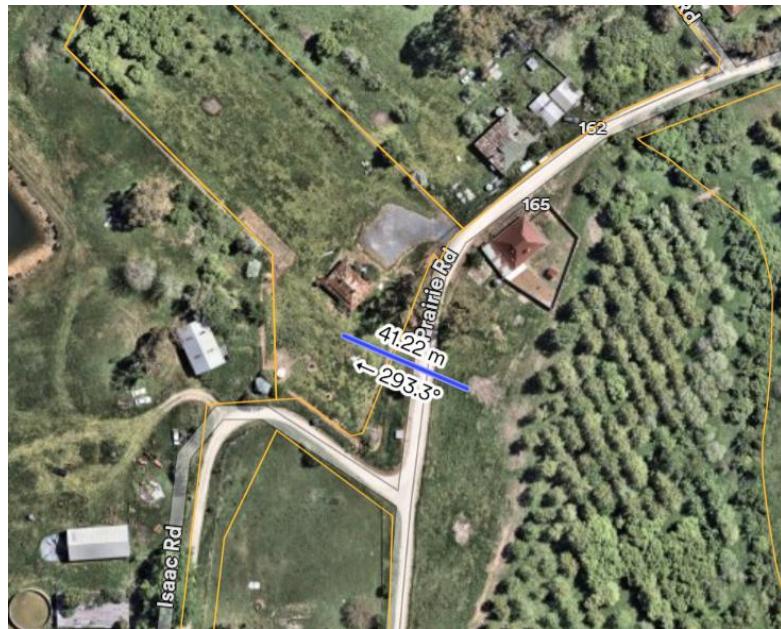
Tourist accommodation proposed in a new building or buildings are sited, designed and of a scale that maintains a pleasant rural character and amenity.

Tourist accommodation in new buildings:

- (a) is setback from all property boundaries by at least 40m
- (b) has a building height that does not exceed 7m above natural ground level.

The 1.618ha sized subject land is primarily used for primary production and even with the existing dwelling and the proposed two tourist accommodation cabins this will remain the case. Whilst much of the primary production on site is a pear orchard that is not commercial the Code's policy does not seek for primary production to be commercial. The grazing of sheep and the picking and selling of quinces is also primary production that will also remain. Furthermore, the adjoining three lots which are owned by the applicant are also used for primary production (as discussed above) and will provide much of the authentic visitor experiences to occupants of the tourist accommodation cabins. As such there is a clear association between the proposed tourist accommodation and primary production that occurs on the subject land and the adjoining land. The proposal is not a stand alone tourist accommodation use.

The proposal is considered to be small scale in nature despite having a floor area marginally above the 100sqm policy in DPF 6.3. As explained at the CAP meeting the 40m setback policy is not complied with. The character of this rural area is somewhat unusual in that most of the dwellings along Prairie Rd are located close to the road whereas in most rural areas they are typically set much further back. The 40m setback policy also enables a buffer to horticultural, viticultural or other rural activities on adjoining properties that might cause a problem to the occupants of a tourist accommodation cabin, for example spray drift. In this instance it appears there are no rural activities located within 40m of where the cabins are proposed that would cause interference as can be seen on the aerial photo below. The nearby properties to the northwest – southwest of the proposed cabins are used for grazing purposes which don't require a buffer.



Should you have any queries regarding this proposal please send an email to john@stimsonconsulting.net.au or call on 0402134568.

Yours sincerely
STIMSON CONSULTING PTY LTD

JOHN STIMSON
Managing Director

Enc.



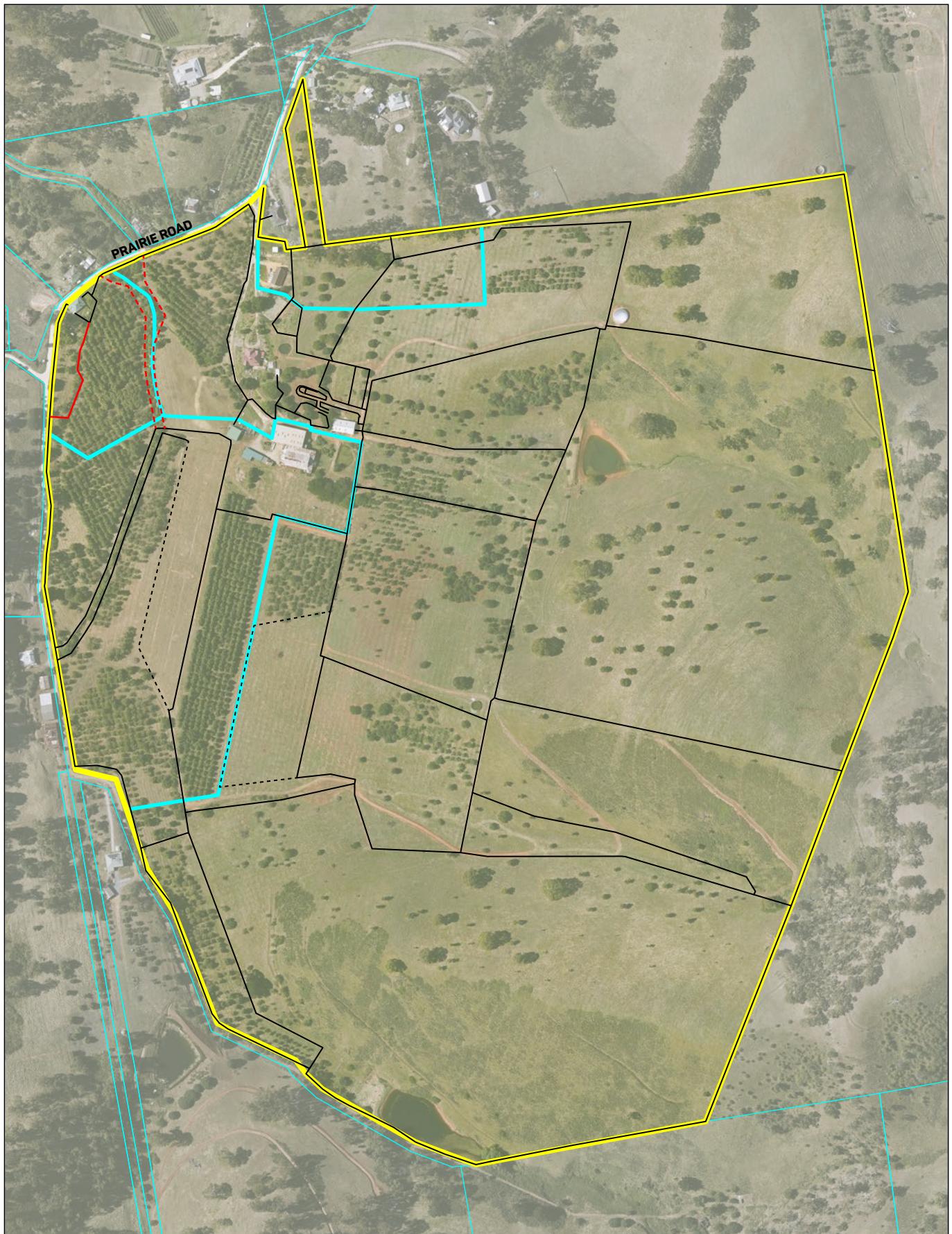
LEGEND

● Chestnut Tree	● Private Orchard (80 Heritage Varieties)	● Paddock
● Walnut Tree	● Quinces	
● Persimmons, Lemons, Plums	● Proposed Quinces	
● Pears (pruned)	● Apricots	
● Pears (to be thinned & pruned)	● Potential Future Dahlia Patch	
● Private Dahlia Patch	● Various Heritage Plums	

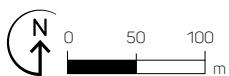
ORCHARD AREAS

145-165 Prairie Road
Cudlee Creek



**LEGEND**

- Subject Site
- Cadastre
- Existing Fencing
- Existing Electric Fencing
- Future Fencing
- Future Electric Fencing

**FENCING**

145-165 Prairie Road
Cudlee Creek

 STIMSON CONSULTING



Pear trees on subject title – pruned stage 1 (thinning of unhealthy trees, removal of dead wood, clearing of branches enabling vehicle and stock access between rows). Stage 2 would involve reduction in crown height, and pruning to promote fruiting spur formation.



Unpruned pear trees, subject title. Indicative of other overgrown and unmaintained tree stands on the 4 titles.



Unpruned quince trees



Pruned Quince tree



Current quince crop – Jan 2026



Pear trees in fruit Jan 2026, 4 varieties represented here



Paddocks remediated in 2025, cleared of unhealthy apple trees, and sown with annual pasture.
Newly fenced (Paddock number 2 on aerial view)



New fencing installed Spring 2025. Typical of rural page and wire fencing installed throughout property



Remediated land sown with fodder Brassicas for forage to finish Lambs. Remnant plum and apricot groves in the background.



Paddock cleared and remediated, and refenced in 2023/2024. Irrigation infrastructure has been installed, and perennial tall fescue has been sown and irrigated for late summer forage. (paddock number 1 on aerial map)



Paddock remediated (cleared of unhealthy pears) and refenced in 2022



Shearing shed



New fencing adjacent to sheep yards. Avenue of sweet chestnuts in background.



Sheep undergrazing pears Jan 2026. Note green grass still growing in foreground.



Breeder ewes in paddock encompassing subject land



Walnut tree with fruit



Remnant plum and apple trees in fruit Jan 2026



Southern aspect of Coldstore; built 1934, with pear and apple trees in foreground

Pink Acacia Pty Ltd

PO Box 195
Cudlee Creek SA 5232
+61 422188045
joshua@restoreses.com.au
ABN 49901586228

Tax Invoice

INVOICE TO
Attn: Bec Bonbardieri
Maggie Beer Products
2 Keith Street
Tanunda 5352

INVOICE
DATE
1008
01/05/2024

ACTIVITY	GST	QTY	RATE	AMOUNT
Fruit - Quinces Pick & Supply 25 bins of quinces to Avondale Foods	GST	10,609	0.63	6,683.67
				6,683.67
				GST TOTAL 668.37
				TOTAL 7,352.04
				BALANCE DUE A\$7,352.04

Please email a receipt to joshua@restoreses.com.au
Or send a remittance to the postal address above.
Direct Credit Details
Bank: BankSA BSB: 105 009 Acc No: 122 477 440

**REMITTANCE ADVICE**

2 Keith Street
Tanunda SA 5352

Attention
Pink Acacia Pty Ltd
PO Box 195
Cudlee Creek SA 5232

Date: 10/05/2024

Our Reference: PPPY-24670

Supplier: PINKAC

Payment Method : NAB	Account : 122477440	Amount Paid : \$5,146.43
	Our Ref PPSI-25208	Your Ref 1008

Our Ref
PPSI-25208

Your Ref
1008

Amount
\$5,146.43

**REMITTANCE ADVICE**

2 Keith Street
Tanunda SA 5352

Attention
Pink Acacia Pty Ltd
PO Box 195
Cudlee Creek SA 5232

Date: 5/07/2024

Our Reference: PPPY-25213

Supplier: PINKAC

Payment Method : NAB	Account : 122477440	Amount Paid : \$2,205.61
	Our Ref PPSI-25209	Your Ref 1008

Our Ref
PPSI-25209

Your Ref
1008

Amount
\$2,205.61

Doug Samardzija

From: Josh Noble <joshua@restorees.com.au>
Sent: Thursday, 29 January 2026 8:33 PM
To: Doug Samardzija; Stimson Consulting
Subject: Fwd: Contract for quinces
Attachments: PPOR-30290.pdf

Doug & John,

I've asked Bec B from Maggie Beer Products to provide written confirmation of our Agreement to provide Quinces to Maggie Beer Products this season. Picking likely Mid April 2026.
Her comments & PO are listed below.

Joshua Noble
Senior Manager
Restore Environmental Services
M: 0422186045

----- Forwarded message -----

From: **Bec Bombardieri** <bbombardieri@maggiebeer.com.au>
Date: Wed, Jan 28, 2026 at 2:12 PM
Subject: Re: Contract for quinces
To: Josh Noble <joshua@restorees.com.au>

Hi Josh

Further to the site visit that Hamish and I conducted in November last year to inspect your current crop of quinces – I wanted to touch base and confirm our intent to progress with the purchase of circa 14T (pending yield) pending quality assessment (as assessed by our QA team). Obviously

very much crop and weather driven, but we verbally talked about these being ready for harvest and procurement this late April/May. Should there be any indication that crop tonnage may differ to our estimates from December, please advise at your earliest convenience.

Also please see attached purchase order.

Please do not hesitate to contact me

Regards

Bec Bombardieri

Logistics Manager

Maggie Beer Products

Phone : 0438 140 197

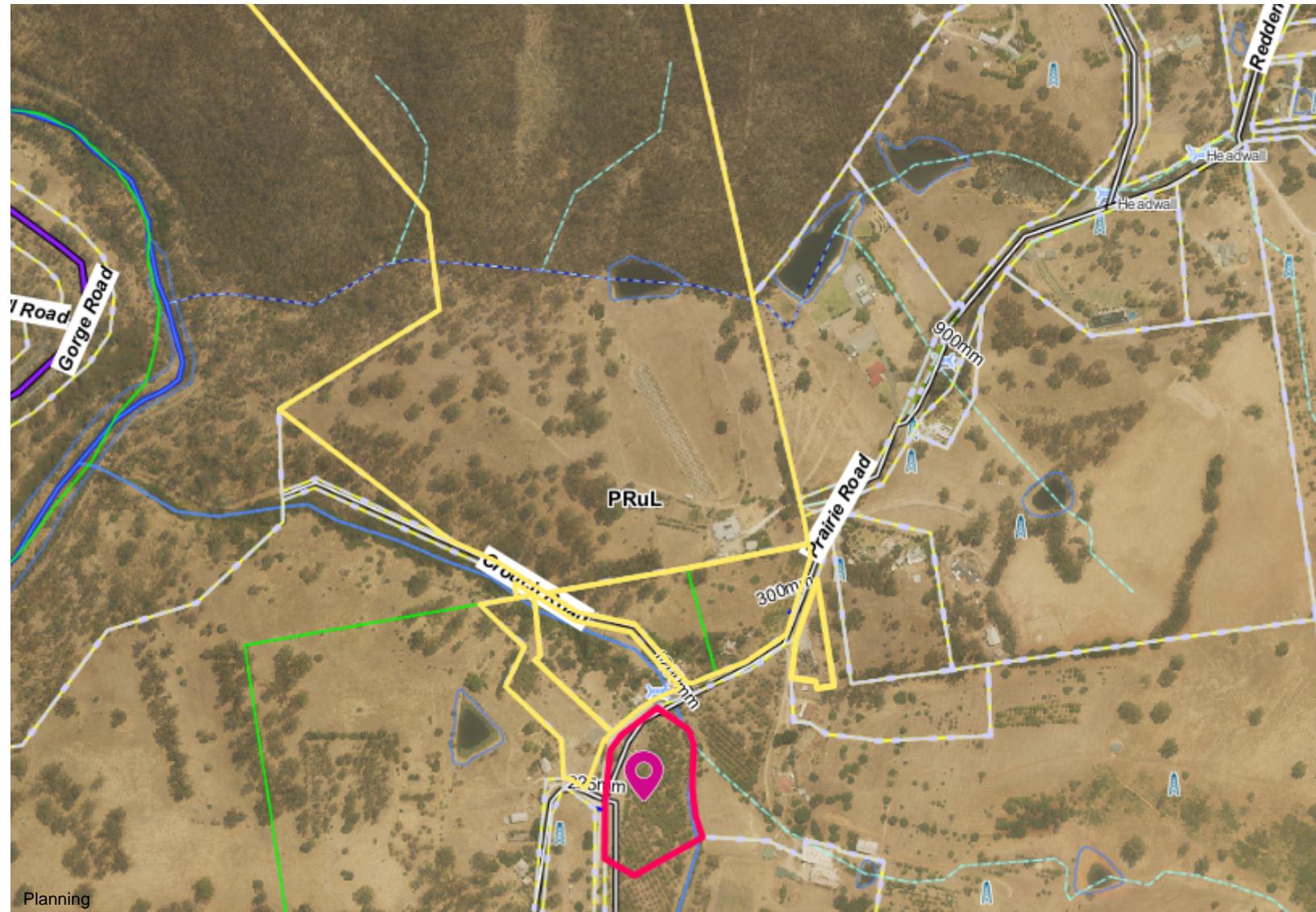
Days of work: Mon, Tues, Wed & Friday

Email: Bbombardieri@maggiebeer.com.au

Orders: sales@maggiebeer.com.au

Web: www.maggiebeer.com.au





Annotations

- Representors Land 5
- Representors Land 4
- Representors Land 3
- Representors Land 2
- Representors Land 1
- Subject Land

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Scale = 1:7110.180

200 m



Productive Rural Landscape Zone

ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 14 JANUARY 2026
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM

[Please Note: These minutes are unconfirmed until 11 February 2026]

In Attendance

Presiding Member

Geoff Parsons

Members

Ross Bateup
Paul Mickan
Myles Somers
Leith Mudge

In Attendance

Jess Charlton	Director Community & Development
Deryn Atkinson	Assessment Manager
Blake O'Neil	Team Leader Statutory Planning
Doug Samardzija	Senior Statutory Planner
Jess Tonkin	ICT Support Officer

1. Commencement

The meeting commenced at 6:30pm

2. Opening Statement

“Council acknowledges that we meet on the traditional Country of the Peramangk and Kaurna people. We pay our respects to Ancestors and Elders past and present as the Custodians of this ancient and beautiful land”.

3. Apologies/Leave of Absence

3.1 Apologies
Nil

3.2 Leave of Absence
Nil

ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 14 JANUARY 2026
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM

[Please Note: These minutes are unconfirmed until 11 February 2026]

4. Previous Minutes

4.1 Meeting held 10 December 2025.

The minutes were adopted by consensus of all members

(1)

That the minutes of the meeting held on 10 December 2025 be confirmed as an accurate record of the proceedings of that meeting.

5. Presiding Member's Report

Nil

6. Declaration of Interest by Members of Panel

Nil

7. Matters Lying on the Table/Matters Deferred

7.1 Matters Lying on the Table

Nil

7.2 Matters Deferred

Nil

ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
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8. Development Assessment Applications – Planning, Development and Infrastructure Act

8.1 Development Application Number 25018399 by Pink Acacia Pty Ltd for Change of use to include tourist accommodation & construction of two (2) tourist accommodation units & associated water storage tank at 165 Prairie Road, Cudlee Creek

8.1.1 Representations

Name of Representor	Nominated Speaker
Edi Kanberg	James Hilditch
J and M Radford	Did not attend
Judith Fox	Judith Fox

The applicant's representative John Stimson, and landowner Belinda and Josh Noble, addressed the Panel and answered questions from the Panel.

8.1.2 Decision of Panel

The following was adopted by consensus of all members (2)

The Council Assessment Panel resolved to Defer consideration of Development Application Number 21019844 by Pink Acacia Pty Ltd for Change of use to include tourist accommodation & construction of two (2) tourist accommodation units & associated water storage tank at 165 Prairie Road, Cudlee Creek to allow the applicant to provide the following further information:

- 1) Demonstrate the extent of primary production use on the subject land and adjoining allotments in the same ownership.
- 2) Details of tourist experiences or value adding linkages
- 3) Details of current, planned and ongoing works in the orchard

9. Development Assessment Applications – Development Act
Nil

10. Development Assessment Applications – Review of Decisions of Assessment Manager
Nil

ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 14 JANUARY 2026
63 MOUNT BARKER ROAD, STIRLING
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11. ERD Court Appeals

The Assessment Manager provided a verbal update on a new appeal of a CAP decision.

12. Policy Issues for Advice to Council

Nil

13. Other Business

13.1 Revised CAP Operating and Meeting Procedures

The following was adopted by consensus of all members (3)

1. That the Council Assessment Panel revokes the Operating and Meeting Procedures dated 10 December 2025 and adopts the revised Operating and Meeting Procedures as detailed in Attachment 1 of this report, as the version dated 14 January 2026.
2. Delegation is provided to the Assessment Manager to make any legislative, formatting or nomenclature changes to the Operating and Meeting Procedures.

14. Order for Exclusion of the Public from the Meeting to debate Confidential Matters

Nil

15. Confidential Item

Nil

16. Next Meeting

The next ordinary Council Assessment Panel meeting will be held on Wednesday 11 February 2026.

17. Close meeting

The meeting closed at 8:30 pm.

DEVELOPMENT NO.:	25018399
APPLICANT:	Pink Acacia Pty Ltd
ADDRESS:	165 PRAIRIE RD CUDLEE CREEK SA 5232
NATURE OF DEVELOPMENT:	Change of use to include tourist accommodation & construction of two (2) tourist accommodation units & associated water storage tank
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Productive Rural Landscape <p>Overlays:</p> <ul style="list-style-type: none"> • Environment and Food Production Area • Hazards (Bushfire - High Risk) • Hazards (Flooding - Evidence Required) • Limited Land Division • Mount Lofty Ranges Water Supply Catchment (Area 2) • Native Vegetation • Prescribed Water Resources Area • Water Resources
LODGEMENT DATE:	25 June 2025
RELEVANT AUTHORITY:	Adelaide Hills Council Assessment Panel
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2025.11 19/06/2025
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Doug Samardzija Senior Statutory Planner
REFERRALS STATUTORY:	Environment Protection Authority South Australian Country Fire Service
REFERRALS NON-STATUTORY:	Environmental Health Department Engineering Department

CONTENTS:

ATTACHMENT 1:	Application Documents	ATTACHMENT 5:	Response to Representations
ATTACHMENT 2:	Subject Land Map/Representation Map	ATTACHMENT 6:	Prescribed Body Response
ATTACHMENT 3:	Zoning Map	ATTACHMENT 7:	Relevant P & D Code Policies
ATTACHMENT 4:	Representations		

DETAILED DESCRIPTION OF PROPOSAL:

The proposal is for a change of use to include tourist accommodation & construction of two (2) tourist accommodation units & associated water storage tank

The following is a more detailed overview of the proposal:

- Construction of two (2) tourist accommodation units located to the south of the existing dwelling. The units are of identical design style but of a slightly different footprint with a simple modern form comprising weatherboard cladding and skillion Colorbond roof. Unit 1 includes two bedrooms, with open plan kitchen dining and living with an associated alfresco deck area for a total floor area of 81.36m². Unit 2 includes one bedroom, kitchen, meals and living area with an associated alfresco and deck for a total floor area of 66.83m². The wall heights are proposed at 2.4m with the maximum overall building height of 3.5m.
- Externally, the walls will be of weatherboard cladding painted in Oyster Linen whilst the roof will be Colorbond Manor Red.
- New single vehicle access point has been proposed to service the two units with an internal track as well as a turning area for fire-fighting vehicles. There is space adjacent to each unit for one car parking space.
- A 10,000 litre rainwater tank dedicated for firefighting is to be provided between the two units. New wastewater system has been designed to service the two units and the existing dwelling.
- The plans provided indicate that the maximum extent of the earthworks proposed related to the driveway whilst the units are proposed to be elevated on blocks approximately 0.1 to 0.6m above the ground.
- The applicant has confirmed that a maximum of six guests will be permitted on site at any one time with a maximum fortnight stay.
- No signage is proposed.

BACKGROUND:

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
20 November 2023	23013148	Boundary realignment 4 into 4
25 July 2023	23007872	Above ground water storage tank (360,000L)
27 October 1989	471/D029/89	Land division-boundary change
19 February 1985	3-136-85	Construction of a reinforced concrete tank, capacity 30,000 gallons (136,000 litres)

CAP MEETING – 14 January 2026

ITEM 8.1

SUBJECT LAND & LOCALITY:

Location reference: 165 PRAIRIE ROAD, CUDLEE CREEK SA 5232

Title ref.: CT 6308/673 **Plan Parcel:** D134142 **Council:** ADELAIDE HILLS COUNCIL

Site Description:

The subject land is an irregular shaped allotment with a wide frontage directly to Prairie Road. The allotment is 1.670 hectares sloping north/west to south/east and includes a single storey dwelling of roughly 200m² along the northern portion of the allotment. Other site features include an old orchard which once formed part of a larger land holding and a watercourse running along the rear boundary and then through the middle of the allotment. With

Locality:

The locality is comprised of a mixture of allotment sizes and land uses. The locality can be defined as being one of a semi-rural nature where there are a large number of rural living allotments. The locality has a history of primary production use as is evident by the remaining orchard on the subject land as well as the surrounding allotments, whilst at the same time there are still a large number of bush blocks.

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

Tourist accommodation: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**

Code Assessed- Performance Assessed

- **REASON**

The Planning and Design Code does not provide an 'Accepted' or a 'Deemed to Satisfy' pathway for the above noted elements. They are also not listed as being 'Restricted' forms of development under Table 4 of the Productive Rural Landscape Zone. Therefore, it is considered that as per Sections 105 (b) and 107 of the PDI Act 2016, that the proposal be assessed as 'Performance Assessed' development.

PUBLIC NOTIFICATION

- **REASON**

The proposal fails to satisfy Column B exemptions in Table 5 relating to tourist accommodation. More specifically, the cumulative floor area exceeds 100m² and the buildings are not setback more than 40m from all property boundaries.

Public Notification period – 07 October 2025-27 October 2025

- **LIST OF REPRESENTATIONS**

Representor Name	Representor's Property Address	Wishes to be heard (Y/N)	Nominated Speaker (if relevant)
Edi Kanberg	141 Prairie Road, Cudlee Creek	Yes	James Hilditch
J and M Radford	128 Prairie Road, Cudlee Creek	Yes	Jon Radford
Judith Fox	PO Box 285, Birdwood	Yes	Judith Fox
Michelle Kenley	C/O Post Office, Cudlee Creek	No	
Nicole Brammy	35 South Terrace, Adelaide	No	
Vonod Kumar Deut	162 Prairie Road, Cudlee Creek	No	
Wesley Redden	148 Prairie Road, Cudlee Creek	No	

- **SUMMARY**

- Contrary to the Planning & Design Code. More specifically its not associated with primary production use.
- Interface issues
- Bushfire risk and safety
- Traffic, access, parking and concerns with Prairie Road
- Water quality impacts
- Visual impacts
- Unclear development scope
- Privacy
- Tree removal
- Security concerns

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

AGENCY REFERRALS

- **Country Fire Service:**

This application was referred to the Country Fire Service (CFS) for assessment pursuant to Schedule 9 (3)(2) Hazards (Bushfire - High Risk) Overlay. The response from the CFS is that they are not opposed to the proposal subject to a number of conditions relating to siting of ancillary structures, access, water supply and vegetation management (refer Recommended Conditions 9-12). Each of the tourist accommodation units was also provided with a bushfire attack level rating of 12.5 for building rules consent purposes.

- **Environmental Protection Authority:**

This application was referred to Environmental Protection Authority (EPA) for assessment pursuant to Schedule 9 (3)(9) Activities of Environmental significance, or development in the Mount Lofty Ranges- Procedural Matters part (f) tourist accommodation where a habitable dwelling already exists on the same allotment. The EPA considered that the potential environmental risks associated with the proposed development to be low and that the proposal would have a neutral or beneficial effect on water quality. The proposal is supported subject to a condition (refer Recommended Condition 13) requiring the installation of the wastewater system in accordance with the approved plans.

INTERNAL REFERRALS

- **Engineering Department:**

Council's Engineering Department reviewed the proposed access arrangements and stormwater management. The original proposal included a dual access point to form part of a loop driveway. This was subsequently amended to a single access point after initial review by Council Engineering. The final design features a single access point which was approved by Council Engineering following some further amendments to include road runoff being maintained through the subject land as was the case historically.

The stormwater management plan was also endorsed by Council's Engineering following the requested changes being made.

- **Health Department:**

Council's Environmental Health Department assessed the new on-site wastewater system designed by Waterscope for the installation of an Ozzi Kleen RP10A+ system with a 300m² irrigation area. Approval was granted under the Waste Approval number 25/W114/473.

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 7 – Relevant P & D Code Policies**.

Zone:**Productive Rural Landscape Zone:**

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

The subject land is a rural residential allotment of approximately 1.670 hectares with direct frontage to Prairie Road. The site is surrounded by a mixture of rural living allotments of smaller or similar scale and, large primary production allotments. Whilst the subject land does contain a small orchard which originally formed part of the large primary production lot, the subject land does not have any useful productive farm value due to its small size. With that being said, the site is abutting a large allotment used for primary production purposes and whilst PO 6.3 does envisage tourist accommodation in association with primary production use, the corresponding DPF as a guide does also speak to tourist accommodation being located adjacent to allotments used for primary production purposes.

The proposal is seeking to use the land for small-scale tourist accommodation comprising of two small units, one with two bedrooms and the other with one bedroom for a maximum total occupancy of six guests with the maximum length of stay of 14 days per occupancy.

The subject land is situated within the Productive Rural Landscape Zone. DO 1 and DO 2 of the Productive Rural Landscape Zone are seeking a diverse range of land uses that promote primary production activities and associated value adding uses, such as tourism development. DPF 1.1 identifies 'tourist accommodation' as an envisaged land use within the Zone.

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

- a. is associated with the primary use of the land for primary production to enhance and provide authentic visitor experiences,
- b. does not exceed a cumulative total floor area of 100m²,
- c. does not result in more than one tourist accommodation facility being located on the same allotment,
- d. is setback from all property boundaries by at least 40m and
- e. has a building height that does not exceed 7m above natural ground level.

While it is preferred that tourist accommodation is associated with existing primary production on the land, in this instance, the land is only 1.670 hectares in area and therefore does not have any substantial productive farm value. Additionally, the tourist accommodation is proposed adjacent to primary production land and within a rural setting which does not offend the Desired Outcome for the Productive Rural Landscape Zone and is therefore considered to

provide an authentic visitor experience from the rural setting perspective and be appropriate from a land use perspective.

The setback from the front allotment boundary is 12.9m and 16.4m which is less than envisaged by the DPF 6.4, however the setback is still considered acceptable as it still provides ample separation from the street to allow future landscaping, as shown on the landscaping plan. Additionally, the two buildings are still set further back into the property than the existing dwelling on-site, ensuring it remains a focal feature on the site as viewed from the street.

The proposed accommodation units are small-scale with each having a floor area of 81.36m² and 66.83m² respectively and a combined area of 154.96m². Whilst this is above the 100m², the overall bulk and scale of the two buildings is relatively low and the buildings have been sensitively designed and sited, with a relatively small level of earthworks and significant spatial separation. This will ensure that the proposal satisfies PO 2.1, PO 6.3, PO 6.4 and PO 11.1 of the Zone.

The visual impacts would not be significant given that:

- The units are single storey with a low roof height and modest floor areas;
- External materials are non-reflective and finished in a non-reflective colour;
- A small amount of earthworks is required resulting in minimal disruption to the natural landform. The earthworks will be battered and landscaped;
- The units will be a minor visual element when viewed from neighbouring properties with the closest neighbouring dwelling being approximately 62m and 133m away and not in direct line of sight of the proposed buildings; and
- Existing vegetation will be retained where possible and additional landscaping incorporated as per the landscaping plan.

The proposed tourist accommodation will also cater to the needs of visitors and contribute positively to the local economy. DO 1 and PO 1.1 (Tourist Development) are therefore satisfied.

For these reasons, the proposed development is of an appropriate nature, scale and intensity that would conserve the existing pleasant rural character of the area while contributing to tourist and lifestyle opportunities. On balance, DO 1 and PO 1.1, PO 6.3 and PO 6.4 of the Productive Rural Landscape Zone and DO 1 and PO 1.1 of the General Policies (Tourism Development) are reasonably satisfied.

Overlays

Hazards (Bushfire- 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:
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. <ol style="list-style-type: none">potential for uncontrolled bushfire events taking into account the increased frequency and intensity ofbushfires as a result of climate changehigh levels and exposure to ember attackimpact from burning debrisradiant heatlikelihood and direct exposure to flames from a fire front.
DO3	To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.

Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria

POs: 1.1, 2.1, 3.1, 4.1, 4.2, 4.3, 6.2 and 6.3

DPFs: 4.2 and 6.2

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

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

- A water supply of 10,000 litres will be provided for the accommodation units for firefighting in accordance with *Ministerial Building Standard MBS 008 - Designated bushfire prone areas - additional requirements*;
- Buildings are not sited near any potentially hazardous vegetation;
- The new vehicle access and internal driveway is designed with a formed all-weather surface with a gradient, dimension and turning areas that facilitate safe and convenient access for fire fighting vehicles (as per DPF 5.1); and
- Clear and unobstructed pedestrian pathways.

The bushfire risks have been adequately considered by the CFS and deemed to be acceptable. Four conditions are recommended relating to access, water supply and vegetation management (refer Recommended Conditions 9 to 12). The proposal therefore satisfies the requirements of the Hazards (Bushfire – High Risk) Overlay.

Hazards (Flooding-Evidence Required) Overlay**Desired Outcomes**

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

POs: 1.1

DPFs: 1.1

The subject land is not registered as flood prone and there is no evidence to suggest that it is subject to flooding. As such, no further investigation was deemed necessary.

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.
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Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria

POs: 1.1, 1.2, 2.5, 3.2, 3.3 and 4.1

DPFs: 1.2, and 2.5

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

A new single and shared on-site waste system has been designed to cater for the proposed tourist accommodation units and the existing dwelling on site, whilst the existing system is proposed to be decommissioned. This system has been assessed and approved by Council's Environmental Health Department.

Additionally, the system has been assessed by the Environmental Protection Authority and was required to demonstrate a neutral or beneficial environmental impact from the proposed development. A system has been designed which demonstrates that a nutrient balance has been provided within an irrigation area of 300m² for nutrient

CAP MEETING – 14 January 2026

ITEM 8.1

uptake by the shrubs and trees being irrigated. The EPA therefore considers the potential environmental risks associated with the proposed development to be low and that the proposal would have a neutral or beneficial effect on water quality.

The proposal will not result in any negative impacts on the water quality within the catchment area. The proposal is therefore consistent with DO 1 and the relevant POs 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	

The proposal will not require removal of any native vegetation. The subject site and the development area is clear of native vegetation. A declaration has also been provided by the applicant confirming that there will be no vegetation clearance required.

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

Whilst there is a water course on the subject land, it runs along the rear property boundary and approximately 76m away from the proposed tourist accommodation units. As such, the proposed tourist accommodation building and all associated earthworks, as well as infrastructure works, are well removed from the water course.

General Development Policies

Clearance from Overhead Powerlines

Desired Outcomes	
DO1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 1.1	
DPFs: 1.1	

The Powerlines Declaration has been signed and provided with the application stating that the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996.

Design

Desired Outcomes	
DO1	<p>Development is:</p> <ul style="list-style-type: none"> a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area b) durable - fit for purpose, adaptable and long 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 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.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 6.1 and 8.1	
DPFs: 6.1 and 8.1	

The proposal includes two accommodation units located on the south/western portion of the allotment. The units are clustered together and not too far removed from the existing dwelling on site. They will have a setback of 12.9m and 16.4m from the front allotment boundary whilst the closest neighbouring dwellings are approximately 64m and 126m away.

The size, scale, design and the siting of the proposed tourist accommodation units along with the proposed landscaping will ensure that the character and amenity of the area is maintained.

Apart from some minor alterations to the natural topography for the new internal driveway and to provide a bench surface for the buildings, there will be limited disturbance to the natural ground levels. The proposal will not result in significant scarring of the land. PO/DPF 8.1 (Design) is satisfied.

Infrastructure and Renewable Energy Facilities

Desired Outcomes	
DO1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.
Performance Outcomes (PO) & Deemed to Satisfy (DTS)/Designated Performance Feature (DPF) criteria	
POs: 11.1, 12.1 and 12.2	
DPFs: 11.1 and 12.1	

As discussed earlier in the report, as part of the development application process the new on-site waste control system has been designed by a wastewater engineer to service the existing dwelling and the two tourist accommodation units whilst the existing system is proposed to be decommissioned. This system has been assessed and approved by Council's Environmental Health Department and the Environmental Protection Authority.

Considering that the site is not connected to mains water, the proposal will need to facilitate onsite water supply. The Applicant has confirmed that each of the units will be provided with a 10,000 litre water tank for water supply purposes. These tanks are not development in their own right and there is ample space available onsite to accommodate the two water tanks for water supply.

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: 9.3, 9.4 and 9.5	
DPFs: 9.3, 9.4 and 9.5	

DO1 and PO 1.2 (Interface between Land Uses) seek to ensure that new development is operated in a manner that adequately protects the amenity of the locality. Representors opposing the proposed development have also identified concerns regarding potential noise and lighting impacts.

The proposed units have one and two bedrooms with capacity for a maximum of six guests on the site at any one time. The proposed tourist accommodation is akin to a residential land use and the noise generation from such a small number of guests would be negligible. It is acknowledged that the proposal will generate additional traffic to the site, however the tourist accommodation will likely result in a maximum of three vehicles accessing the site when at full capacity, which makes the proposed development a low traffic generator. The small amount and infrequent nature of the additional traffic, the provision of an all-weather surface for the internal driveway and the siting of the units well away from property boundaries will ensure the amenity and enjoyment of existing properties in the locality will not be detrimentally impacted.

It is also evident by the policies generated by the Code relating to the interface issues for tourist accommodation units that the policy focus is more concerned with the tourist accommodation units being sufficiently separated from land uses that could impact on it rather than the tourist accommodation being adequately separated and designed to mitigate impacts on adjoining residential land uses.

Whilst there were concerns raised in relation to lighting, these issues are not controlled through a planning process and instead fall under the control of Local Nuisance and Litter Control Act 2016 which gives Council appropriate measure to deal with light spill should it arise.

Accordingly, it is considered that the proposal would not adversely impact upon the amenity of nearby sensitive land uses.

Site Contamination

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

As the proposal would not be changing the use of land to a more sensitive use the proposal meets P.O 1.1 and DPF 1.1. The site is currently used for residential purposes and the proposed tourist accommodation is not considered to be a more sensitive land use in Table 1 of Practice Direction 14.

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

Tourist Development

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

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

The clustering of the accommodation is supported by PO 1.2.

Transport, Access and Parking

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

The proposal will install a new access point from Prairie Road. This access will only serve the two tourist accommodation units whilst the dwelling on site will utilise the existing access. There will also be a new internal driveway for guests and fire-fighting vehicles.

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

There were concerns raised from a few of the representors about the increase in vehicle movements and the ability of Prairie Road to handle the additional vehicle movements. Council's Engineering Department in their review of the proposal did not raise any concerns about the capacity of the road. It is also the view of the planning staff that the two tourist accommodation units with the maximum capacity of 6 persons would generate low levels of traffic movements not dissimilar to the residential land use and would not lead to conditions detrimental to the free flow or safety of vehicular traffic on the surrounding road network. The relevant provisions of the General Section (Transport, Access and Parking) are therefore considered to have been satisfied.

CONSIDERATION OF SERIOUSLY AT VARIANCE

Having considered the proposal against the relevant provisions of the Planning and Design Code Version 2025.11 dated 19 June 2025 , the proposal is not considered to be seriously at variance with the provisions of the Planning and Design Code for the following reasons:

- Tourist accommodation is an envisaged land use in the Productive Rural Landscape.
- The small-scale and low intensive nature of the proposed tourist accommodation will not undermine existing or desirable uses in the Zone.
- The tourist accommodation units are located adjacent to a land used for primary production purposes.
- The proposed tourist accommodation will cater to the needs of visitors and contribute positively to the local economy.

ITEM 8.1

- It has been reasonably demonstrated that the proposal would not adversely impact upon the amenity of nearby sensitive uses.
- It's been demonstrated that the proposal will have a neutral or beneficial effect on water quality.
- It's been demonstrated that the proposal is acceptable from bushfire safety perspective.
- The development includes safe and convenient access and adequate car parking.

CONCLUSION

The subject land is a rural living allotment that is situated within Productive Rural Landscape Zone. The land does not have significant productive farm value due to its smaller nature. However, as has been discussed in the report, the adjacent allotment is used for primary production purposes.

The proposed tourist accommodation is an envisaged form of development from a land use perspective, particularly given the small-scale and low intensive nature of the proposed units. The proposed units are sensitively designed and sited with minimal earthworks to complement the residential and rural character while avoiding conflicts with existing land uses. Landscaping has also been proposed along the front of the property which will improve the overall appearance of the site.

The tourist accommodation will also cater to the needs of visitors and contribute positively to the local economy without undermining the land use intent of the zone or the area's natural and rural character.

It has been demonstrated that adequate provisions are made for vehicle access and car parking. Additionally, the issues relating to wastewater management and bushfire safety, and the impacts on the amenity of surrounding properties, have been considered and deemed to not be significant.

Accordingly, the proposal would reasonably achieve the Desired and Performance Outcomes for the Productive Rural Landscape Zone, the relevant Overlays and General Provisions of the Code and warrants the granting of Planning Consent subject to conditions.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

- 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 21019844 by Pink Acacia Pty Ltd for Change of use to include tourist accommodation & construction of two (2) tourist accommodation units & associated water storage tanks at 165 Prairie Road, Cudlee Creek is granted Planning Consent subject to the following conditions:

RESERVED MATTERS

Pursuant to section 102 (3) (c) of the Planning, Development and Infrastructure Act of 2016, the following matters shall be reserved for further assessment prior to the granting of Development Approval:

The applicant must obtain authorisation under Section 221 of the *Local Government Act 1993* for the alterations to the Council road verge, which include creation of the new driveway and crossover.

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 car parking and the driveway areas shall be maintained in good condition at all times to provide safe vehicle navigation, to the reasonable satisfaction of Council.
- 3) Landscaping, detailed in the site plan prepared by Stimson Consulting shall be planted in the planting season following commencement of the use and maintained in good health and condition at all times. Any such vegetation shall be replaced in the next planting season if and when it dies or becomes seriously diseased.
- 4) Prior to occupation, each tourist accommodation unit shall be provided with a 10,000-litre water tank for water supply purposes.
- 5) The person(s) having the benefit of this consent shall refrain from permitting the use of the building (or any part thereof) for provision of long term accommodation or as a separate dwelling. The tourist accommodation shall be used and operated on a short-term rental arrangement with a maximum of a ninety day stay per occupancy.

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

- 6) The maximum combined capacity of the tourist accommodation shall be six (6) persons at any one time.
- 7) 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.
- 8) Stormwater management shall be undertaken in accordance with the civil plan prepared by TMK, drawing number 2504 126-C1/PF dated 01.12.2025. 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.

Stormwater overflow management shall be designed to not permit trespass into the effluent disposal area.

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

9) SITING (ANCILLARY STRUCTURES)

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

- Outbuildings and other ancillary structures shall be sited no closer than 6m from each habitable building, unless built to relevant building standards for associated structures in Bushfire Prone Areas. This includes existing and future structures which may or may not require planning and/or building consent including (but not limited to) garden sheds, animal shelters and cubby houses.

10) ACCESS TO HABITABLE BUILDING

The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 6.2) details the mandatory requirements for 'Private' roads and driveways to facilitate safe and effective use, operation and evacuation for firefighting and emergency personnel and evacuation of residents, occupants and visitors

where required. These requirements apply when the furthest point of the building is more than 60m from the nearest public road.

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

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

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

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

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

SA CFS has no objection to the proposed location for the dedicated water supply as detailed on drawing named SITE PLAN dated at last revision 28/11/25 providing the outlet is positioned to comply with the following conditions:

- The water supply outlet shall be easily accessible and clearly identifiable from the access way and is no greater than 60m path of travel to the furthermost point of each building, to enable fire services to reach all parts of each building with no more than two lengths of hose from the hardstand area.
- The dedicated water supply and its location should be identified with suitable signage (i.e. blue sign with white lettering “FIRE WATER”).
- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- Provision shall be made adjacent the water supply for a nominally level hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
- SA CFS appliance's inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.
- A gravity fed water supply outlet may be remotely located from the above ground tank to provide adequate access.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.
- Access to the outlet shall:
 1. be connected to a formed, all-weather public road; and
 2. have a gradient of not more than 16 degrees (1-in-3.5) at any point; and
 3. provide overhead clearance of not less than 4.0m horizontally and vertically between the driveway surface and overhanging branches or other obstructions, including building and/or structures; and
 4. the transition area between the road and the driveway / hardstand shall have a gradient of not more than 7 degrees (1-in-8).

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

The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 4.2) details the mandatory requirements to establish and maintain an asset protection zone. As such, landscaping shall include bushfire protection features that will prevent or inhibit the spread of bushfires and minimise the risk

to life and/or damage to buildings and property and maintain a fuel reduced zone for safe movement of occupants and fire fighters.

An APZ shall be implemented and maintained for each habitable building in line with the vegetation management conditions below:

- Vegetation management shall be established and maintained within 20 metres of each habitable building (or to the property boundaries – whichever comes first) as follows:
 1. The number of trees and understorey plants existing and to be established within the APZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous and not within 5 metres of surrounding hazardous vegetation. Careful selection of the vegetation will permit the ‘clumping’ of shrubs where desirable, for diversity, and privacy and yet achieve the ‘overall maximum coverage of 30%’. SA CFS notes that coverage of vegetation within 20m, to the North, North-East and East of the proposed habitable building (Tourist Acc. 01) AND to the North-East, East and South-East of the proposed habitable building (Tourist Acc. 02) is currently greater than 30%.
 2. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
 3. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
 4. Trees and shrubs must not overhang the roofline of the building(s), touch walls, windows or other elements of the building(s).
 5. Shrubs must not be planted under trees or must be separated by at least 1.5 times their mature height from the trees’ lowest branches.
 6. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
 7. No understorey vegetation shall be established within 2 metres of each habitable building (understorey is defined as plants and bushes up to 2 metres in height).
 8. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building(s) such as windows, decks and eaves
 9. The APZ shall be maintained to be free of accumulated dead vegetation.
- A single row of trees or shrubs are permitted closer to the building(s) than their mature height for screening purposes, providing they are not connected to other hazardous vegetation, are not within close proximity of timber building elements, windows and doors and do not touch or overhang any part of the building(s). Screening plants should have low flammability characteristics, be kept in optimum health, pruned regularly and any dead vegetation removed.

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

13) The on-site wastewater system must be installed in accordance with that proposed in the Onsite Wastewater Assessment and Design - addendum, prepared by Waterscope, dated 5 September 2025, and must include:

- a. the installation of an Ozzi Kleen RP10A+ system
- b. the establishment of a 300m² irrigation area, to be located more than 50m from the nearest watercourse, dam or bore, more than 1.2m from the seasonal groundwater table, on a slope less than 20% and not in the 10% AEP flood zone
- c. vegetating the irrigation area with a mixture of shrubs and trees, which will be pruned and harvested at least annually with all clippings to be removed from site
- d. bunding to direct surface runoff away from the irrigation area and creating a bund downhill to prevent any runoff, from over-irrigation, moving off site.

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) A separate development application is required for any signs or advertisements (including flags and bunting) associated with the development herein approved.

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

6) BUILDING CONSIDERATIONS

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

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

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

Category of Bushfire Attack Level:

Tourist Acc. 01 - BAL 12.5

Tourist Acc. 02 - BAL 12.5

This BAL rating is conditional upon the establishment and maintenance of a 20 metre Asset Protection Zone (or to the property boundaries – whichever comes first), in accordance with the Asset Protection Zone – Vegetation Management condition of consent placed on the planning consent with the same application reference.

This result is considered relevant at the date of assessment with respect to the elevations detailed on proposed SITE PLAN, dated 28/11/25 and shall not be considered as SA CFS endorsement of any subsequent development.

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

- 7) The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.

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

OFFICER MAKING RECOMMENDATION

Name: Doug Samardzija
Title: Senior Statutory Planner

20 June 2025

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www.stimsonconsulting.net.au

ABN 87 096 337 576

Mr J Booker
Adelaide Hills Council
PO Box 44
Woodside SA 5244

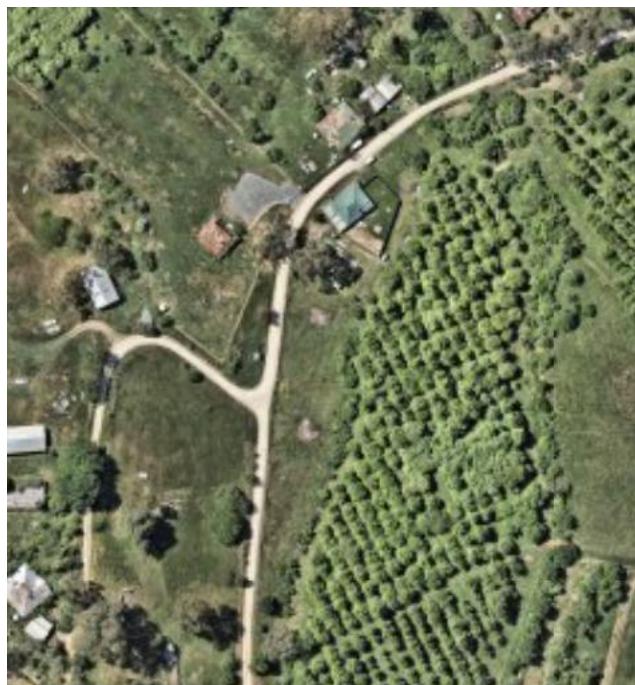
Dear James

Cudlee Creek – proposed tourist accommodation

Stimson Consulting is assisting, who are the owners of the above property, with the preparation of a development application for two cabins to be used for tourist accommodation.

The Subject Land and Locality

The subject land is lot 3 in Deposited Plan 134142 and is more accurately described on Certificate of Title Volume 6308 Folio 673 – see attached copy. The lot is on the eastern side of Prairie Rd and there is a dwelling on the land as well as fruit trees. See the aerial photo below.



That part of the subject land where the proposed two tourist accommodation cabins are proposed slopes from west to east and falls approximately 4 m. Photos of the subject land are on the following pages.



In middle of subject land looking north towards existing dwelling



Looking north from Prairie Rd towards existing dwelling on the subject land



Looking east from Prairie Rd at land where cabins will be located (in front of trees)



Looking northeast at subject land from Prairie Rd



Looking south from Prairie Rd with subject land on left side



Existing dwelling on Prairie Rd

The proposed cabins are to be located south of the existing dwelling between Prairie Rd and the existing swale (not a watercourse) on the eastern side of the subject land.

The locality is largely a rural / rural living environment usually having paddocks and native vegetation on allotments to the west with orchards and open paddocks to the east. An aerial photo of the locality is on the following page with the location of the proposed cabins outlined in red.



Photos of the locality are below and on the following page.



Looking west from Prairie Rd



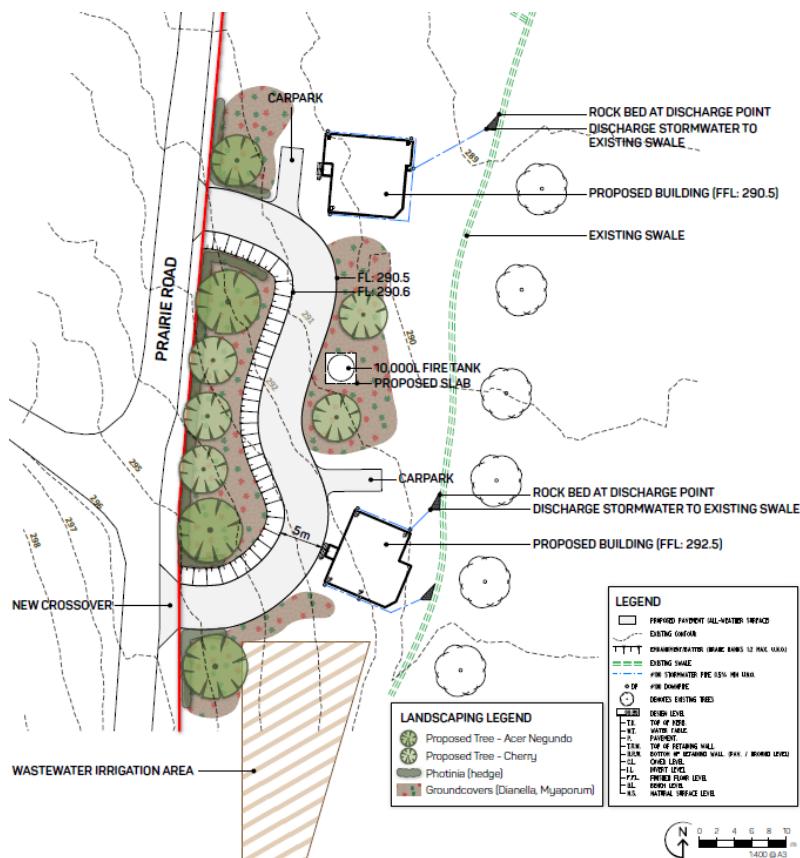
Looking northwest from Prairie Rd next to existing dwelling on site



Looking southwest from Prairie Rd at dwelling towards the subject land on left and nearby dwellings on the right

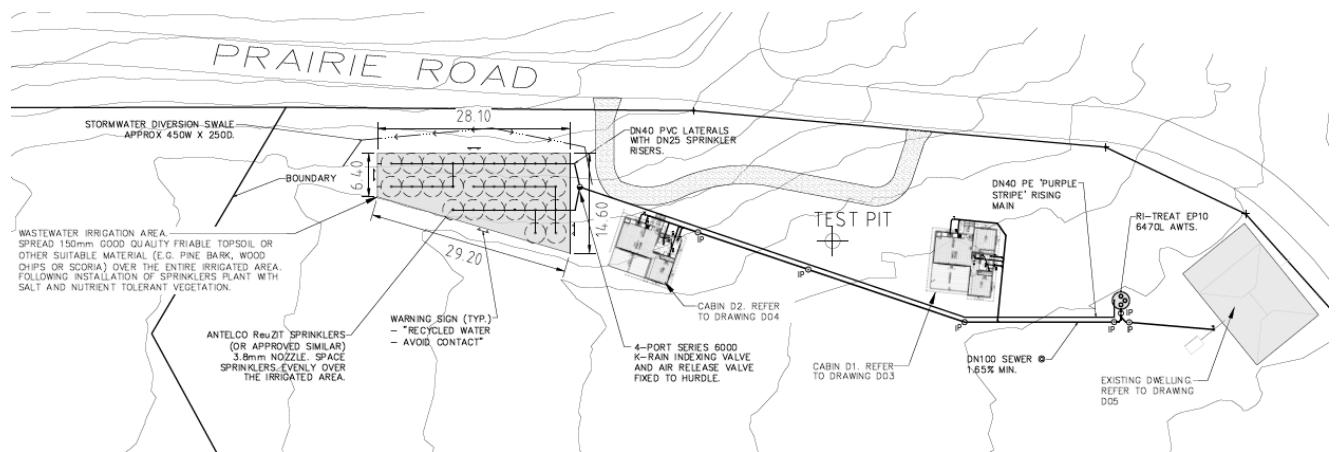
Proposal

The application seeks to erect two cabins (tourist accommodation) with a 10,000 litre CFS water tank (non-combustible material), driveway and parking spaces and landscaping. A 3m wide crushed gravel track is to be formed to provide vehicular access to the 4 cabins from the existing driveway. One parking space is to be provided for each cabin. A turn around area is proposed between cabins 2 and 3 for CFS trucks. A CFS water connection is proposed next to this turnaround and two hose reels are proposed located between cabins 1 and 2, and 3 and 4. Stormwater from the cabin roofs will be directed to a small swale and discharged to the creek. See proposal plan below.

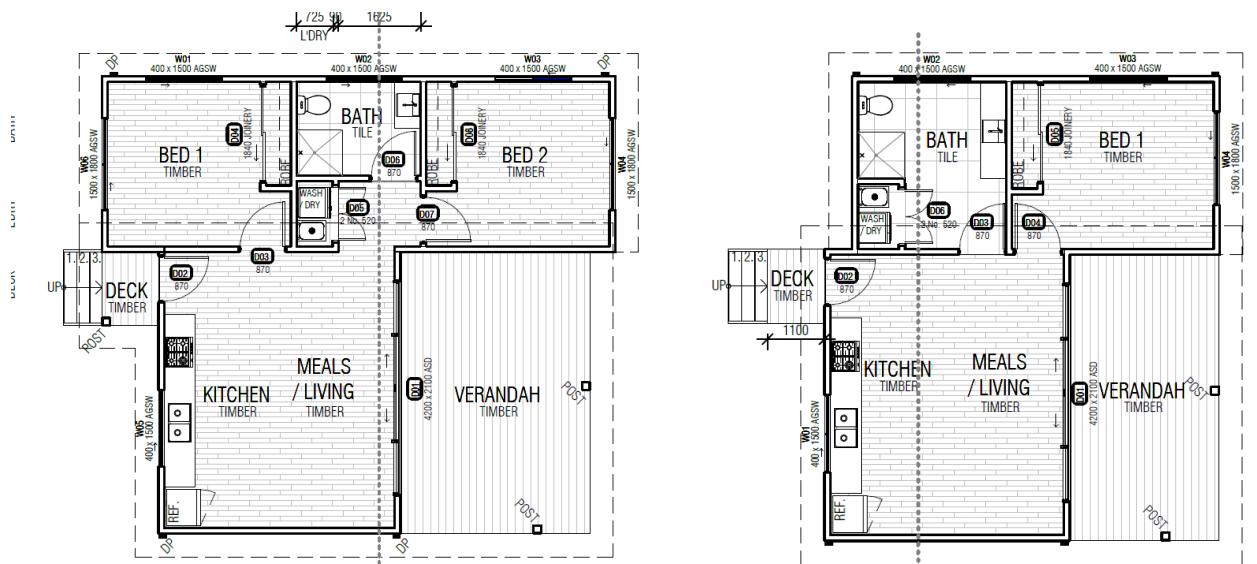




An aerobic wastewater treatment plant is proposed to be installed along with a surface spray disposal area. The disposal area is to be located on the southern side of the proposed cabins as shown on the plan below. Waterscope have prepared a report (attached). The existing dwelling will be connected to this system. Its existing system is not up to standard and will be removed. The disposal area is more than 50m away from the watercourse that forms part of the eastern boundary of lot 3.



There are two types of cabins. One will have a single bedroom (queen sized), living/meals and kitchen area, along with a bathroom and a verandah. The other cabin will have two bedrooms, living/meals and kitchen area along with a bathroom and a verandah. The cabins are oriented so the verandahs are facing east in order to get the orchard and hills views. The floor plans are below.

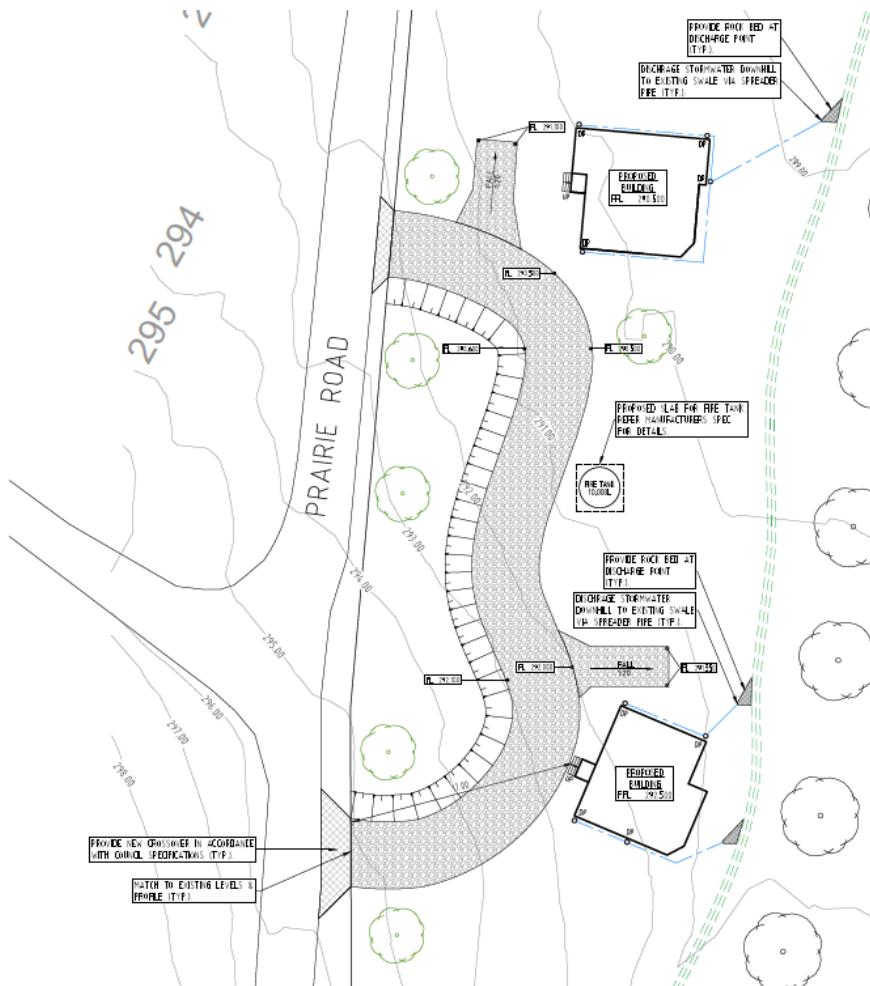


A perspective of the cabins is on the following page.



The cabins are transportable and will be placed on blocks approximately 0.1m – 0.6m off the ground. The space below the cabin and above the ground will have the stumps/blocks screened with the same material as the walls.

The civil plan is on the following page. Note the driveway has two access points to Prairie Rd.





Planning and Design Code Policies Assessment

The subject land is located within the Productive Rural Landscape Zone. The two aspects of the proposal that are development are the cabins and the CFS water tank. The CFS water tank is to be assessed as an Accepted Development as it meets all the criteria as shown below. The detail of the tank will be determined during the building rules phase of the application. It should be noted that a 10,000 litre tank is typically 2.54m in diameter and 2.36m in height.

Table 1 – Accepted Development Classification

Unless otherwise specified in another class of development, the reference to a class of development includes a reference to a change in the use of the relevant land or building work (including construction of a new building, or alteration/addition of an existing building).

The following table identifies Classes of Development that are classified as Accepted Development subject to meeting the Accepted Development Classification Criteria

Class of Development	Accepted Development Classification Criteria
Water tank (above ground) Except where any of the following apply: <ul style="list-style-type: none">• Historic Area Overlay• Local Heritage Place Overlay• Ramsar Wetlands Overlay• State Heritage Area Overlay• State Heritage Place Overlay	<ol style="list-style-type: none">1. The development will not be contrary to the regulations prescribed for the purposes of section 86 of the <i>Electricity Act 1996</i>2. The development will not be built, or encroach, on an area that is, or will be, required for a sewerage system or <u>waste</u> control system3. The tank is part of a roof drainage system4. <u>Total floor area</u> – not exceeding 30m²5. The tank is located wholly above ground6. Tank height – does not exceed 4m above natural ground level7. <u>Primary street setback</u> – at least as far back as the <u>building line</u> of the building to which it is ancillary8. In the case of a tank made of metal – the tank is pre-colour treated or painted in a non-reflective colour9. Does not involve the clearance of <u>native vegetation</u>.

The tourist accommodation cabins are to be assessed under the performance assessed pathway.

The assessment of relevant policies is provided below in the themes of Land Use, Environment Safety and Amenity, Transportation and Infrastructure.

Land Use

From a land use perspective Zone Desired Outcome (DO) 2 seeks tourist development and accommodation, and PO1.1 DPF 1.1 has tourist accommodation listed. The proposal is on the same allotment as the orchard and the cabins are less than 100sqm in size however there are two of them, so the proposal complies in part with Zone DPF 6.3.

As such the land use is considered to be appropriate in the Zone.

Environment, Safety and Amenity

As such it is considered the proposal complies with the relevant policies in Hazards (Bushfire – High Risk) Overlay.

The proposed location of the cabins is some 3-5m above the watercourse which forms part of the eastern property boundary. Whilst the cabins are below the road level (no kerb) of Prairie Rd the proposal is considered to comply with the Hazards (Flooding – Evidence Required) Overlay PO 1.

Waterscope have prepared a Wastewater Engineer's report (see attached) for the proposal. With 1300l/day of wastewater this is below the 1500l/day limit mentioned in DPF 2.1 under Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay. The treated wastewater is to be disposed of at least 50m away from the watercourse which is the minimum sought by Overlay DPF 2.5. The proposed wastewater treatment system will comply with Design PO 6.1.



The stormwater from the cabins will be directed to an existing swale that runs close to the existing orchard via rock beds to assist with erosion. This complies with Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay DPF 3.1.

There will be no negative impact on the watercourse that forms part of the eastern property boundary the subject land. Water Resources Overlay policies are complied with.

The cabins will not impede views from neighbouring properties. The nearest dwellings on the western side of Prairie Rd are between 45m and 115m away from the proposed cabins.

Some of the neighbouring dwellings are located well above the proposed cabins and existing vegetation will assist in screening the cabins from the other dwellings. The proposed materials are not highly reflective in nature. The cabins are oriented so that the verandahs take in the view to the orchard and the hills to the east rather than looking at each other. The roof form of the cabins will enable solar panels to be erected in the future, if desired.

The cabins are clustered together on site thus complying with PO 1.2. The existing dwelling on site is some 25m from the nearest cabin and with existing and proposed vegetation the existing dwelling occupants will have their privacy and amenity protected (PO 2.1 and 2.2).

The proposed tree planting is located to meet the CFS requirements of the height of the tree being less than the distance from it to a dwelling.

The proposed 3m wide driveway requires minimal cut / fill and thus complies with Design DPF 8.1.

The cabins are some 15m to 18m setback from Prairie Rd. This is a greater setback than many of the dwellings and other structures along Prairie Rd which are typically less than 10m.

The scale of the proposal is considered to be small and will not overwhelm the rural character of the locality.

Transportation and Infrastructure

Access to the cabins is via a proposed driveway from Prairie Rd. The applicant had proposed a 3m wide crushed gravel driveway. This will enable vehicles to access the cabins appropriately and meets Transport, Access and Parking DPF 1.4, 3.1 and PO 5.1.

Conclusion

In conclusion it is considered the proposal complies with the vast majority of relevant policies and will be a suitable development for the subject land and the locality.

Should you have any queries regarding this proposal please send an email to john@stimsonconsulting.net.au or call on 0402134568.

Yours sincerely

STIMSON CONSULTING PTY LTD

JOHN STIMSON
Managing Director

Enc.

25 September 2025

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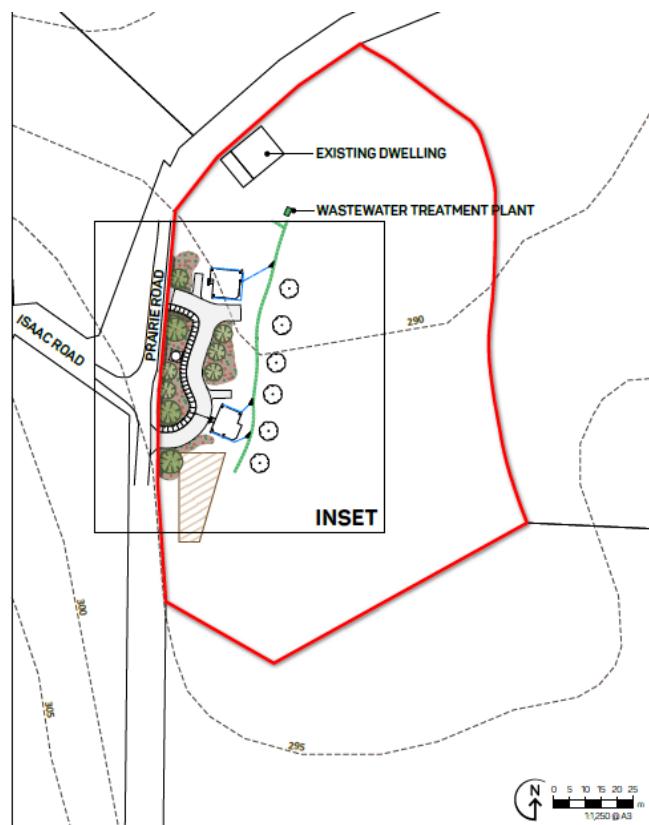
Dear Doug

ID 25018399- Prairie Rd Cudlee Creek – proposed tourist accommodation

Please find below the applicant's response to your RFI letter dated 4 July 2025.

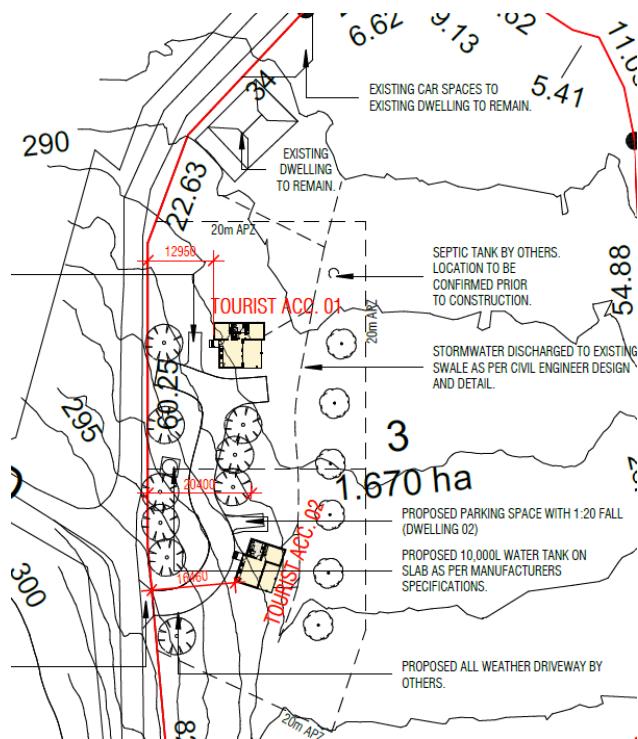
The proposal is not considered to be seriously at variance with the PDCode as the proposal is located on land that is currently used for primary production purposes and thus complies with Zone DO 2.

1. The proposed tourist accommodation is on the site of an orchard which is clearly primary production. The adjoining lots on the eastern side of Prairie Rd which are owned by the applicant are also used for primary production (primarily orchards and sheep). The two proposed cabins each have 59.95sqm of floor space plus the entry deck and verandah. Thus, the floor space is just under 120sqm which is less than the 150sqm for use of an existing building. Whilst DPF 6.3 seeks a maximum of 100sqm of floorspace the DPF is not the policy that must be complied with. If the proposal complied with DPF 6.3 then compliance with PO 6.3 would essentially be a formality. PO 6.4 clearly contemplates more than one building as it refers to "... a new building or buildings...". On balance PO 6.3 is considered to be complied with as:
 - . the tourist accommodation is associated with the primary production on the site
 - . the western part of the site on the slope where the proposed cabins are to be located has not been used for primary production and as such the proposal will not prejudice the ongoing primary production operations
 - . the proposed cabins are modest in nature and are located on the downside of Prairie Rd thus minimising their visual impact and limiting any interface issues with neighbours
 - . there are a few sites in rural type areas in the Council that have had more than one tourist accommodation building with total floor areas well in excess of 100sqm approved in recent years under the PDCode so this is not commencing a precedent.
 - . the cabins will operate as a single facility despite being two buildings, which is the terminology used in DPF 6.3c
2. The site plan has been amended to show the existing dwelling that is located to the north of proposed cabins. See plan on following page.



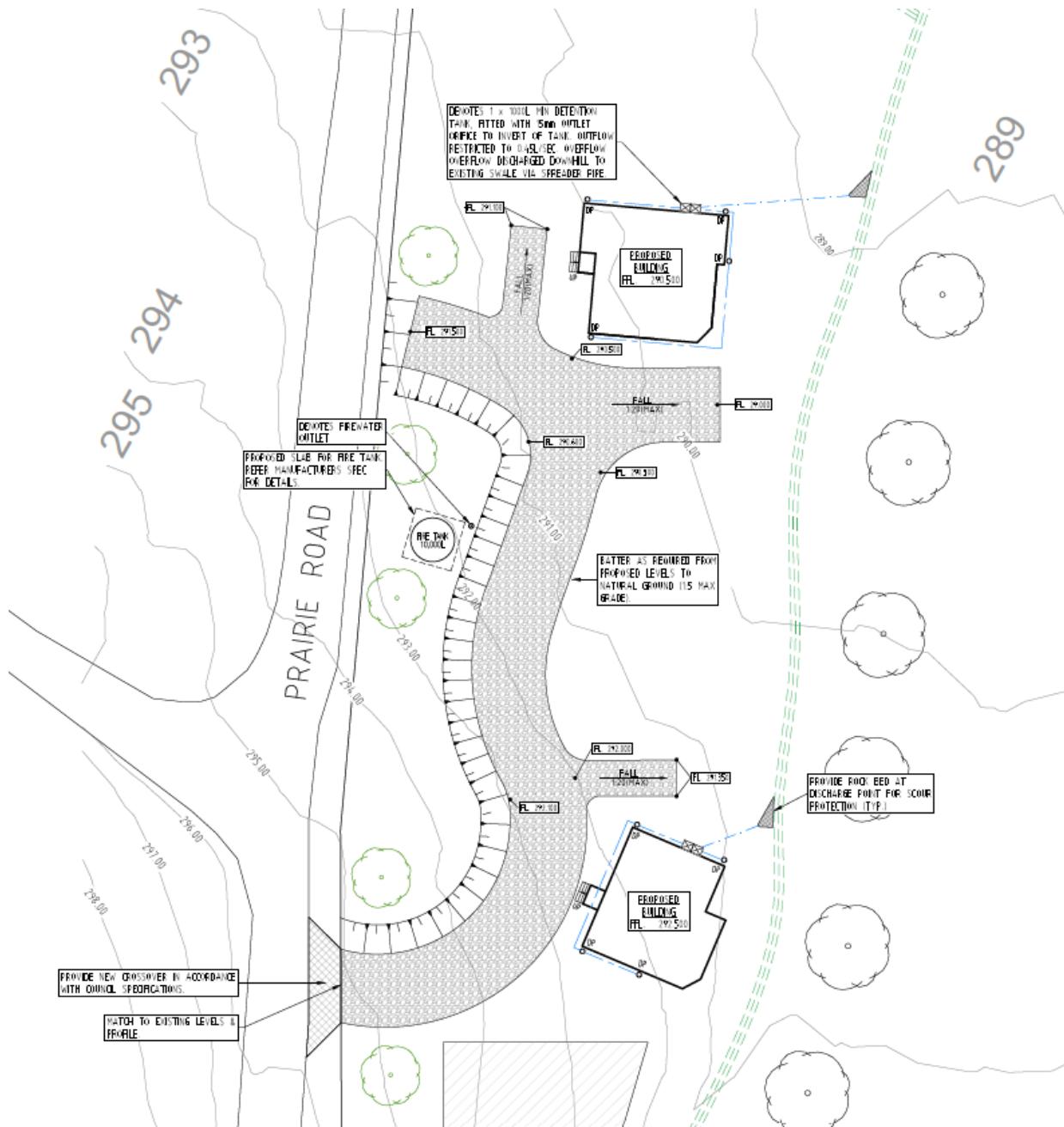
SITE PLAN *Lot 3 Prairie Road, Cudlee Creek*

The IBuild Site plan has been amended to label the buildings as tourist accommodation and the 20m asset protection zone. See plan below.





The civil plan is below (TMK Engineers).

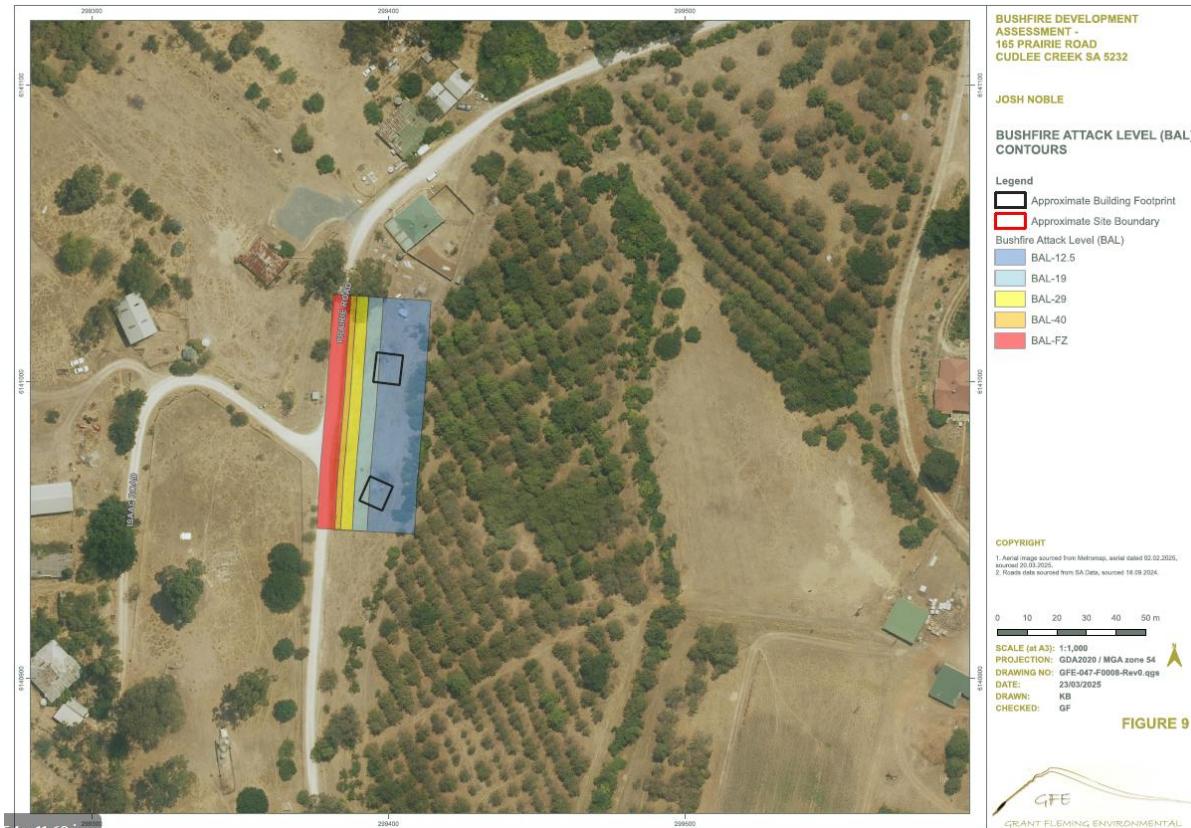


3. Other IBuild plans have been amended to refer to tourist accommodation.
4. A wastewater application has been lodged. A response to the EPA RFI letter dated 11 July 2025 has been provided by Waterscope. This has been uploaded to the portal.
5. The maximum number of guests a one time is six (6). The maximum length of stay is a fortnight. The maximum number of nights per annum will be 200. A log book with all bookings will be kept by the applicant. This will be made available to Council upon request.

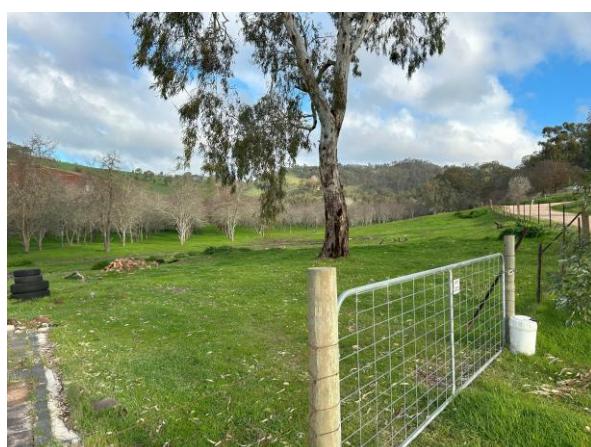


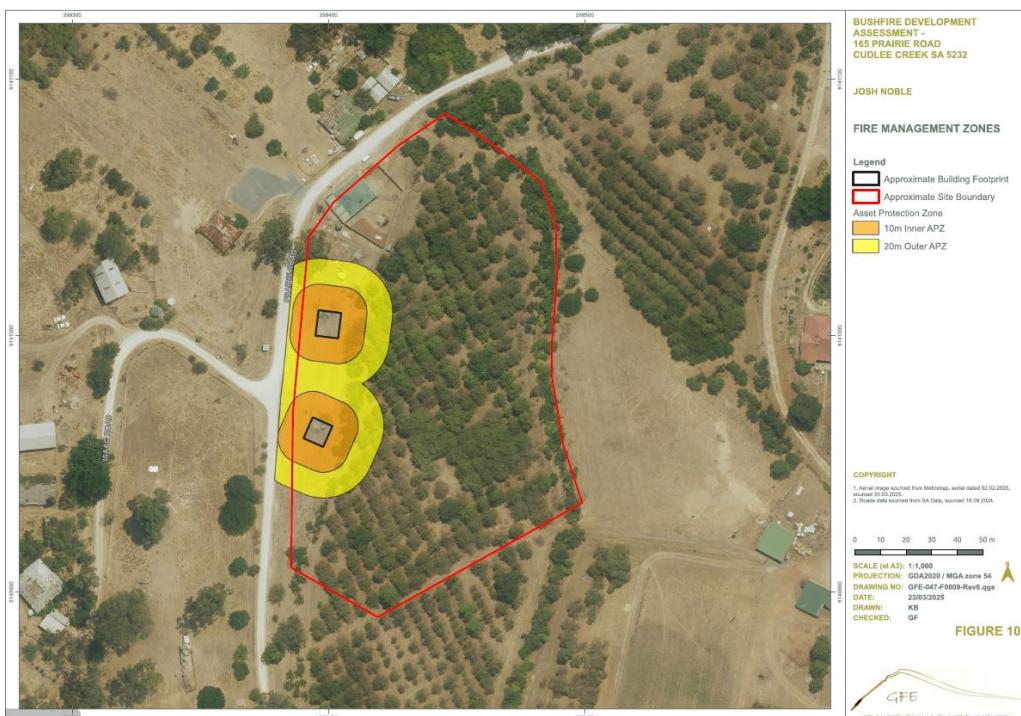
The plan has been amended so that there is only one vehicular access point to the proposed cabins. The previous site plan has had its northern access point removed. A turning area designed to meet the requirements of the CFS has been proposed.

The proposed cabins are located in the BAL12.5/19 area according to the bushfire assessment undertaken by Grant Fleming Environmental – see plan below. The cabins will be constructed to meet BAL19 requirements.



The 20m APZ are shown on the plan on the following page. With regard to the orchard on the eastern side of the proposed buildings please note that some thinning of trees has already occurred (not reflected in the aerial photo used as a base for the plan below). The photos below and on the following page show where some of the trees have been recently removed.





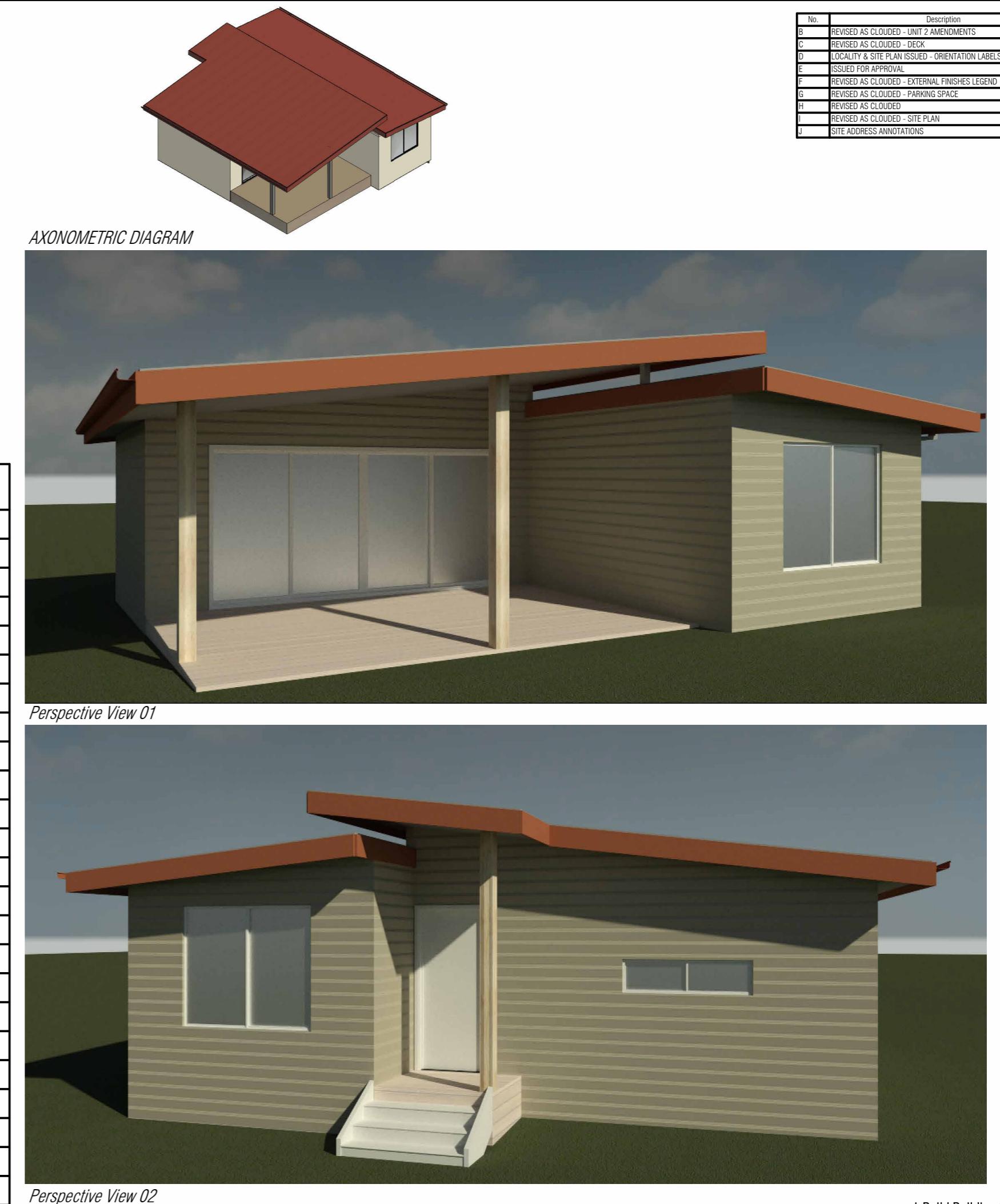
Should you have any queries regarding this proposal please send an email to john@stimsonconsulting.net.au or call on 0402134568.

Yours sincerely
STIMSON CONSULTING PTY LTD

JOHN STIMSON
Managing Director

PROPOSED TOURIST ACCOMMODATION

At: 165 PRAIRIE RD, CUDLEE CREEK SA 5232
FOR: *JOSHUA NOBLE*



No.	Description	Date
B	REVISED AS CLOUDED - UNIT 2 AMENDMENTS	19/02/25
C	REVISED AS CLOUDED - DECK	24/02/25
D	LOCALITY & SITE PLAN ISSUED - ORIENTATION LABELS REVISED	15/05/25
E	ISSUED FOR APPROVAL	27/05/25
F	REVISED AS CLOUDED - EXTERNAL FINISHES LEGEND	28/05/25
G	REVISED AS CLOUDED - PARKING SPACE	20/06/25
H	REVISED AS CLOUDED	14/07/25
I	REVISED AS CLOUDED - SITE PLAN	05/09/25
J	SITE ADDRESS ANNOTATIONS	28/11/25

DRAWING SCHEDULE - WORKING DRAWINGS

SHEET No.	NAME	REV No.	DATE
WD-0.01	COVER SHEET	J	28/11/25
WD-0.02	LOCALITY PLAN	J	28/11/25
WD-0.03	SITE PLAN	J	28/11/25
WD-1.01	TOURIST ACCOMMODATION 01 - ROOF PLAN	J	28/11/25
WD-1.02	TOURIST ACCOMMODATION 01 - FLOOR PLAN	J	28/11/25
WD-1.03	TOURIST ACCOMMODATION 01 - ELEVATIONS	J	28/11/25
WD-1.04	TOURIST ACCOMMODATION 01 - ELEVATIONS	J	28/11/25
WD-1.05	TOURIST ACCOMMODATION 01 - SECTION AA	J	28/11/25
WD-1.06	WINDOW & DOOR SCHEDULE	J	28/11/25
WD-1.07	PROPOSED LIGHTING PLAN	J	28/11/25
WD-2.01	TOURIST ACCOMMODATION 02 - ROOF PLAN	J	28/11/25
WD-2.02	TOURIST ACCOMMODATION 02 - FLOOR PLAN	J	28/11/25
WD-2.03	TOURIST ACCOMMODATION 02 - ELEVATIONS	J	28/11/25
WD-2.04	TOURIST ACCOMMODATION 02 - ELEVATIONS	J	28/11/25
WD-2.05	SECTION BB	J	28/11/25
WD-2.06	WINDOW & DOOR SCHEDULE	J	28/11/25
WD-2.07	PROPOSED LIGHTING PLAN	J	28/11/25
WD-3.01	CONSTRUCTION DETAILS	J	28/11/25
WD-3.02	CONSTRUCTION DETAILS	J	28/11/25
WD-3.03	GENERAL NOTES	J	28/11/25
WD-3.04	GENERAL NOTES	J	28/11/25
WD-3.05	GENERAL NOTES	J	28/11/25
WD-3.06	BUILDING SPECIFICATIONS	J	28/11/25

PROJECT -	PROPOSED TOURIST ACCOMMODATION	JOB NO. -	K6344	DESIGNER -	i-Build	DATE:	28/11/25	DRAWING -	COVER SHEET	DESIGNED FOR -	
ADDRESS -	165 PRAIRIE RD, CUDLEE CREEK SA 5232	DRAWN BY -	D.P	SHEET SIZE -	A3	VERSION:	J	SCALE -	1:100	DRAWING NO. -	WD-0.01

No.	Description	Date
B	REVISED AS CLOUDED - UNIT 2 AMENDMENTS	19/02/25
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H	REVISED AS CLOUDED	14/07/25
I	REVISED AS CLOUDED - SITE PLAN	05/09/25
J	SITE ADDRESS ANNOTATIONS	28/11/25



1
-
1 LOCALITY PLAN
1 : 5000

General Notes:

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PROJECT -	PROPOSED TOURIST ACCOMMODATION	JOB NO. -	K6344	CHECKED BY -	i-Build	DATE:	28/11/25	DRAWING -	LOCALITY PLAN	DESIGNED FOR -	
ADDRESS -	165 PRAIRIE RD, CUDLEE CREEK SA 5232	DRAWN BY -	D.P	SHEET SIZE -	A3	VERSION:	J	SCALE -	1:100	DRAWING NO. -	WD-0.02

NOTES

PERIMETER GROUND SURFACE TO

- FINISHED GROUND SURFACE TO BE 150mm MIN. BELOW FLOOR LEVEL. PAVED SURFACES TO BE 50mm MIN. BELOW FINISHED FLOOR LEVEL

- BE GRADED TO FALL 50mm AWAY FROM FOOTING/SLAB FOR A DISTANCE OF 1m

- SHAPED TO PREVENT PONDING OF WATER

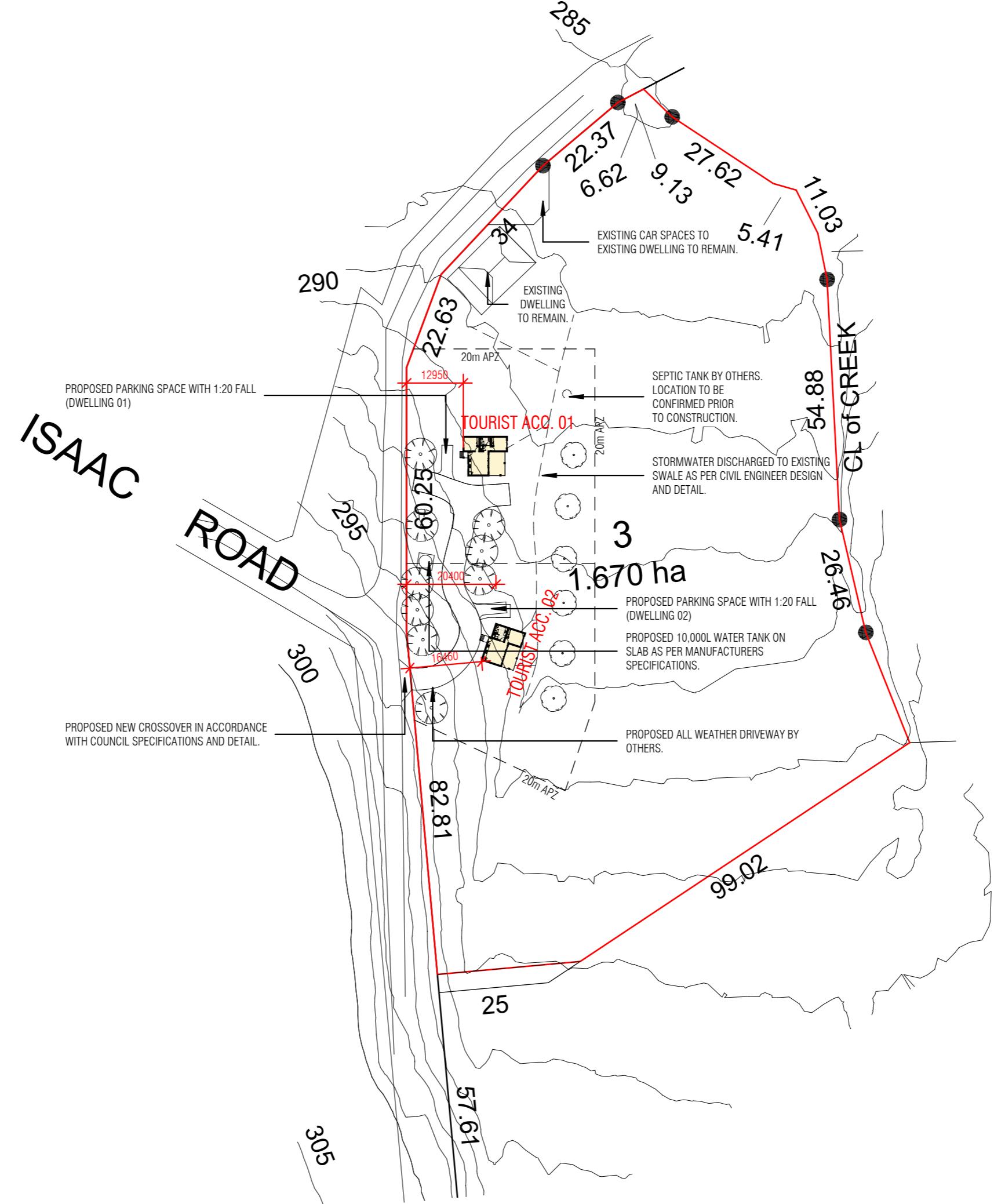
- ANY FILL PLACED ADJACENT TO BUILDING TO BE COMPACTED

- SETBACKS NOTED HERE ARE APPROXIMATE ONLY.

- THE BUILDING SET-OUT MUST BE CONFIRMED ON SITE TO DETERMINE THE SETBACK DIMENSIONS NOTED HERE. CONFIRMATION TO BE PROVIDED BY THE BUILDING CONTRACTOR OR LICENSED SURVEYOR

- NO RESPONSIBILITY IS TAKEN BY iBUILD BUILDING SOLUTIONS FOR ANY RELIANCE ON THE SETBACKS WITHOUT CONFIRMATION OF SET OUT BY BUILDER OR SURVEYOR.

No.	Description	Date
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J	SITE ADDRESS ANNOTATIONS	28/11/25



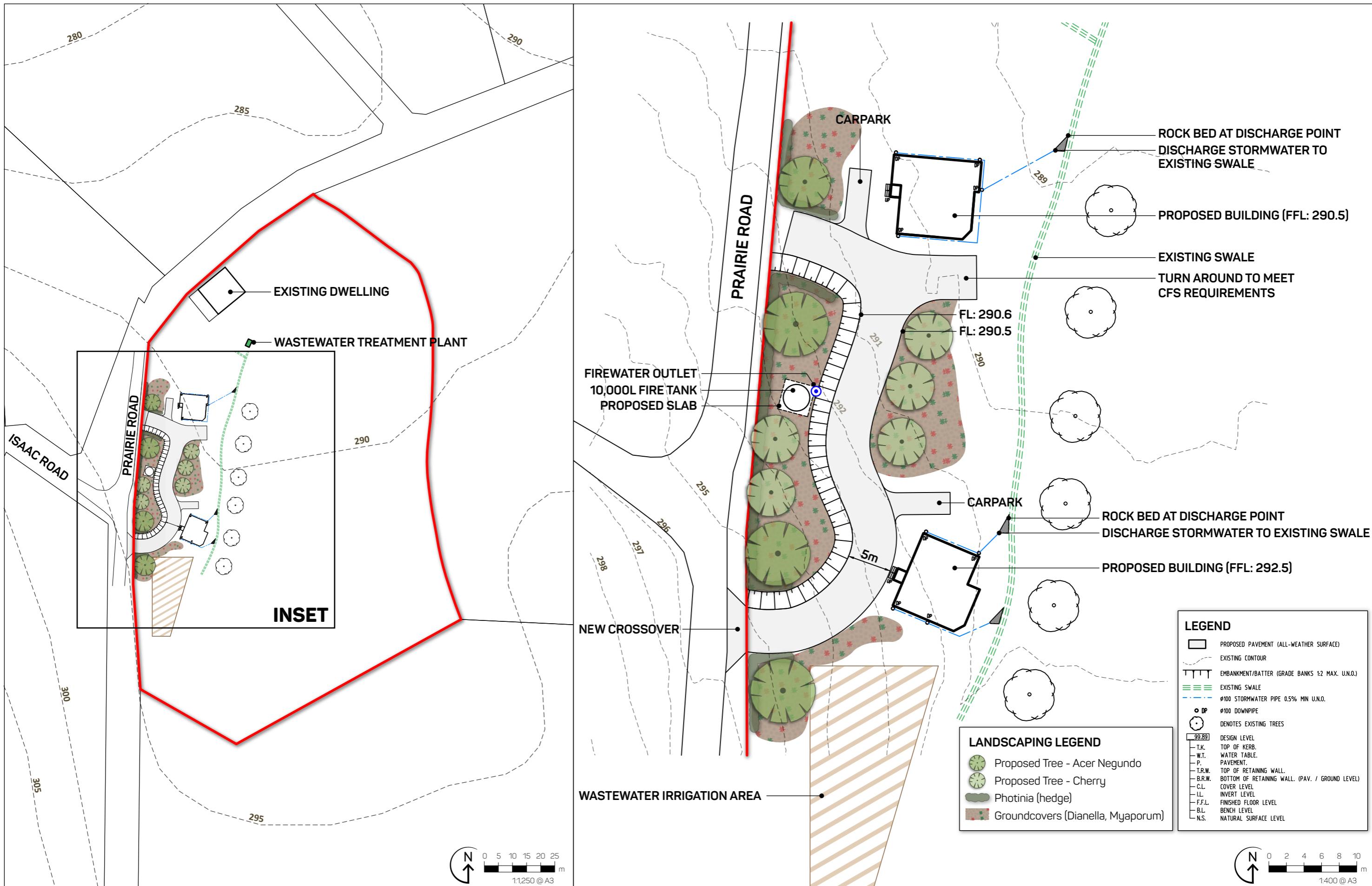
General Notes:

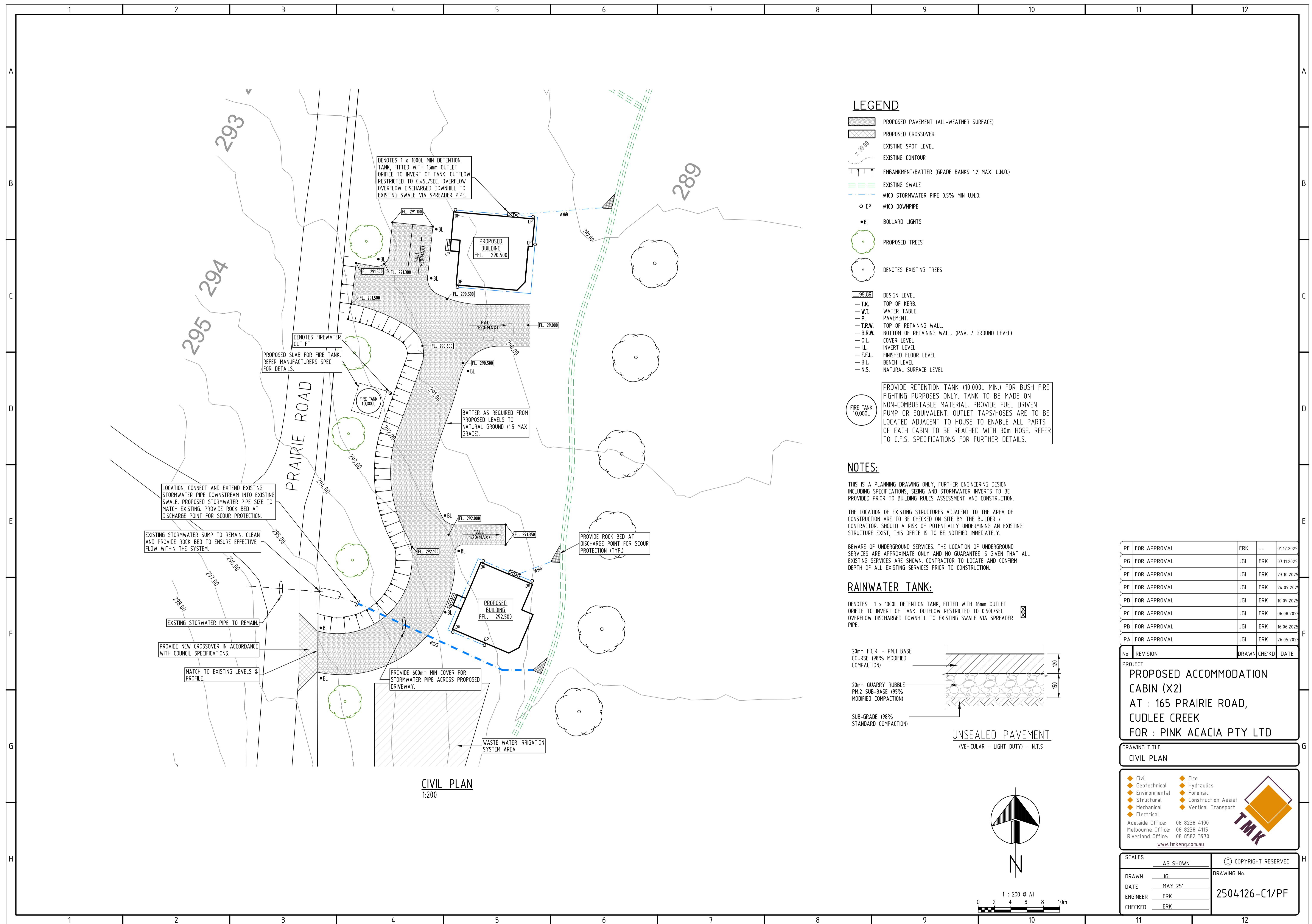
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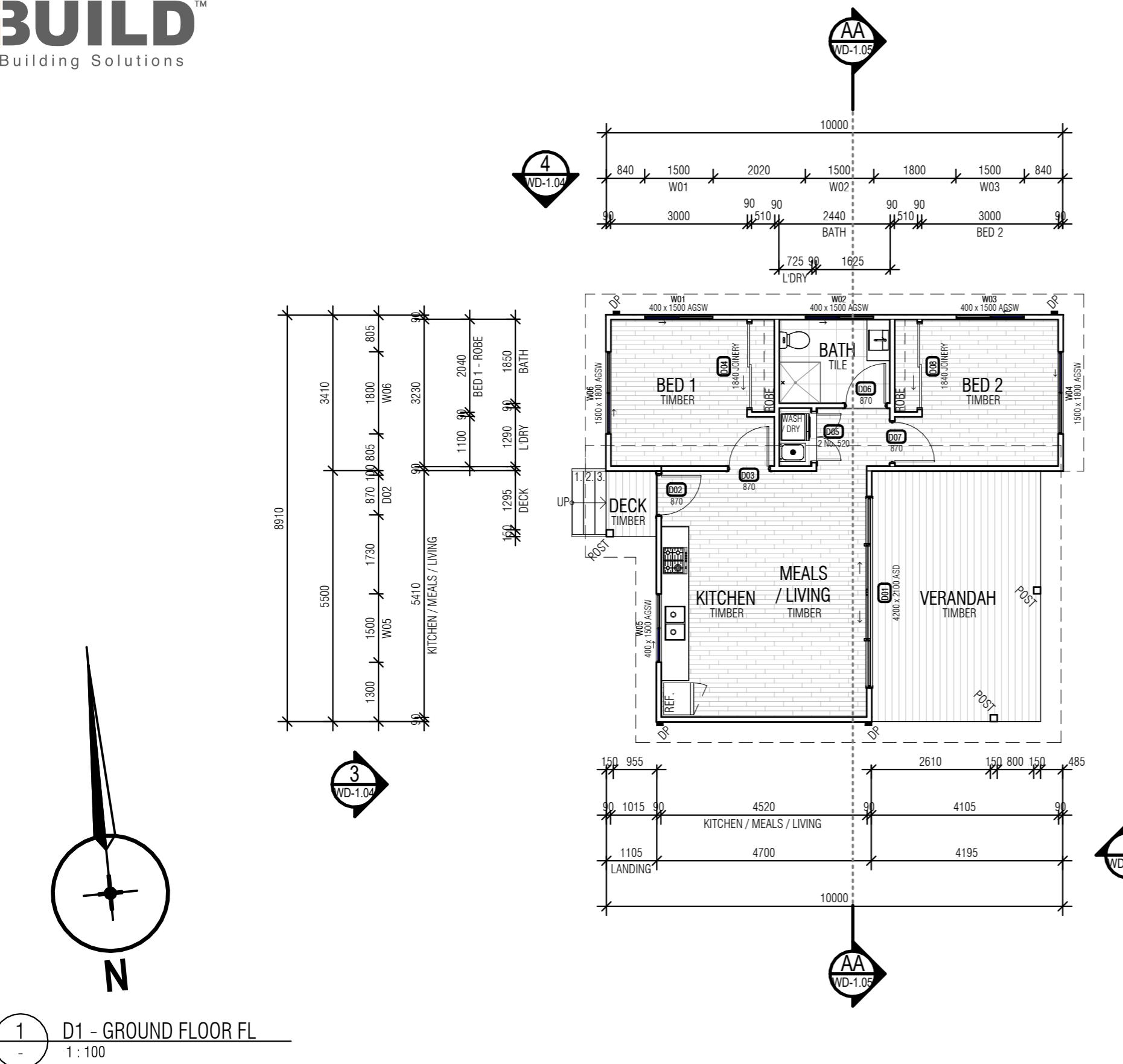
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PROJECT -	PROPOSED TOURIST ACCOMMODATION	JOB NO. -	K6344	CHECKED BY -	i-Build	DATE:	28/11/25	DRAWING -	SITE PLAN		DESIGNED FOR -
ADDRESS -	165 PRAIRIE RD, CUDLEE CREEK SA 5232	DRAWN BY -	D.P	sheet size -	A3	VERSION:	J	SCALE -	1:100	DRAWING NO. -	WD-0.03







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PROJECT -	PROPOSED TOURIST ACCOMMODATION	JOB NO. -	K6344	CHECKED BY -	i-Build	DATE:	28/11/25	DRAWING -	TOURIST ACCOMMODATION 01 - FLOOR PLAN	DESIGNED FOR -		
ADDRESS -	165 PRAIRIE RD, CUDLEE CREEK SA 5232	DRAWN BY -	D.P	SHEET SIZE -	A3	VERSION:	J	SCALE -	1:100	DRAWING NO. -	WD-1.02	JOSHUA NOBLE

No.	Description	Date
1	REVISED AS CLOUDED - UNIT 2 AMENDMENTS	19/02/25
2	REVISED AS CLOUDED - DECK	24/02/25
3	LOCALITY & SITE PLAN ISSUED - ORIENTATION LABELS REVISED	15/05/25
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5	REVISED AS CLOUDED - EXTERNAL FINISHES LEGEND	28/05/25
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7	REVISED AS CLOUDED	14/07/25
8	REVISED AS CLOUDED - SITE PLAN	05/09/25
9	SITE ADDRESS ANNOTATIONS	28/11/25

ENERGY RATING REQUIREMENTS

REFER TO ENERGY RATING REPORT FOR ALL INSULATION AND ENERGY RATING REQUIREMENTS:

CEILING UNDER ROOF	= R6.0
EXTERNAL WALLS	= R2.5
INTERNAL WALLS (SURROUNDING BATH)	= R2.0
FLOORING (UNDER-FLOOR)	= R2.5

BUJI DING SFAI ING

VENTING EXHAUST FANS TO HAVE SFI E CLOSING DAMPERS.

AIR INFILTRATION SEALS EXTERNAL RESIDENCE

DOWNLIGHTS TO BE IC RATED & SEALED IF FITTED
WET AREAS

WATERPROOFING OF WET AREAS BATHROOM, SHOWER, LAUNDRY, SANITARY COMPARTMENTS AND THE LIKE SHALL BE PROVIDED IN ACCORDANCE WITH AS 3740-2010: WATERPROOFING OF DOMESTIC WET AREAS

ALL AREAS TO BE CONSTRUCTED IN ACCORDANCE WITH NCC PART 10

FLOOR GRADE
INSITU SHOWER ENCLOSURE FLOOR TO BE GRADED TOWARDS OUTLET
WITH GRADE NOT LESS THAN 1:60 FALL REFER TONCC PART 10.2
REMAINDER OF SANITARY FACILITIES SHALL HAVE A GRADIENT BETWEEN
1:20 & 1:100

FLOOR TO BE NON-SLIP IN FINISH AS NOTED

GLAZED SCREEN & DOORS

• ALL FIXTURES, FITTINGS & FINISHES AS SELECTED
• ALL JOINERY TO PROPRIETOR'S REQUIREMENTS

ENERGY NOTES:
ALL WINDOWS & EXTERNAL DOORS TO BE WEATHER STRIPPED IN ACCORDANCE WITH AS 2047 REGULATIONS

WINDOWS WITH THE SAME U-VALUE & SHGC VALUE AS OUTLINED IN THE ENERGY REPORT WILL BE USED ON SITE SO AS TO NOT AFFECT THE OVERALL PERFORMANCE OF THE DWELLING COMPARED TO THE RATING.

REFER TO ENERGY RATING REPORT FOR FINAL GLAZING REQUIREMENTS. ALL GLAZING INSTALLATION TO COMPLY WITH AS 1288 - 2006

NC
DOORS OF SANITARY COMPARTMENTS TO COMPLY WITH PART 10.4.2 OF
THE NCC 2022, ABCB HOUSING PROVISIONS AND BE FITTED WITH LIFT OFF
HINGES WHERE CLOSET PAN IS WITHIN 1200mm OF DOORWAY

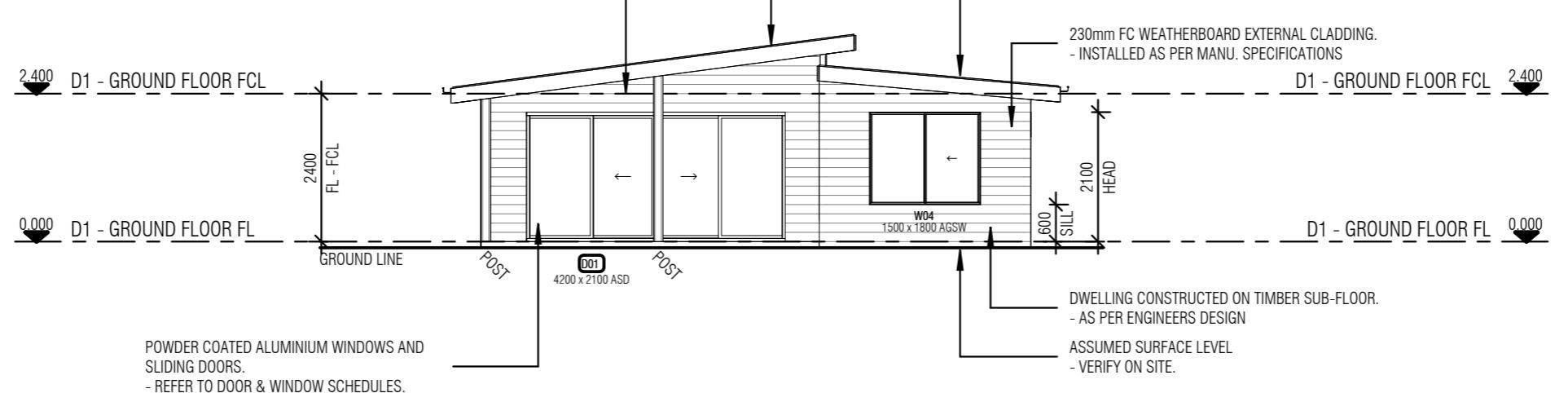
VENTILATION
MECHANICAL VENTILATION TO BE PROVIDED IN ACCORDANCE WITH PART 0.8.2 OF THE NCC 2022, ABCB HOUSING PROVISIONS. (MINIMUM FLOW RATES: 25 L/S FOR BATHROOMS / SANITARY COMPARTMENTS & 40 L/S FOR LAUNDRY) AND VENTED DIRECTLY OR VIA A SHAFT OR DUCT TO OUTSIDE AIR OR VENTED TO ROOF SPACE IN ACCORDANCE WITH PART 0.8.3 OF THE NCC 2022, HOUSING PROVISIONS.

PROPOSED DWELLING TO BE NOM. 90MM TIMBER FRAME CONSTRUCTION, PLUS 10MM INTERNAL PLASTER BOARD TO BE PAINTED IN A SELECTED FINISH WITH 230mm x 6mm THK FC WEATHERBOARD CLADDING TO EXTERNAL AS PER MANU. SPECIFICATIONS.

COLORBOND ROOF CLADDING @ 7.5° PITCH WITH SARKING BENEATH AND BATTENS TO SUIT.

COLORBOND ROOF CLADDING @ 5° PITCH WITH SARKING BENEATH AND BATTENS TO SUIT.

230mm FC WEATHERBOARD EXTERNAL CLADDING.
- INSTALLED AS PER MANU. SPECIFICATIONS


1 EAST ELEVATION

WD-1.02

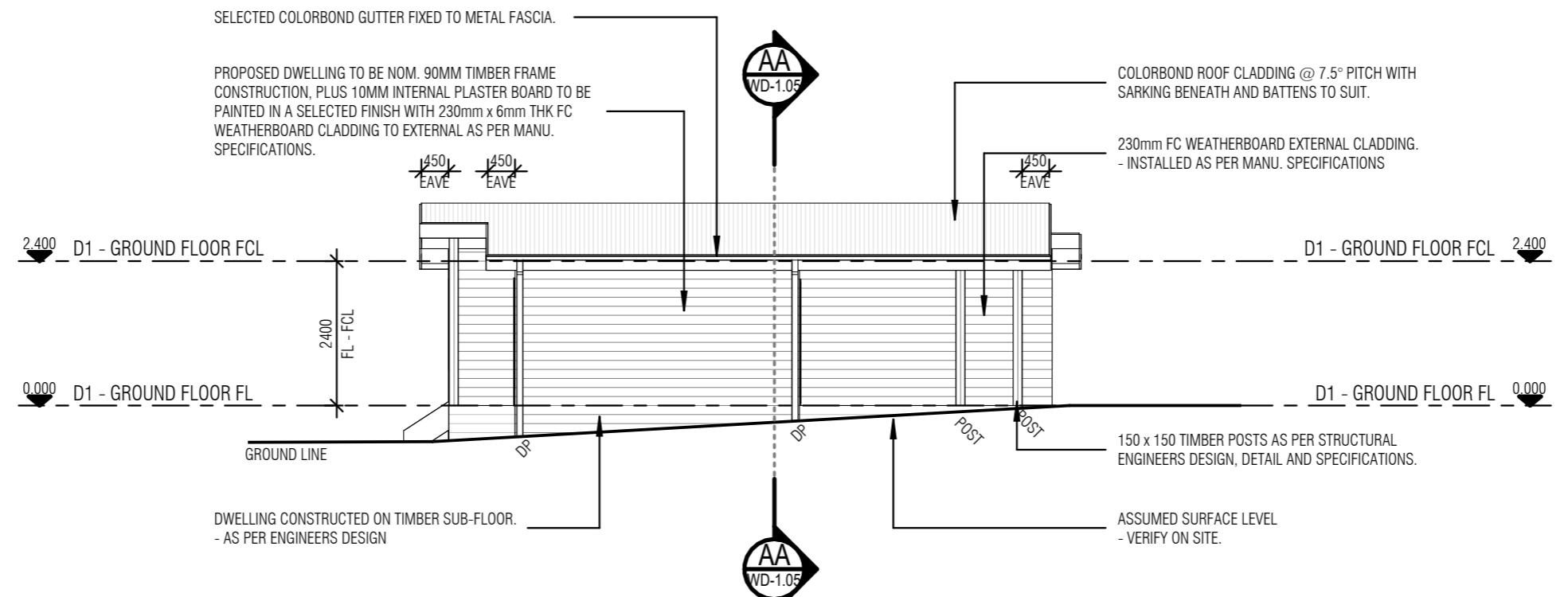
1 : 100

SELECTED COLORBOND GUTTER FIXED TO METAL FASCIA.

PROPOSED DWELLING TO BE NOM. 90MM TIMBER FRAME CONSTRUCTION, PLUS 10MM INTERNAL PLASTER BOARD TO BE PAINTED IN A SELECTED FINISH WITH 230mm x 6mm THK FC WEATHERBOARD CLADDING TO EXTERNAL AS PER MANU. SPECIFICATIONS.

COLORBOND ROOF CLADDING @ 7.5° PITCH WITH SARKING BENEATH AND BATTENS TO SUIT.

230mm FC WEATHERBOARD EXTERNAL CLADDING.
- INSTALLED AS PER MANU. SPECIFICATIONS


2 SOUTH ELEVATION

WD-1.02

1 : 100

EXTERNAL FINISHES LEGEND


WALL CLADDING
- OYSTER LINEN OR SIMILAR



ROOFING
- MANOR RED OR SIMILAR



FASCIA, GUTTER & WINDOWS
- MANOR RED OR SIMILAR

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I	REVISED AS CLOUDED - SITE PLAN	05/09/25
J	SITE ADDRESS ANNOTATIONS	28/11/25

PROJECT - PROPOSED TOURIST ACCOMMODATION	JOB NO. - K6344	CHECKED BY- i-Build	DATE: 28/11/25	DRAWING- TOURIST ACCOMMODATION 01 - ELEVATION	DESIGNED FOR -
ADDRESS - 165 PRAIRIE RD, CUDLEE CREEK SA 5232	DRAWN BY - D.P	sheet size - A3	VERSION: J	SCALE - 1:100	DRAWING NO. - WD-1.03

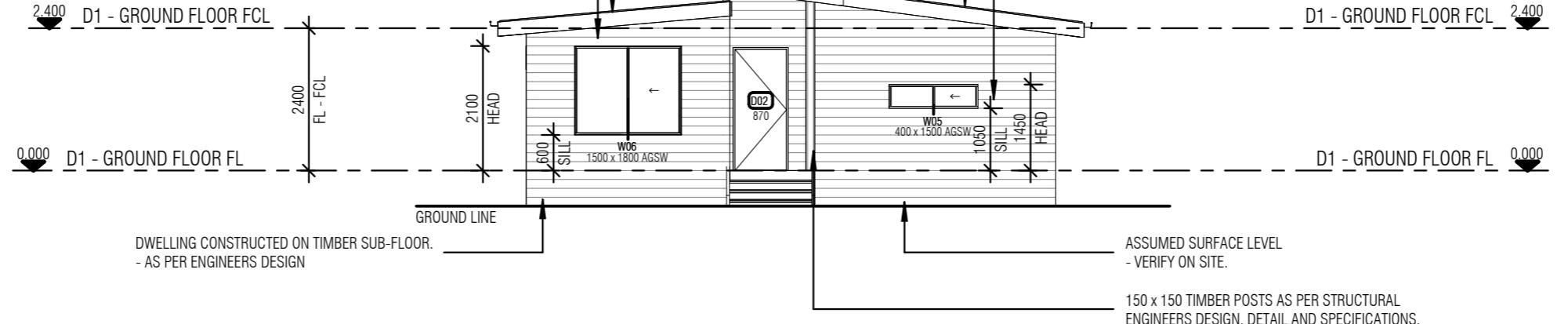
COLORBOND ROOF CLADDING @ 5° PITCH WITH
SARKING BEHIND AND BATTENS TO SUIT.

PROPOSED DWELLING TO BE NOM. 90MM TIMBER FRAME
CONSTRUCTION, PLUS 10MM INTERNAL PLASTER BOARD TO BE
PAINTED IN A SELECTED FINISH WITH 230mm x 6mm THK FC
WEATHERBOARD CLADDING TO EXTERNAL AS PER MANU.
SPECIFICATIONS.

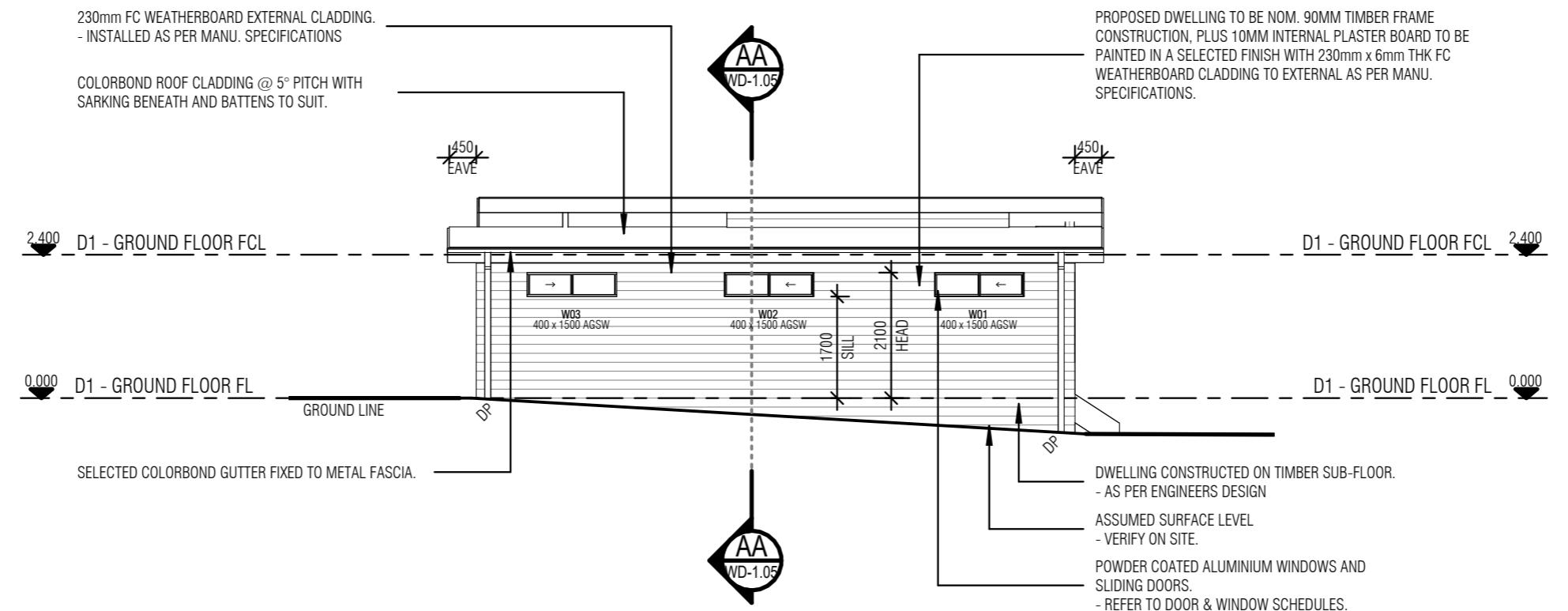
COLORBOND ROOF CLADDING @ 7.5° PITCH WITH
SARKING BEHIND AND BATTENS TO SUIT.

230mm FC WEATHERBOARD EXTERNAL CLADDING.
- INSTALLED AS PER MANU. SPECIFICATIONS

No.	Description	Date
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J	SITE ADDRESS ANNOTATIONS	28/11/25

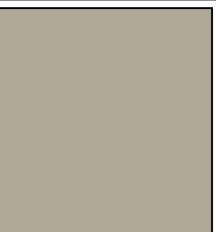


3 WEST ELEVATION
WD-1.02 1 : 100

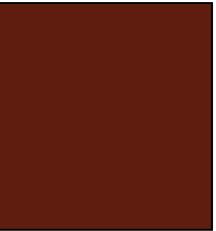


4 NORTH ELEVATION
WD-1.02 1 : 100

EXTERNAL FINISHES LEGEND



WALL CLADDING
- OYSTER LINEN OR SIMILAR



ROOFING
- MANOR RED OR SIMILAR



FASCIA, GUTTER & WINDOWS
- MANOR RED OR SIMILAR

i-Build Building Solutions

5a Hartnett Close,
Mulgrave, VIC
PO Box 2516, Mt
Waverley, VIC 3149
T: 1800 679 268
F: (03) 856 2288
E: info@i-build.com.au
W: www.i-build.com.au

General Notes:

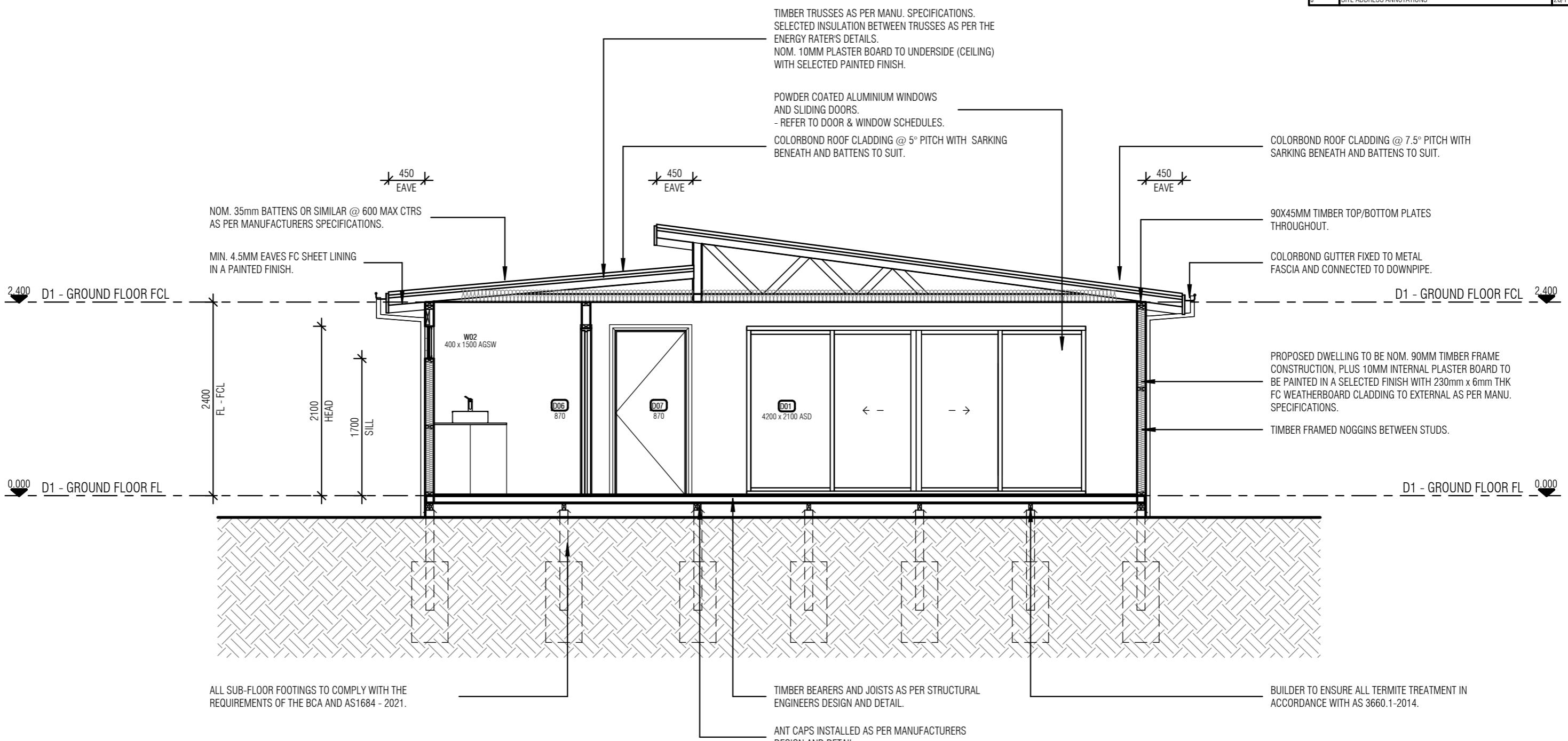
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PROJECT -	PROPOSED TOURIST ACCOMMODATION	JOB NO. -	K6344	CHECKED BY -	i-Build	DATE:	28/11/25	DRAWING -	TOURIST ACCOMMODATION 01 - ELEVATION	DESIGNED FOR -		
ADDRESS -	165 PRAIRIE RD, CUDLEE CREEK SA 5232	DRAWN BY -	D.P	sheet size -	A3	VERSION:	J	SCALE -	1:100	DRAWING NO. -	WD-1.04	JOSHUA NOBLE

No.	Description	Date
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J	SITE ADDRESS ANNOTATIONS	28/11/25



SECTION AA
WD-1.01 1 : 50

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i-Build Building Solutions

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Waverley, VIC 3149
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F: (03) 8562 2288
E: info@i-build.com.au
W: www.i-build.com.au

PROJECT - PROPOSED TOURIST ACCOMMODATION	JOB NO. - K6344	CHECKED BY- i-Build	DATE: 28/11/25	DRAWING- TOURIST ACCOMMODATION 01 - SECTION A	DESIGNED FOR -
ADDRESS - 165 PRAIRIE RD, CUDLEE CREEK SA 5232	DRAWN BY - D.P	sheet size - A3	VERSION: J	SCALE - 1:100	DRAWING NO. - WD-1.05

LEGAL POINT OF DISCHARGE

ALL STORMWATER IS TO BE TAKEN TO THE LEGAL POINT OF DISCHARGE AS NOMINATED BY THE RELEVANT AUTHORITY

No.	Description	Date
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STORMWATER

STORMWATER DRAINAGE DESIGN AND CONSTRUCTION TO BE IN ACCORDANCE WITH NCC VOL 2 PART

3.1.2, PART 3.5.2 & AS/NZS 3500.3

- STORMWATER DRAINAGE SYSTEMS MUST BE TO THE SATISFACTION OF THE APPROPRIATE AUTHORITY
- ANY OVERFLOW DURING HEAVY RAIN PERIODS IS PREVENTED FROM FLOWING BACK INTO THE BUILDING
- 90mm CLASS 6 UPVC STORMWATER DRAINS INSTALLED UNDERGROUND MUST BE LAID TO A MINIMUM GRADE OF 1:100 & CONNECTED TO THE LEGAL POINT OF DISCHARGE.
- PROVIDE INSPECTION OPENINGS AT 900mm C/C & AT EACH CHANGE OF DIRECTION
- THE COVER TO UNDERGROUND STORM WATER DRAINS SHALL BE NOT LESS THAN: 100mm UNDER SOIL
- 50mm UNDER PAVED OR CONCRETE AREAS
- 100mm UNDER UNREINFORCED CONC. OR PAVED DRIVEWAYS
- 75mm UNDER REINFORCED CONC. DRIVEWAYS

WASTEWATER TREATMENT SYSTEM (IF REQUIRED)

CONTRACTOR TO SUPPLY & INSTALL SUITABLE EFFLUENT TREATMENT SYSTEM SUCH AS A SEPTIC TANK OR AERATED WASTE WATER TREATMENT SYSTEM.

ALL SEWER WORKS ARE TO BE CARRIED OUT IN ACCORDANCE WITH PLANS AND SPECIFICATIONS AND LOCAL AUTHORITY REQUIREMENTS. INSPECTIONS ARE REQUIRED PRIOR TO BACK FILLING OF PIPES AND AT CONSTRUCTION OF MANHOLES.

ALL SEWER PIPES ARE TO BE SEWER GRADE UPVC LAID TO APPROPRIATE FALLS.

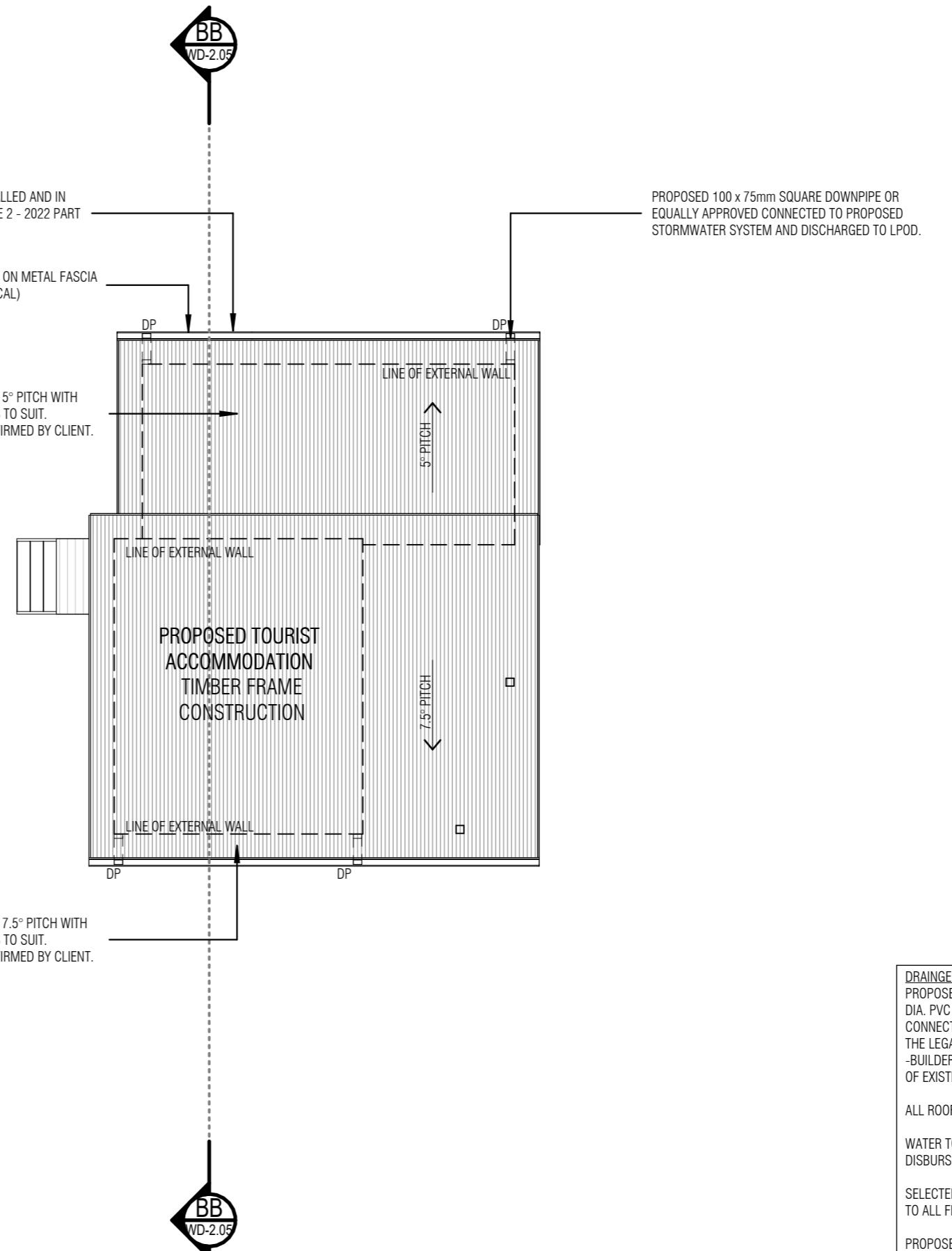
WASTEWATER TREATMENT PLANT

- SUPPLY AND FULLY INSTALL AN EPA APPROVED AERATED WASTEWATER TREATMENT SYSTEM
- MOUNT CONTROL PANEL ON POST. CONNECT POWER FROM CIRCUIT BREAKER ON SWITCHBOARD AS REQUIRED.
- INSTALL SUBSURFACE DRIP IRRIGATION EFFLUENT LINES IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS
- ALL WORK TO BE CARRIED OUT IN STRICT ACCORDANCE WITH THE MANUFACTURERS WRITTEN INSTRUCTIONS, AND TO THE SATISFACTION OF THE LOCAL AUTHORITY AND THE EPA.

SEPTIC TANK

- SUPPLY AND FULLY INSTALL A EPA APPROVED SEPTIC TANK
- ALL WORK TO BE CARRIED OUT IN STRICT ACCORDANCE WITH THE MANUFACTURERS WRITTEN INSTRUCTIONS, AND TO THE SATISFACTION OF THE LOCAL AUTHORITY AND THE EPA.

CONNECT ALL FITTINGS & FIXTURES FROM RESIDENCE TO THE MAIN SEPTIC LINES.



D2 - ROOF PLAN

1 : 100

General Notes:

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DRAINE NOTES:
PROPOSED STORMWATER DRAINAGE LAYOUT AS SHOWN, WITH MIN.100MM DIA. PVC PIPES SET MIN. 200MM BELOW SURFACE LEVEL, AT MIN. FALL TO BE CONNECTED TO EXISTING STORMWATER PIPE LAYOUT. TO BE DISBURSED TO THE LEGAL POINT OF DISCHARGE AS PER AS 3500.3.1-1998 IF L.P.D PROVIDED.
-BUILDER/DRAINAGE CONTRACTOR TO CONFIRM SIZE, TYPE, OFFSETS & DEPTHS OF EXISTING STORMWATER PIPES PRIOR TO CONSTRUCTION.
ALL ROOF STRUCTURE/S AS PER MANUFACTURER SPECIFICATIONS.
WATER TO BE CARRIED THROUGH DP'S INTO DRAINAGE SYSTEM, AND DISBURSED TO LEGAL POINT OF DISCHARGE (Typ) WHERE APPLICABLE.
SELECTED FLASHING & RIDGE CAPPING FOR WATERPROOFING REQUIREMENTS TO ALL FIXING/CONNECTION POINTS (Typ.).
PROPOSED COLORBOND ROOF TO DWELLING & VERANDAH ROOF PITCH AS SHOWN, WITH COLORBOND FASCIA AND GUTTER.

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W: www.i-build.com.au

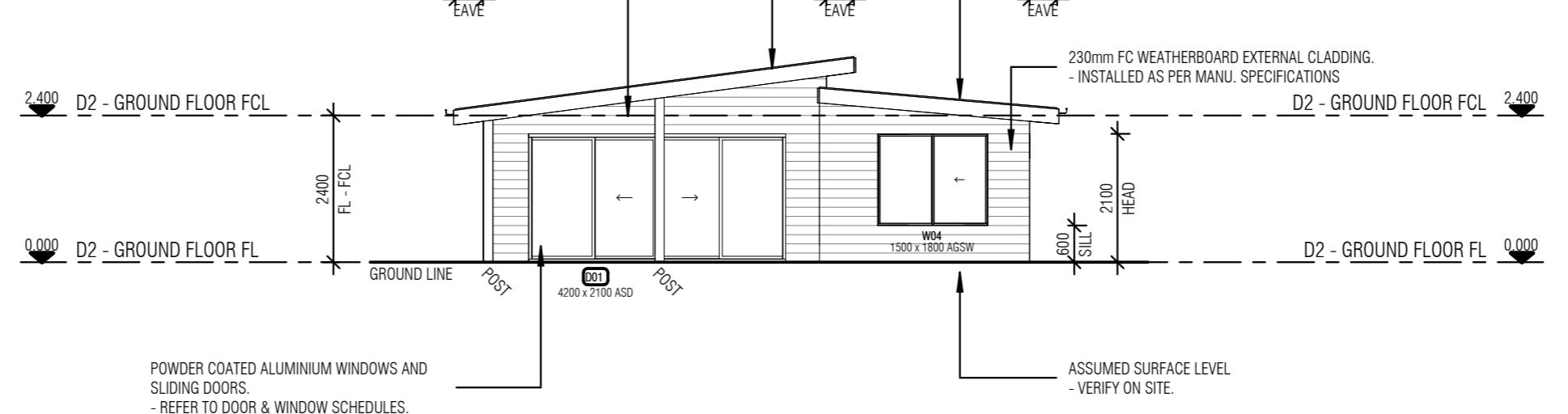
PROJECT -	PROPOSED TOURIST ACCOMMODATION	JOB NO. -	K6344	CHECKED BY -	i-Build	DATE:	28/11/25	DRAWING -	TOURIST ACCOMMODATION 02 - ROOF PLAN	DESIGNED FOR -		
ADDRESS -	165 PRAIRIE RD, CUDLEE CREEK SA 5232	DRAWN BY -	D.P	sheet size -	A3	VERSION:	J	SCALE -	1:100	DRAWING NO. -	WD-2.01	JOSHUA NOBLE

PROPOSED DWELLING TO BE NOM. 90MM TIMBER FRAME CONSTRUCTION, PLUS 10MM INTERNAL PLASTER BOARD TO BE PAINTED IN A SELECTED FINISH WITH 230mm x 6mm THK FC WEATHERBOARD CLADDING TO EXTERNAL AS PER MANU. SPECIFICATIONS.

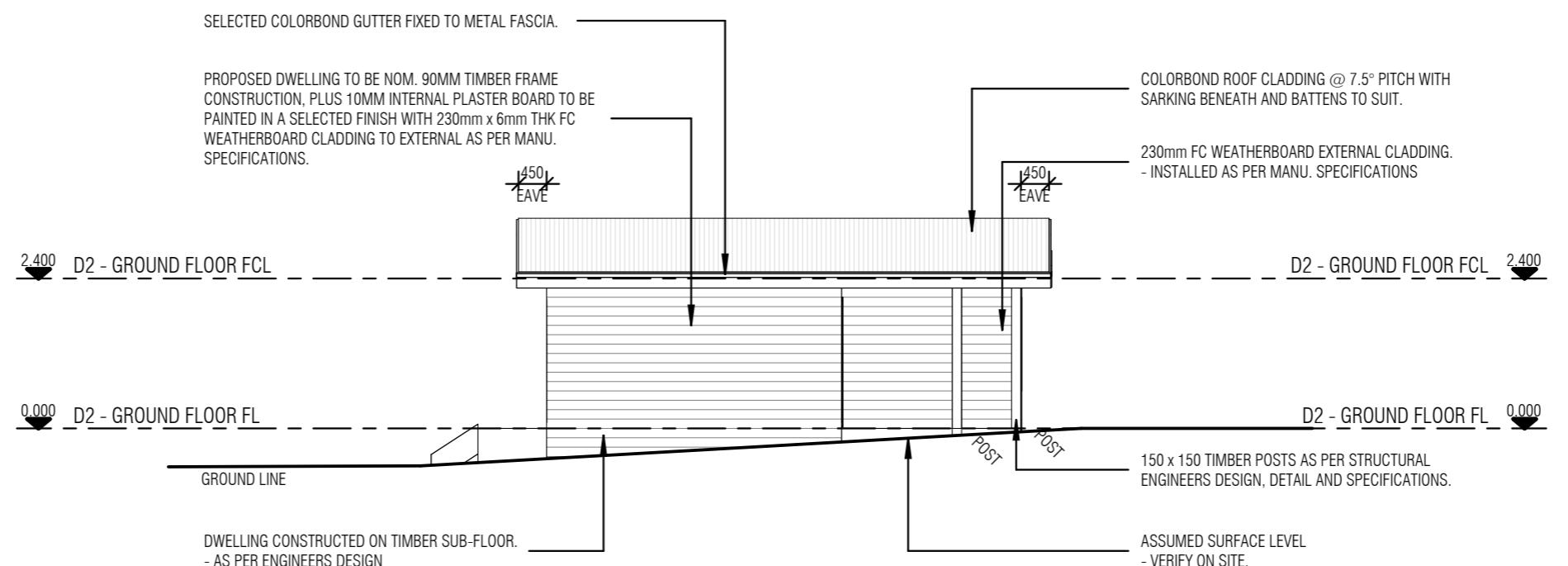
COLORBOND ROOF CLADDING @ 7.5° PITCH WITH SARKING BEHIND AND BATTENS TO SUIT.

COLORBOND ROOF CLADDING @ 5° PITCH WITH SARKING BEHIND AND BATTENS TO SUIT.

230mm FC WEATHERBOARD EXTERNAL CLADDING.
- INSTALLED AS PER MANU. SPECIFICATIONS



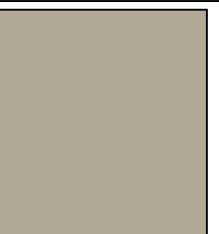
1 EAST ELEVATION
WD-1.02 1 : 100



2 SOUTH ELEVATION
WD-1.02 1 : 100

No.	Description	Date
B	REVISED AS CLOUDED - UNIT 2 AMENDMENTS	19/02/25
C	REVISED AS CLOUDED - DECK	24/02/25
D	LOCALITY & SITE PLAN ISSUED - ORIENTATION LABELS REVISED	15/05/25
E	ISSUED FOR APPROVAL	27/05/25
F	REVISED AS CLOUDED - EXTERNAL FINISHES LEGEND	28/05/25
G	REVISED AS CLOUDED - PARKING SPACE	20/06/25
H	REVISED AS CLOUDED	14/07/25
I	REVISED AS CLOUDED - SITE PLAN	05/09/25
J	SITE ADDRESS ANNOTATIONS	28/11/25

EXTERNAL FINISHES LEGEND



WALL CLADDING
- OYSTER LINEN OR SIMILAR



ROOFING
- MANOR RED OR SIMILAR



FASCIA, GUTTER & WINDOWS
- MANOR RED OR SIMILAR

General Notes:

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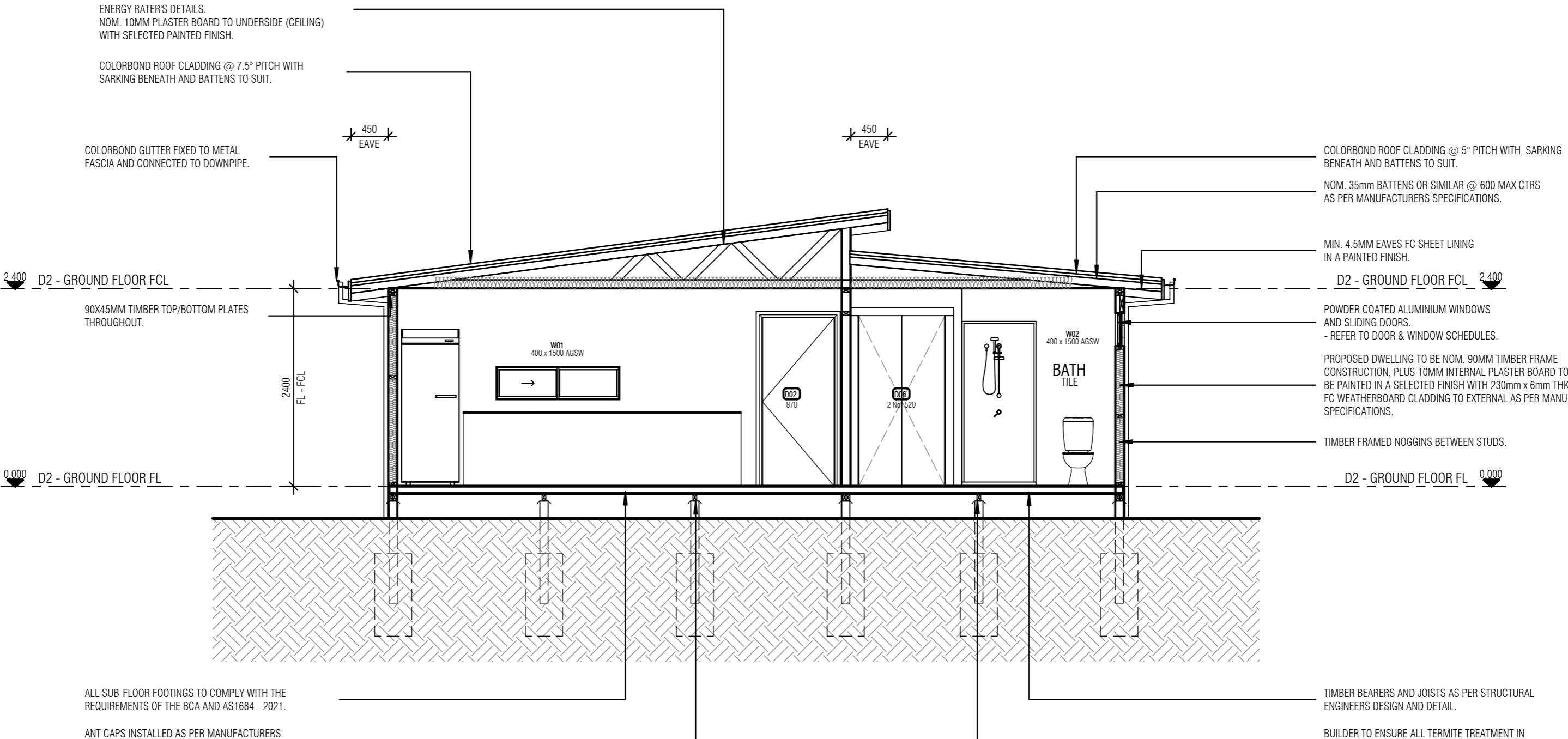
PROJECT -	PROPOSED TOURIST ACCOMMODATION	JOB NO. -	K6344	CHECKED BY-	i-Build	DATE:	28/11/25	DRAWING-	TOURIST ACCOMMODATION 02 - ELEVATION	DESIGNED FOR -		
ADDRESS -	165 PRAIRIE RD, CUDLEE CREEK SA 5232	DRAWN BY -	D.P	sheet size -	A3	VERSION:	J	SCALE -	1:100	DRAWING NO. -	WD-2.03	JOSHUA NOBLE

No.	Description	Date
B	REVISED AS CLOUDED - UNIT 2 AMENDMENTS	19/02/25
C	REVISED AS CLOUDED - DECK	24/02/25
D	LOCALITY & SITE PLAN ISSUED - ORIENTATION LABELS REVISED	15/05/25
E	ISSUED FOR APPROVAL	27/05/25
F	REVISED AS CLOUDED - EXTERNAL FINISHES LEGEND	28/05/25
G	REVISED AS CLOUDED - PARKING SPACE	20/06/25
H	REVISED AS CLOUDED	14/07/25
I	REVISED AS CLOUDED - SITE PLAN	05/09/25
J	SITE ADDRESS ANNOTATIONS	28/11/25

TIMBER TRUSSES AS PER MANU. SPECIFICATIONS.
SELECTED INSULATION BETWEEN TRUSSES AS PER THE
ENERGY RATER'S DETAILS.
NOM. 10MM PLASTER BOARD TO UNDERSIDE (CEILING)
WITH SELECTED PAINTED FINISH.

COLORBOND ROOF CLADDING @ 7.5° PITCH WITH
SARKING BEHIND AND BATTENS TO SUIT.

COLORBOND GUTTER FIXED TO METAL
FASCIA AND CONNECTED TO DOWNPipe.



BB
WD-1.02 1 : 50

General Notes:

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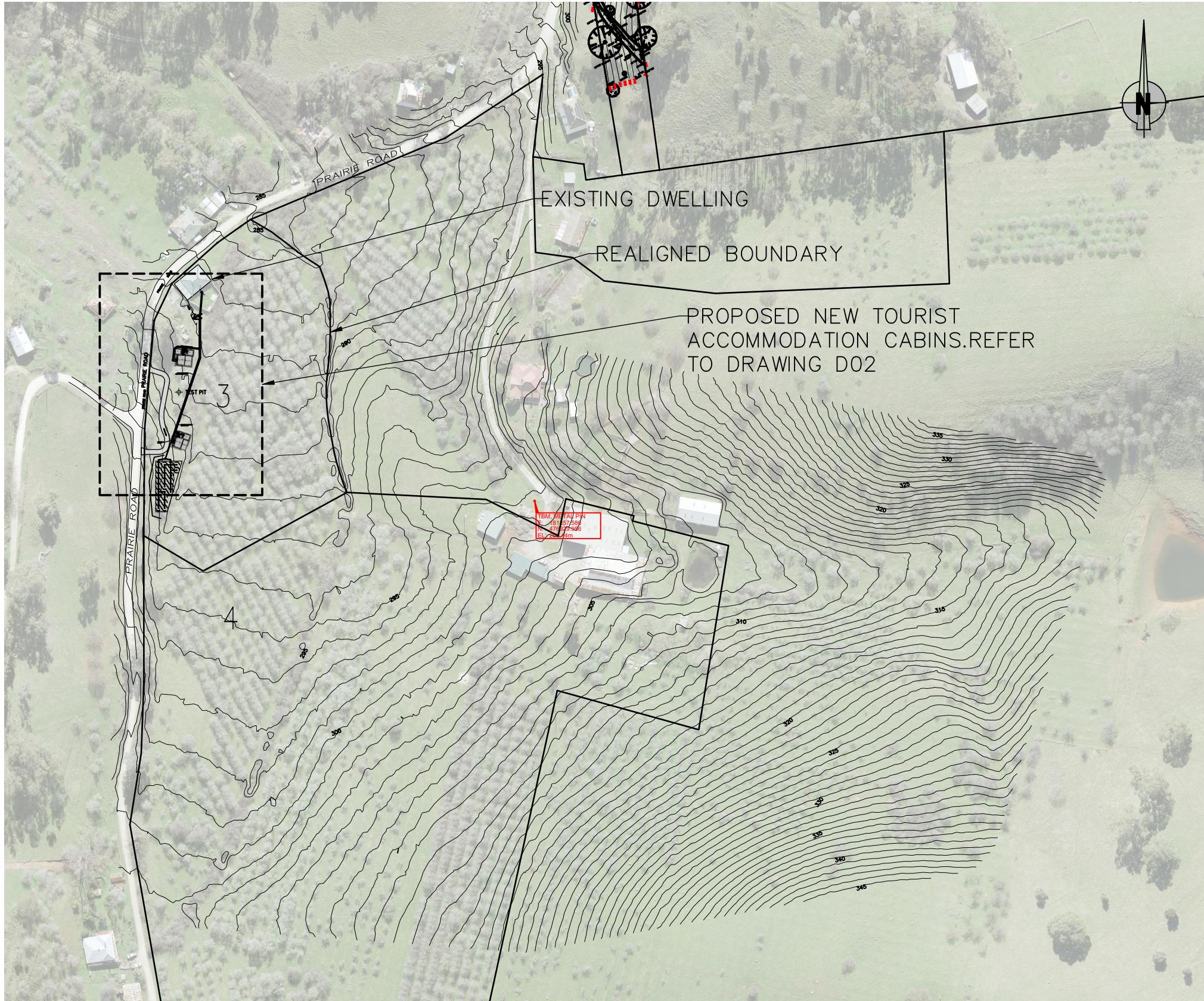
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E: info@i-build.com.au
W: www.i-build.com.au

PROJECT - PROPOSED TOURIST ACCOMMODATION	JOB NO. - K6344	CHECKED BY- i-Build	DATE: 28/11/25	DRAWING- SECTION BB	DESIGNED FOR -
ADDRESS - 165 PRAIRIE RD, CUDLEE CREEK SA 5232	DRAWN BY - D.P	sheet size - A3	VERSION: J	SCALE - 1:100	DRAWING NO. - WD-2.05 JOSHUA NOBLE



LOCATION PLAN

0 25.0 50.0 75.0 100.0 125.0
SCALE 1:2500 (A3 SHEET)

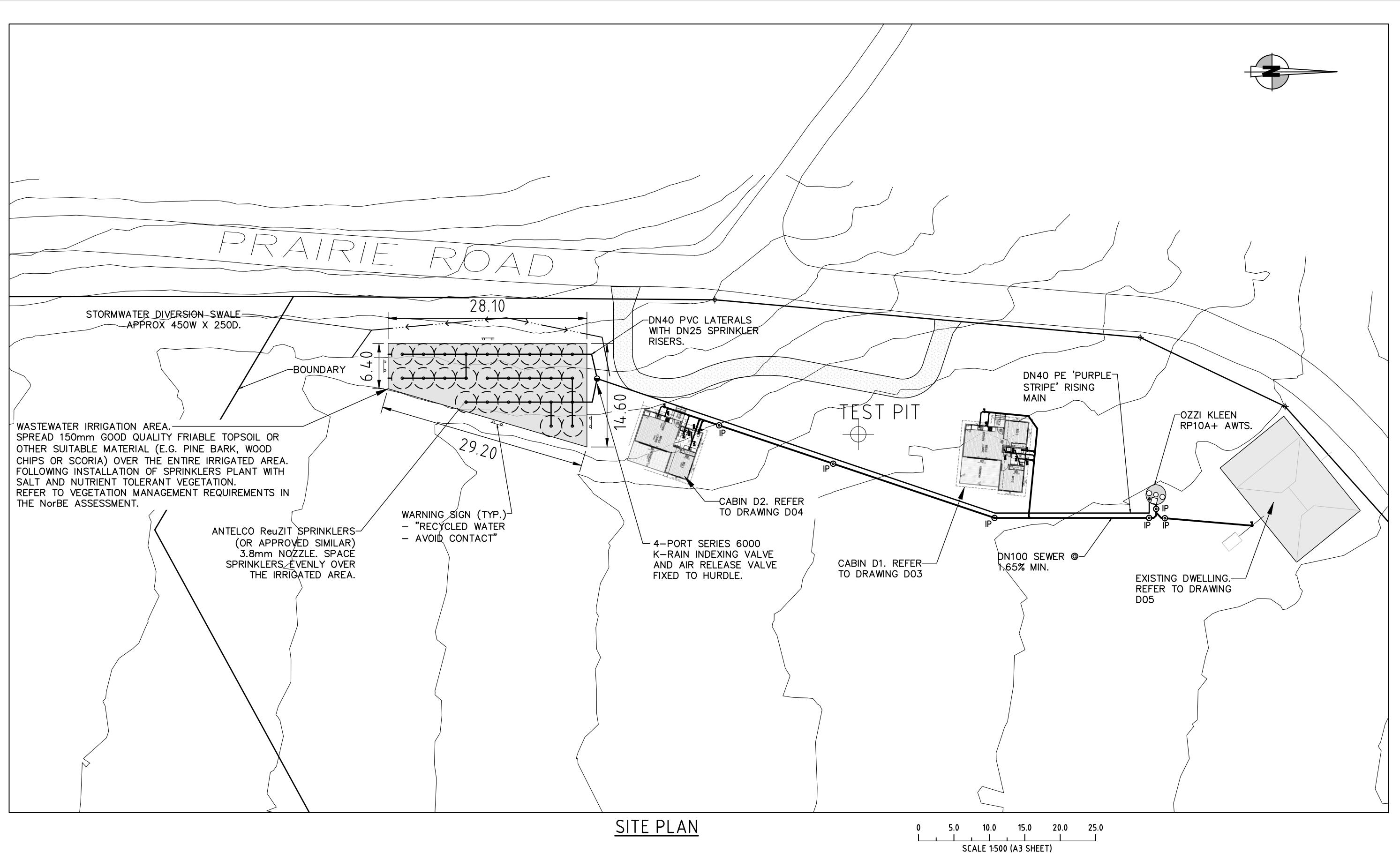
WASTEWATER NOTES

1. ALL STORMWATER RUNOFF (INCLUDING RWT OVERFLOW) TO BE DIVERTED AWAY FROM WASTEWATER DISPERSAL AREA.
2. CONTOUR LEVEL DATUM IS LOCAL, CONTOUR INTERVAL IS 1.0m AND PROVIDED BY THE CLIENT.
3. SOIL PROFILE INDICATES HIGH REACTIVITY - PROVIDE FLEXIBLE CONNECTIONS TO DRAIN PIPEWORK TO ALLOW FOR MOVEMENT OF SOILS RESULTING FROM DEEP MOISTURE CHANGE.
4. ALL EFFORTS HAVE BEEN MADE TO ENSURE THE DESIGN SHOWN IS CORRECT. INSTALLER TO CHECK MEASUREMENTS ON SITE TO ENSURE COMPLIANCE WITH AS3500.2.
5. DRAWING MUST BE READ IN CONJUNCTION WITH THE DESIGN REPORT.
6. PLUMBING DRAINAGE DESIGN IS INDICATIVE AND FOR COMPLIANCE PURPOSES ONLY. DIMENSIONS AND LOCATION OF FIXTURES AND FITTINGS SHALL BE IN ACCORDANCE WITH THE FINAL BUILDING PLANS. THE CONTRACTOR MUST FAMILIARISE THEMSELVES WITH ALL AVAILABLE DOCUMENTATION PRIOR TO COMMENCING WORK. CONTACT THIS OFFICE IF DESIGN DISCREPANCIES ARE ENCOUNTERED.

SITE NOTES

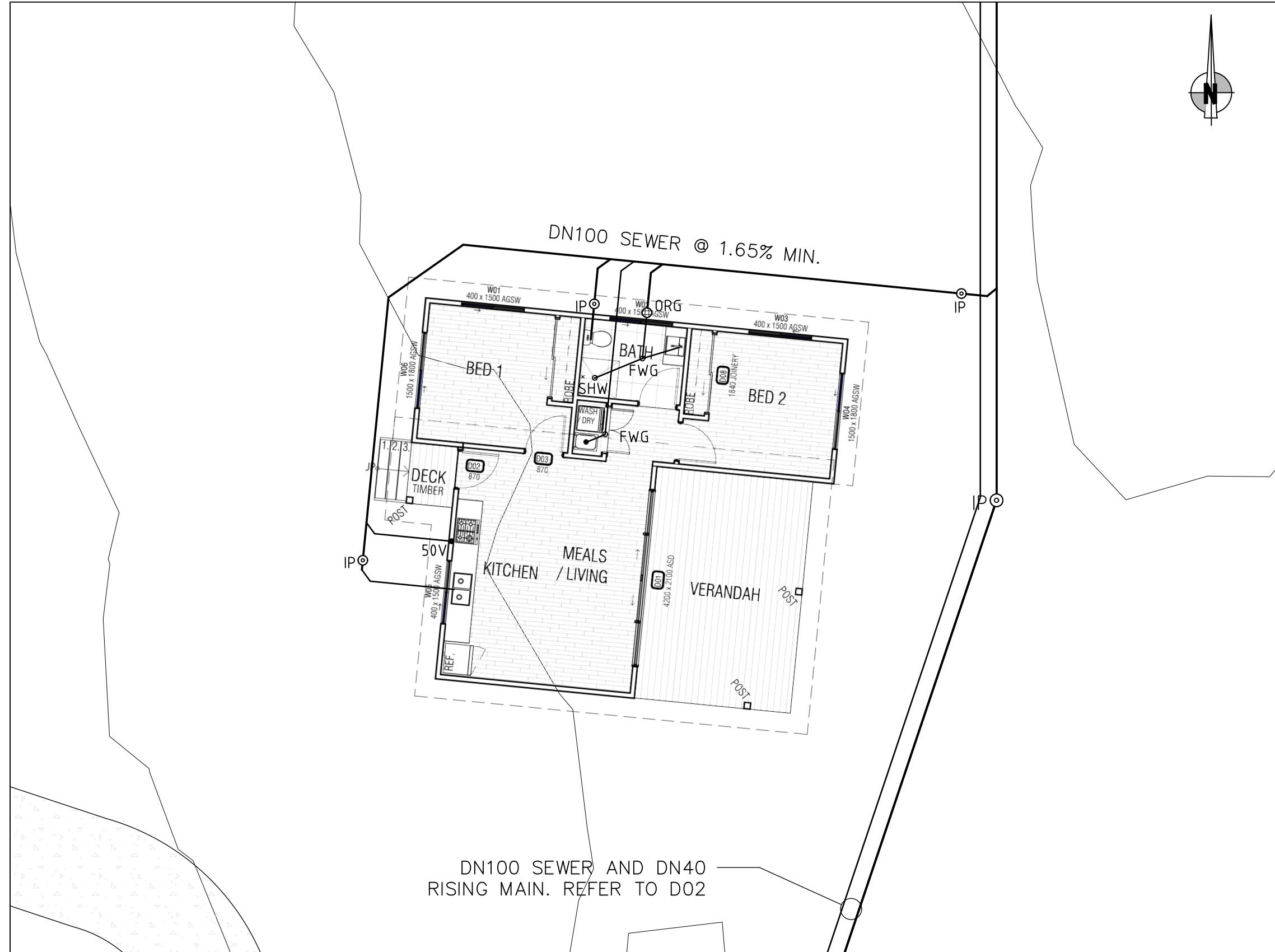
1. THE LAYOUT, DIMENSIONS, ALIGNMENT AND ORIENTATION, ARE BASED ON SURVEY DATA AND BOUNDARY INFORMATION PROVIDED BY THE CLIENT.
2. ALL DIMENSIONS SHOWN IN METRES UNLESS INDICATED OTHERWISE.
3. CADASTRAL BOUNDARIES MAY BE INACCURATE AND MAY DIFFER FROM ESTABLISHED PROPERTY FENCES. BOUNDARIES SHOWN ARE INDICATIVE. CHECK SITE BOUNDARY DIMENSIONS FROM THE TITLE PLANS
4. CONTRACTOR IS TO ENSURE MINIMUM SETBACK DISTANCE TO BOUNDARIES ARE MAINTAINED. CHECK ALL DIMENSIONS PRIOR TO COMMENCEMENT OF WORK.
5. WATERCOURSES, FARM DAM AND 5m CONTOURS OBTAINED FROM THE DEPARTMENT FOR ENVIRONMENT AND WATER (DEW).

C	05.09.2025	NorBE ASSESSMENT -UPDATED AWTS	 waterscope	Client / Architect: J & B NOBLE	Project: PROPOSED TOURIST ACCOMMODATION & DWELLING UPGRADE LOT 3, 165 PRAIRIE RD. CUDLEE CREEK SA 5232	Drawn DP	Drawing Title: LOCATION PLAN	Project No. 2300151	
B	22.05.2025	FOR APPROVAL				Designed DP		Scale AS SHOWN	
A	08.05.2025	PRELIMINARY				Checked DP		Drawing No. D01	
Amendments									



							Project No.
							2300151
							Scale
C	05.09.2025	NorBE ASSESSMENT -UPDATED AWTS					AS SHOWN
B	22.05.2025	FOR APPROVAL					
A	08.05.2025	PRELIMINARY					
Amendments							Rev. C
		 waterscope	Client / Architect: J & B NOBLE	Project: PROPOSED TOURIST ACCOMMODATION & DWELLING UPGRADE LOT 3, 165 PRAIRIE RD. CUDLEE CREEK SA 5232	Drawn DP Designed DP Checked DP CP Eng. Date	Drawing Title: SITE PLAN	Project No. 2300151
		34 Hutchinson Street, Mt Barker South Australia 5251 projects@waterscope.com.au  ABN 38 660 571 595					Scale AS SHOWN
							Drawing No. D02

LEGEND	
ORG	OVERFLOW RELIEF GULLY
DT	DISCONNECTOR TRAP
FWG	FLOOR WASTE GULLY
BN	HAND BASIN
TUB	BATHTUB
SHW	SHOWER
WC	TOILET
TR	LAUNDRY TROUGH
KS	KITCHEN SINK
IP	INSPECTION POINT
T/W	TRAP AND WASTE
UTW	UNTRAPPED WASTE
IL	INVERT LEVEL
COS	CHECK ON SITE
V	VENT
DN	NOMINAL DIAMETER
DWV	DRAIN WASTE VENT PIPE
T/A	TAKEN ABOVE
T/B	TAKEN BELOW
SS	SOIL STACK
WS	WASTE STACK
—	DN65/50/40
—	DN100 DWV SEWER
---	DISTRIBUTION LATERAL



C	05.09.2025	NorBE ASSESSMENT -UPDATED AWTS
B	22.05.2025	FOR APPROVAL
A	08.05.2025	PRELIMINARY

Amendments



34 Hutchinson Street, Mt Barker South Australia 5251
projects@waterscope.com.au ABN 38 660 571 595

Client / Architect:
J & B NOBLE

Project:
PROPOSED TOURIST ACCOMMODATION & DWELLING UPGRADE
LOT 3, 165 PRAIRIE RD. CUDLEE CREEK SA 5232

Drawn
DP
Designed
DP
Checked
DP
CP Eng.
Date

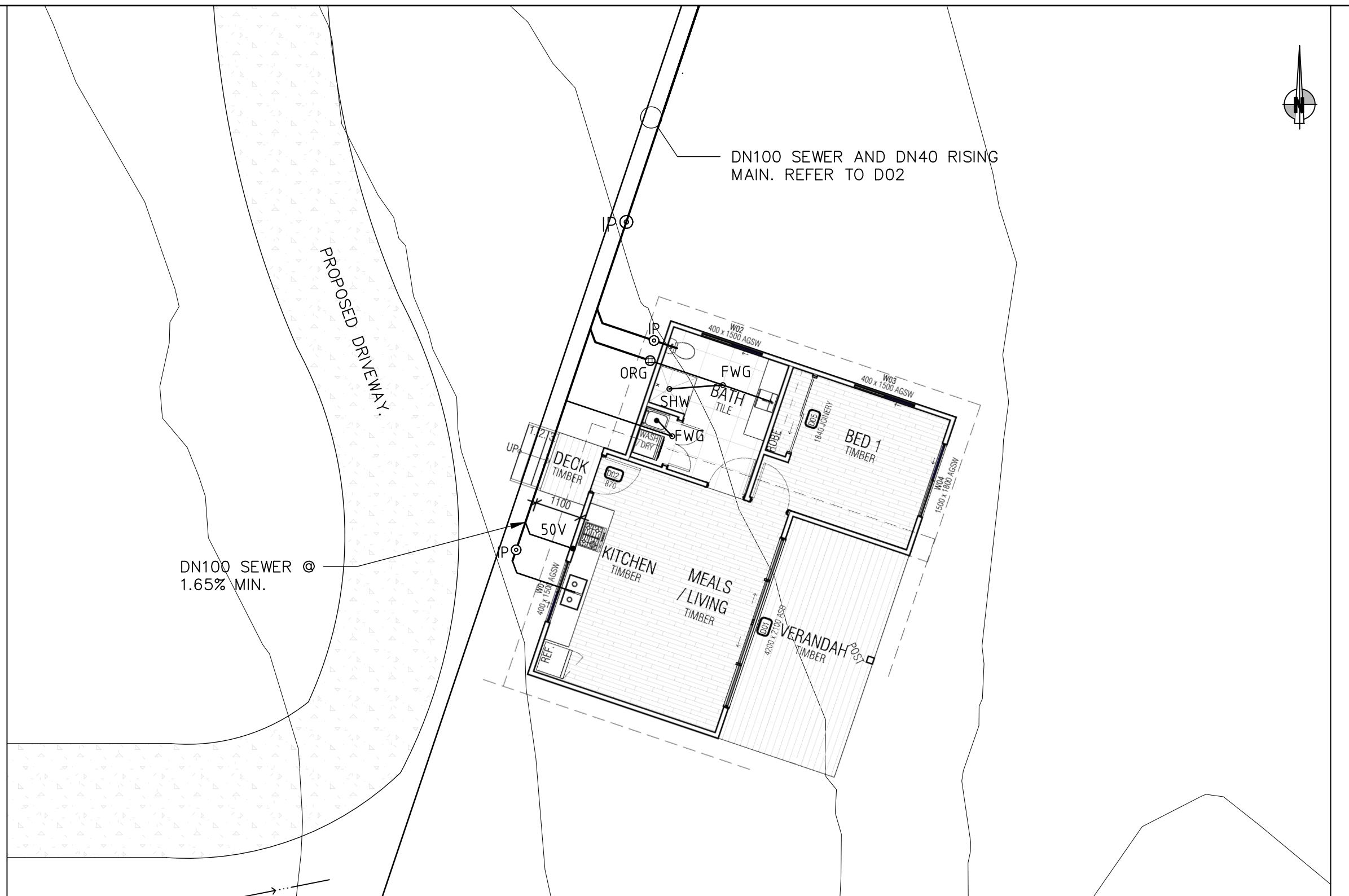
Drawing Title:
ONSITE WASTEWATER CABIN D1

Project No.
2300151

Scale
AS SHOWN

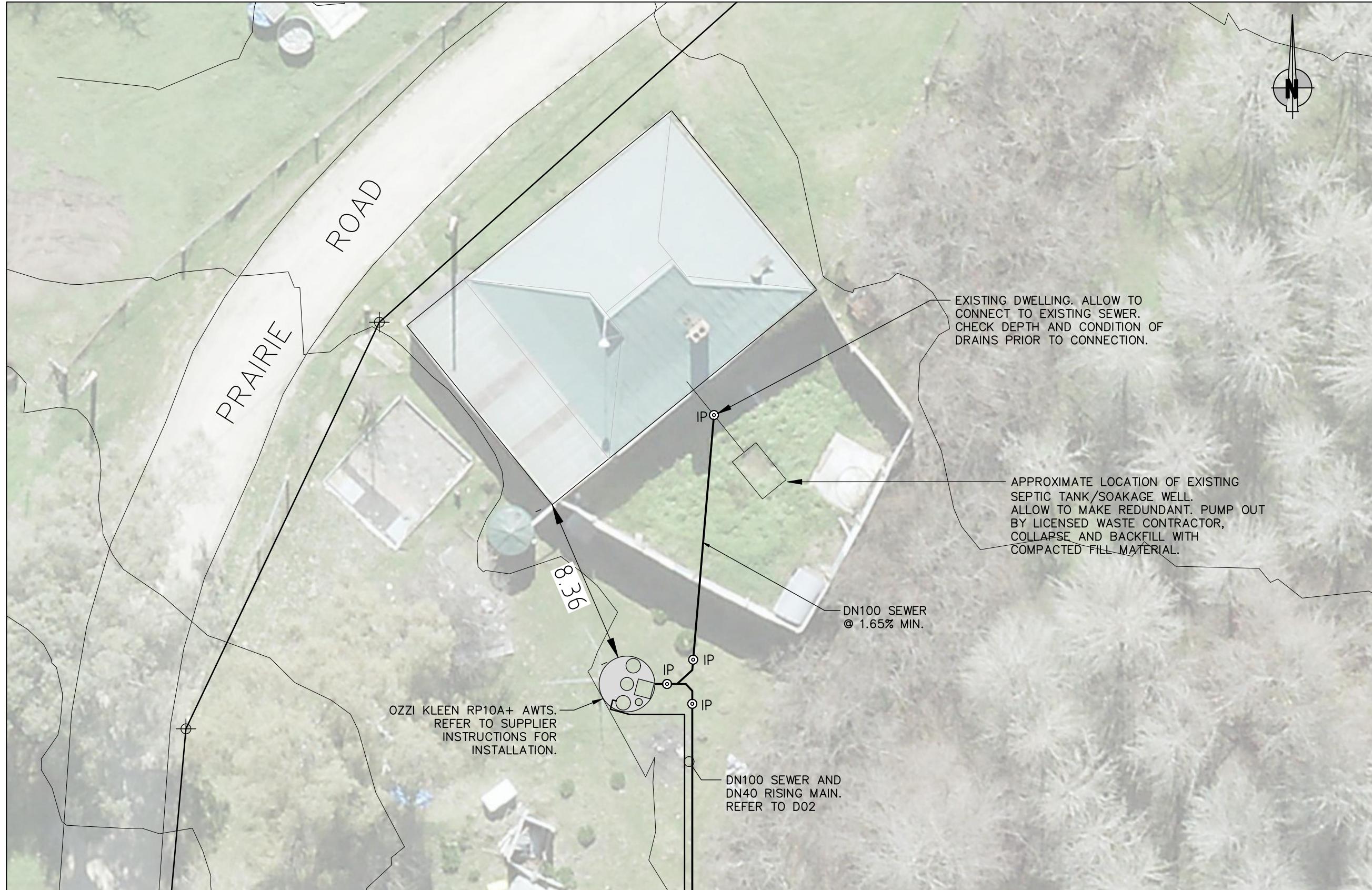
Drawing No.
D03

Rev.
C



SITE PLAN - CABIN D2

0 1.0 2.0 3.0 4.0 5.0
SCALE 1:100 (A3 SHEET)



SITE PLAN - EXISTING DWELLING

0 2.0 4.0 6.0 8.0 10.0
SCALE 1:200 (A3 SHEET)

							Project No.
							2300151
							Scale
C	05.09.2025	NorBE ASSESSMENT -UPDATED AWTS					AS SHOWN
B	22.05.2025	FOR APPROVAL					
A	08.05.2025	PRELIMINARY					
Amendments							Drawing No.
							D05
							Rev.



waterscope

34 Hutchinson Street, Mt Barker South Australia 5251
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Client / Architect:

J & B NOBLE

Project:

PROPOSED TOURIST ACCOMMODATION & DWELLING UPGRADE
LOT 3, 165 PRAIRIE RD. CUDLEE CREEK SA 5232

Drawn
DP

Designed
DP

Checked
DP

CP Eng.
Date

Drawing Title:

ONSITE WASTEWATER EXISTING DWELLING

Project No.

2300151

Scale

AS SHOWN

Drawing No.

D05

Details of Representations

Application Summary

Application ID	25018399
Proposal	Change of use to include tourist accommodation & construction of two (2) tourist accommodation units & associated water storage tank one
Location	165 PRAIRIE RD CUDLEE CREEK SA 5232

Representations

Representor 1 - Michelle Kenley

Name	Michelle Kenley
Address	C/O post Office CUDLEE CREEK SA, 5232 Australia
Submission Date	16/10/2025 08:38 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development

Reasons

Cudlee Creek has long been held back by the catchment. We are in need of accomodation options to support out local businesses and allow people to share in our beautiful surroundings. We dont need division of land but this is the perfect option. Very well planned and organised by the home owners

Attached Documents

Representations

Representor 2 - Edi Kanbergs

Name	Edi Kanbergs
Address	PO Box 191 CUDLEE CREEK SA, 5232 Australia
Submission Date	24/10/2025 02:19 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

Planning to be refused. Two documents attached

Attached Documents

25018399-RepresentationDocument2-12604988.pdf

ObjectionToDevelopmentApplicationId25018399EdiKanbergs-12604989.pdf



HILDITCH LAWYERS

Level 1, 24 Grote Street
Adelaide SA 5000

GPO Box 11010
Adelaide SA 5001
www.hilditchlawyers.com

24 October 2025

**The Presiding Member
Adelaide Hills Council Assessment Panel
PO Box 44
WOODSIDE SA 5244**

Dear Sir

**Representation
Application ID 25018399 – Pink Acacia Pty Ltd
Change of Use, Tourist Accommodation and Water Tank**

I act for Mr Edi Kanbergs who owns and occupies the property located at 141 Prairie Road, Cudlee Creek.

I am instructed that my client objects to the above development proposal (“**the Proposed Development**”).

My client has prepared a detailed letter which explains his concerns in relation to the proposed development from a practical perspective. For the purposes of this letter, I will not be dealing with all of the concerns expressed by my client in his separate letter.

I have been requested by my client to prepare this separate piece of correspondence to accompany, and form part of, his representation. In particular, I will outline some relevant observations in relation to the way in which the Code generally deals with proposals for tourist accommodation in the Productive Rural Landscape Zone (“**the PRL Zone**”) in which the site of the Proposed Development is located (“**the Subject Land**”).

The PRL Zone promotes a range of land uses (DO1) whilst also seeking to minimise land use conflicts (DO3). Tourist accommodation is one of the uses which is generally envisaged in the Zone.

However, the Code’s support for tourist accommodation is qualified and limited. It is certainly not a form of land use which is supported on any and every parcel of land in the Zone. One fundamental requirement as a starting point is a parcel of land used for primary production (or primary production related value adding

industry) so as to provide an authentic visitor experience. It is not envisaged in a way which is disassociated from, and disconnected from, the primary use of the land on which it sits. An opportunistic proposal to capitalise on the use of underutilised land in a disconnected and disassociated way is not supported in the Zone.

The Supreme Court of South Australia's Approach

In the matter of *Geber Super Pty Ltd v The Barossa Assessment Panel* [2023] SASC 2023 the Supreme Court of South Australia considered a proposal for tourist accommodation in the Rural Zone. Whilst the facts and circumstances in that matter were different, a number of important matters of principle emerge from the case.

The Supreme Court made the following relevant remarks:

*"148 When PO 1.1 and PO 6.3 are read together, it is clear that the performance outcomes do not anticipate standalone tourist accommodation as the primary use of the land **but only as associated with primary use of land for primary production or primary production related industry.***

...

*150 **DPF 6.3 refers to tourist accommodation having an area used for accommodation not exceeding 100 square metres for a new building** or 150 square metres for an existing building and there being not more than one facility located on the same allotment. **This indicates that the paradigm case of tourist accommodation contemplated by PO 6.3 is small-scale bed and breakfast-style accommodation** as opposed to a hotel or tourist resort complex...*

...

*160 Having regard to the text, context and evident purpose of PO 1.1 and 6.3 in the Rural Zone, **it is clear that the performance outcomes provide for tourist accommodation which is** not standalone or the primary use of the land but rather **associated with a different primary use of the land being primary production or primary production related industry.***

...

*164 In short, the policies applying to the Rural Zone provide for the principal and primary use of land in the zone for primary production or primary production related industry. **Other uses, such as for tourist accommodation, shops or function centres, are to be secondary and associated with the primary use. Standalone tourist accommodation, shops and function centres are simply contrary to those policies.**" (my bold and underlining)*

The PRL Zone and Tourist Accommodation

Insofar as tourist accommodation is concerned, the provisions for the Rural Zone considered in *Geber* are very similar to the relevant provisions in the PRL Zone.

PO 6.3 and DTS/DPF 6.3 for the PRL Zone deal with land use and scale.

PO 6.3 for the PRL Zone provides as follows (and is identical to PO 6.3 for the Rural Zone referred to in Geber):

"Tourist accommodation is associated with the primary use of the land for primary production or primary production related value adding industry to enhance and provide authentic visitor experiences."

DTS/DPF 6.3 is, for all intents and purposes, identical to the corresponding DTS/DPF for the Rural Zone in Geber and provides as follows:

"Tourist accommodation, other than where located in The Cedars Subzone:

a) is ancillary to and located on the same allotment or an adjoining allotment used for primary production or primary production related value adding industry.

b) in relation to the area used for accommodation:

i. where in a new building, does not exceed a total floor area of 100 sqm

ii. where in an existing building, does not exceed a total floor area of 150 sqm

c) does not result in more than one facility being located on the same allotment"

One difference in Geber was that the applicant in that matter was proposing stand alone tourist accommodation as the only use that would be made of the land. As a result, the Court did not need to consider the meaning of the words "associated with" because there was no association at all in that matter. The Court ultimately found that the development was seriously at variance with the provisions for the Rural Zone because it comprised the primary use of the land.

In the current matter though the Panel does need to consider the extent to which the proposed tourist accommodation is "*associated with the primary use of the land for primary production ... to enhance and provide authentic visitor experiences*" having regard to PO 6.3 for the Zone.

Put another way, an applicant cannot necessarily expect to secure development authorisation for tourist accommodation simply because it owns land in the PRL Zone. This is because it is a Zone comprising productive land promoting, among other things, agriculture and horticulture at the same time as seeking to conserve "*the natural and rural character, identity, biodiversity and sensitive environmental areas and scenic qualities of the landscape*" (DO2). It is a Zone in which land use conflicts need to be mitigated (DO3). As a result, the Code contains a number of qualifications to the support provided for tourist accommodation in the Zone, including the achievement of a performance outcome that it be associated with the primary use of the land for primary production or primary production related value adding industry to enhance and provide authentic visitor experiences (PO 6.3).

There will be all kinds of circumstances in which tourist accommodation might be “associated with” a primary use of the land for primary production or primary production related value adding industry “so as to provide authentic visitor experiences” of a scale envisaged by the Zone provisions. A small-scale bed and breakfast associated with a farm might be one example. Another might be a small-scale bed and breakfast associated with a winery and vineyard or perhaps a distillery or perhaps another form of value adding industry encouraged in the Zone where tours, information sessions and tastings might be offered.

There will also be all kinds of situations in which tourist accommodation can be discretely and sensitively accommodated within the landscape without being prominent due to the size of land parcels in the Zone and the topography of the landscape. In this sense, PO 6.4 and DTS/DPF 6.4 become relevant and important as well.

PO 6.4 provides as follows:

“Tourist accommodation proposed in a new building or buildings are sited, designed and of a scale that maintains a pleasant rural character and amenity”

DTS/DPF 6.4 then relevantly provides as follows:

“Tourist accommodation in new buildings:

(a) Is setback from all property boundaries by at least 40m ...”

DTS/DPF 6.4 of course not only deals with the boundaries with neighbouring properties but also deals with the boundaries with adjoining public roads. The proposed cabins will be well within 40 metres of the boundary of Prairie Road.

The Proposed Development

The Proposed Development does not appear to meet the above Performance Outcomes (PO 6.3 and PO 6.4) for at least the following reasons:

1. There is no proposal for the tourist accommodation to be associated with (or, to use a similar term, “connected with”) the use of the land as an orchard so as to enhance and provide authentic visitor experiences. No such outcome is apparent from the application documents (the achievement of this Performance Outcome is not dealt with or discussed at all and presumably such an association simply is not part of the proposal). It is difficult to envisage how such an outcome could be achieved on this land in any event. In this regard it does appear to be, with respect, an opportunistic proposal to use some underutilised land in the PRL Zone in a way which will not in fact meet the intent and purpose of the policies which seek to encourage tourist accommodation in limited circumstances only.
2. The two proposed cabins appear to be a stand-alone tourist development use which will not be associated with the primary production use of the land at all and will comprise a stand-alone tourist accommodation business in its own right of a relative scale (that is, of a

size relative to the overall area and use of the Subject Land) which exceeds that contemplated by the relevant policies.

3. Two separate cabins (with a cumulative floor area exceeding 100 sqm) with associated driveway and car parks will be set close to the public road (both cabins will be less than 17 metres from the public road) and will be highly visible from Prairie Road. They would appear to occupy a significant percentage of the Subject land and will be spread across its frontage in an inefficient and prominent way.

Finally, my client has instructed me to note that he does hold a concern in relation to a reference within the Stimson Consulting report dated 20 June 2025 to "4 cabins" and a "turn around area" being proposed "between cabins 2 and 3 for CFS trucks". My client's concerns will of course be compounded if there are more cabins to come.

My client is opposed to the proposed development and I am instructed to request the opportunity to be heard at the relevant meeting of the Council Assessment Panel to speak on behalf of my client in relation to his representation.

Yours Faithfully,

James Hilditch

Our Ref: JRH:000909
Your Ref:

To:
Assessment Manager
Adelaide Hills Council
PO Box 44
Woodside SA 5244
Email: developmentadmin@ahc.sa.gov.au

Subject: Objection to Development Application ID 25018399 – Proposed Tourist Accommodation, 145–165 Prairie Road, Cudlee Creek

Date: 24/10/2025

Dear Sir/Madam,

I wish to lodge a representation in relation to my objection to Development Application 25018399, submitted by Pink Acacia Pty Ltd (ACN 627 777 673), directed by Joshua John Noble and Belinda Ruth Noble, for the construction of tourist accommodation cabins at 145–165 Prairie Road, Cudlee Creek. I am opposed to the proposed development for the reasons set out in this letter and in the attached letter prepared by Hilditch Lawyers.

This submission raises concerns regarding bushfire safety, traffic and access, tree removal and environmental impact, groundwater use infrastructure and privacy. The proposal demonstrates inconsistencies, lacks key technical information, and fails to satisfy multiple provisions of the Planning and Design Code applicable to the Productive Rural Landscape Zone (in particular, DO 3, PO 6.3, DTS/DPF 6.3, PO 6.4, DTS/DPF 6.4 for the Productive Rural Landscape Zone and the General Policies relating to Tourism Development – PO 1.2, PO 2.1 and PO 2.4).

I also attach a letter from Hilditch Lawyers in support of my representation.

1. Property Ownership and Proximity to Development Site

I own and occupy the land at 141 Prairie Road, Cudlee Creek, and have lived on this property with my family for the past 15 years. Our property is located approximately 220 metres from the subject land and lies on the eastern side of Prairie Road, the same side as the proposed development site.

Our property is elevated above the proposed site and has a direct line of sight to the area where the development is proposed.

We have no access to mains water and rely entirely on rainwater and bore water for domestic use.

2. Bushfire Risk and Safety - Hazards (Bushfire – High Risk) Overlay

The proposed development is located in a High Bushfire Risk Area, as acknowledged in the applicant's documentation. It is located within the Hazards (Bushfire – High Risk) Overlay. The Cudlee Creek area experienced a catastrophic bushfire in 2019, and introducing short-term tourist accommodation significantly increases evacuation complexity and emergency service risks.

- Tourists unfamiliar with the terrain and local warning systems may not respond effectively in a fire emergency.
- The site has only one narrow access road (Prairie Road) with no safe secondary egress.
- Increased visitor traffic and parked vehicles could obstruct emergency access for CFS vehicles and hinder local residents' evacuation.
- Visiting tourists who might also be unfamiliar with local conditions and the ease with which a fire can start might also be a cause for concern.

Given the area's bushfire classification and history, the proposal is inconsistent with the objectives of the Hazards (Bushfire – High Risk) Overlay in the Planning and Design Code.

3. Traffic and Access Concerns (Zone PO 2.1 and DTS/DPF 2.1)

The development is not provided with suitable access. Prairie Road is a rural, unsealed road not designed to support increased tourist traffic.

- The proposed development would lead to a noticeable increase in vehicle movements, dust generation, and noise.
- I am concerned that visitors unfamiliar with local conditions may drive at unsafe speeds, endangering residents, livestock, and wildlife.
- The use of crushed gravel for the driveway and crossover will generate fine dust, especially during dry conditions.
- Dust from the unsealed road remains suspended in the air for extended periods in non-windy conditions, significantly affecting nearby residents' air quality and visibility.
- Access routes are not properly sealed with bitumen to safely accommodate the expected increase in traffic and to comply with health and environmental standards.

These impacts will further diminish the amenity and safety of the local community.

4. Environmental and Water Quality Impacts

The site lies within the Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay, which is environmentally sensitive.

- The proposed wastewater treatment plant and surface spray irrigation area are located close to the watercourse along the eastern property boundary.
- Any failure or overflow of the system could result in nutrient and pathogen runoff, posing a contamination risk to local waterways.
- The development lacks connection to a sewer network, relying instead on on-site disposal in sloping terrain, which increases environmental risk.
- The stormwater system directs runoff into an existing swale that could accelerate erosion and transport pollutants into the creek.

5. Groundwater Use and Sustainability

Many surrounding properties rely on bore water and nearby creek for their domestic and agricultural needs.

- There is no mains water available to the property, meaning all water supply must rely on local groundwater or rainwater sources, which are limited and environmentally sensitive.
- There is no information provided on where water for either the proposed tourist accommodation or the existing dwelling will be sourced.
- It is unclear whether water supply pipes will cross the creek, and if so, whether appropriate permits or authorizations are in place under relevant watercourse and environmental protection regulations.
- There is no registered bore on the property with appropriate licensing for commercial use, further casting doubt on how the applicant intends to provide an adequate and lawful water supply for both the accommodation and the proposed landscaping.
- There is no current water license recorded on the property title for commercial water usage, raising serious questions about the legality and sustainability of any proposed water extraction for the tourism operation.
- Both the proposed tourist accommodation and the planned landscaping will further increase the demand for water, placing additional pressure on limited local water resources.
- Any increase in extraction from existing bores in the area could lower the groundwater table, impacting nearby residents' water supply.
- Overuse of bore water in this area may also lead to rising salinity levels, further degrading local water quality.
- The application provides no clear plan for monitoring or regulating water usage, nor any commitment to water sustainability or reporting.

There is also no information provided on how water will be treated, or who will monitor the water quality for guests.

- If bore water or rainwater tanks are used for drinking or domestic purposes, it must be demonstrated that water treatment, testing, and maintenance will meet SA Health's Safe Drinking Water Act 2011 requirements.
- The absence of a water quality management plan poses potential health risks to guests if water contamination occurs.

There is no comprehensive groundwater and potable water impact assessment. There are also no clear monitoring, reporting, and treatment responsibilities to protect local water resources and ensure safe guest use.

6. Landscaping and Visual Impact – Zone PO 6.4 and Tourist Accommodation General Policy 2.2 and 2.4

The application includes insufficient landscaping details, particularly regarding:

- The type, density, and maturity of proposed vegetation.
- Irrigation requirements and water source for ongoing maintenance.
- Measures to reduce visual impact from Prairie Road and neighbouring properties.

The lack of detailed landscaping plans raises concerns about the visual integration of the cabins into the rural environment and the long-term sustainability of plantings, particularly given limited local water availability. Without defined planting schedules or irrigation management, the proposal does not demonstrate compliance with amenity and environmental performance outcomes under the Planning and Design Code.

The cabins are sited relatively close to Prairie Road and are sited along the road frontage which increases visual impact and impacts on amenity (contrary to Zone DTS/DPF 6.4 and TA General Policy 1.2).

The proposal is incompatible with the rural and primary production character of the area.

- It introduces a commercial tourism use into a quiet agricultural and rural living environment.
- Increased night-time lighting, traffic, and guest activity will disturb the tranquil rural amenity.
- Recent vegetation removal on the site has reduced natural screening, increasing the visual impact of the cabins from Prairie Road and neighboring properties.

7. Unclear Development Scope and Future Risk

The submitted documentation contains conflicting information — some sections refer to two (2) cabins, while others refer to four (4) cabins.

- This inconsistency creates serious uncertainty about the true scale of the development, ultimately proposed for this site.
- It raises concern that the applicant may intend to expand the number of cabins in the future, effectively increasing density and traffic well beyond what is currently presented.
- There is no clear vision or limitation on future development.

Council should require an amended, consistent application clearly stating the number, size, and intended future of all proposed tourist accommodation units before any further assessment is undertaken.

8. Utilities and Power Supply

The plans do not indicate how power will be supplied to the proposed cabins.

- It is unclear whether new power poles, above-ground lines, or underground connections are proposed.
- If new poles or overhead wiring are required, these could increase visual impact, introduce additional bushfire ignition risks, and further disturb the rural landscape.
- There is also no mention of off-grid systems such as generators or battery storage, or how noise and safety from such systems would be managed.

This lack of information prevents proper assessment of both visual and environmental impacts and public safety considerations related to electricity supply infrastructure.

9. Noise and Light Pollution - Tourist Accommodation General Policy 2.1

The proposed development fails to provide any assessment or management plan addressing potential noise and light impacts on nearby residents, local wildlife, or the surrounding rural landscape.

- Guest activity, including vehicle movements, outdoor gatherings, and amplified sound, will generate noise inconsistent with the current tranquil environment.
- External lighting from the cabins, paths, and parking areas will create light spill and glare, adversely affecting nearby residents and nocturnal fauna.
- No details have been provided regarding lighting design, shielding, dimming systems, or operational hours to limit disturbance at night.

- The proposal does not specify whether there will be a maximum number of guests allowed on-site at any given time. Noise, traffic, and environmental impacts cannot be properly assessed or controlled as a result.

The omission of these key environmental factors represents a significant gap in the application and fails to demonstrate compliance with the Planning and Design Code's amenity and environmental protection principles.

10. Privacy – TA General Policy 2.1 and Zone PO 6.4

There are serious concerns regarding privacy for surrounding landowners.

- The elevated position of parts of the site and absence of defined screening or fencing could compromise privacy for neighbouring dwellings and properties.
- No details are provided on guest management, access controls, or security lighting, nor any measures to ensure that local residents' privacy and safety are maintained.

11. Cultural Heritage – Potential Aboriginal Site

The site and its immediate surrounds may contain Aboriginal cultural heritage values.

- There have been reports of Aboriginal artefacts and cultural materials found in close proximity to the subject land.
- Given this, there is a reasonable likelihood of a potential burial site or other significant heritage features within or near the development area.
- Before any approval or site disturbance occurs, the Adelaide Hills Council should refer the proposal to the relevant Aboriginal Affairs and Reconciliation (AAR) branch and the local Aboriginal community or heritage council for proper site inspection and assessment under the Aboriginal Heritage Act 1988 (SA).

Failure to ensure such consultation could result in the disturbance of culturally significant land and would be inconsistent with both State heritage protections and the principles of responsible land management.

12. Existing Adjacent Activities and Chemical Risks

It is noted that the applicant is operating a weed spraying business from the neighbouring property (145–165 Prairie Road, Cudlee Creek), which was purchased prior to this development application.

- This business has already increased traffic movements in the area, particularly involving staff vehicles and utes.
- The storage and handling of herbicides, pesticides, and other agricultural chemicals present significant environmental and health risks, especially if such materials are stored or used near proposed tourist accommodation or water catchments.
- The close proximity of tourist accommodation to a site used for chemical handling and spraying activities is incompatible with guest safety and residential amenity.

13. Tree Removal and Environmental Concerns

The land is located within the Native Vegetation Overlay which seeks to protect, retain and restore native vegetation and fauna.

Recent site observations and information within the applicant's documents confirm that tree removal and vegetation thinning have already occurred within the proposed development area, prior to development approval.

The applicant's consultant admits that:

“Some thinning of trees has already occurred (not reflected in the aerial photo used as a base for the plan below).”



Aerial image Sun Sep 2023



Aerial image Oct 2024

This statement confirms that vegetation clearance was conducted before approval, contrary to requirements under the Planning, Development and Infrastructure Act 2016 and potentially the Native Vegetation Act 1991.

a. Premature and Unauthorised Clearing

Undertaking vegetation removal prior to approval undermines the integrity of the planning process, depriving Council and the public of accurate environmental and visual assessments. The outdated aerial imagery misrepresents the true condition of the site.

b. Visual Amenity and Rural Character Loss

The orchard and surrounding trees once provided natural screening from Prairie Road and neighbouring properties. Their removal has significantly altered the rural character, reducing privacy and increasing visibility from public roads.

c. Bushfire and APZ Overreach

The extent of tree clearing appears to exceed the reasonable requirements of the Asset Protection Zone (APZ). Over-clearing could negatively affect slope stability and biodiversity, creating new environmental risks.

d. Transparency and Documentation Deficiencies

The documentation fails to accurately represent the site's current condition. Without updated imagery, arborist assessment, or vegetation mapping, neither the Council nor the public can evaluate compliance with vegetation preservation standards.

Key Concerns:

- Premature and unauthorised clearing before approval.
- Loss of visual screening and rural amenity.
- Increased erosion and run-off risks.
- Potential breach of vegetation protection laws.
- Incomplete or misleading public documentation.

14. Misrepresentation of Existing Land Use

The applicant's documentation incorrectly claims that the site of the proposed tourist development has not been used for primary production in the past and will not prejudice future primary production, which is misleading and inconsistent with observable evidence.

Satellite imagery and on-site observations clearly show that portions of the property have been actively cleared, cultivated, and used for **grazing livestock and clearing fruit trees**.

Such misrepresentation is significant, as the Planning and Design Code places specific restrictions and performance outcomes on developments within areas designated for primary production and productive rural landscape use.

Failure to acknowledge existing agricultural use may have influenced the application's assessment pathway, environmental reporting, and bushfire hazard classification, thereby undermining the validity of the lodged documentation.

Council should request updated and accurate statements of existing land use supported by verifiable imagery and field evidence before any further consideration of this application.

15. Aquatic Ecology and Environmental Sensitivity

The creek adjoining the proposed development area forms part of a sensitive aquatic ecosystem that may provide habitat for native fish species such as the **Mountain Galaxias (*Galaxias olidus*)**, identified by the **Murray–Darling Basin Authority (MDBA)** as a *declining species* within the Murray–Darling Basin. This small native fish depends on clear, cool, undisturbed creeks and rivers for its survival. It is highly sensitive to sedimentation, temperature changes, and pollution.

The MDBA notes that Mountain Galaxias populations are significantly reduced where creek habitats are disturbed or invaded by non-native species, and they are often confined to shallow riffles and pools above natural barriers where water quality remains high. Any increase in **groundwater extraction, alteration of creek flows or sediment disturbance**, associated with the proposed tourist accommodation and landscaping works could further degrade these sensitive habitats.

Given the lack of mains water, if the proposed use of groundwater and possible creek crossings for water supply or infrastructure raise additional risks to the aquatic environment. These risks must be carefully assessed under the environmental protection and biodiversity principles of the Planning and Design Code.

*Reference: Murray–Darling Basin Authority (2009). “Fish Factsheet: Mountain Galaxias (*Galaxias olidus*).”*

16. Insufficient Information

The documentation lacks key details that are necessary for proper assessment:

- Wastewater system monitoring and maintenance arrangements.
- Fire evacuation and guest safety plans.
- Traffic management and signage to control visitor speeds.
- Lighting design to minimize night-time disturbance.
- Groundwater usage and sustainability measures.
- Landscaping and irrigation details.
- Consistent information on the total number of cabins and development scale.
- Noise, light, and security management plans.
- Clear explanation of all non-compliances referenced in the lodgment letter.

Conclusion

The proposed development presents significant bushfire, environmental, water management, cultural, safety and privacy and is inconsistent with the objectives of the Planning and Design Code for this zone.

Accordingly, I respectfully request that the Adelaide Hills Council refuse this application.

Thank you for considering this submission. I wish to be heard by the Council Assessment Panel in relation to this presentation and request that I be advised of the date and time of the relevant meeting

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Edi Kanbergs".

Edi Kanbergs

141 Prairie Rd, Cudlee Creek SA 5232

Representations

Representor 3 - Vinod Kumar Deut

Name	Vinod Kumar Deut
Address	162 PRAIRIE ROAD CUDLEE CREEK SA, 5232 Australia
Submission Date	27/10/2025 10:59 AM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons Refer attached	

Attached Documents

Representation-KumarDeut-25018399-12615001.pdf

From: Kumar Deut
Sent: Sunday, 26 October 2025 10:12 AM
To: Development Admin
Cc:
Subject: Objection to new developments

Categories:

The Hills Council under Development Application ID: 25018399.

To: The Development Officer

The Hills Council

Subject: Formal Objection to Development Application – ID: 25018399

Dear Development Officer,

I, Vinod Kumar Deut, owner of 162 Prairie Road, Cudlee Creek, wish to lodge a formal objection to the above-mentioned development proposal.

My objection is based on the environmental and ecological impacts that the proposed development is likely to cause, specifically in relation to water sustainability, local wildlife, and community amenity.

1. Impact on Water Resources

The proposed development is located on higher ground relative to my property. Any alteration of natural drainage or additional water extraction for landscaping, domestic use, or tourism purposes will likely reduce the natural flow of the creek running through my land. During 2025, the creek was observed to be dry for approximately 25% of the year, indicating an already vulnerable water system. Any further reduction would threaten the long-term hydrological balance and the availability of water for downstream users and ecosystems.

2. Ecological Consequences

The creek and its surrounding vegetation provide an essential habitat for native

birdlife, fauna, and aquatic species. Reduced water flow and human disturbance from the proposed development would have adverse effects on biodiversity, particularly for species reliant on riparian environments. The cumulative impact of this and similar developments could result in a significant loss of environmental integrity in the Cudlee Creek area.

3. Amenity and Character of the Area

The area's peaceful and natural setting is a key reason why residents, including myself, chose to live here. Any increase in human activity, particularly from holiday accommodation or recreational use, would result in noise, increased traffic, and water misuse, eroding the character and amenity of the locality.

4. Lack of Adequate Environmental Assessment

Based on the information provided, it appears that insufficient environmental impact assessment has been conducted regarding the effect of this development on surface water flow, groundwater recharge, and dependent ecosystems. A thorough hydrological and ecological study should be undertaken before any approval is considered.

In view of the above, I respectfully request that the Council refuse Development Application ID: 25018399 or, at a minimum, require a comprehensive independent environmental assessment to ensure that no detrimental impacts occur to the local environment or existing landowners.

Thank you for your consideration of this objection.

Yours sincerely,

Vinod Kumar Deut

Owner – 162 Prairie Road, Cudlee Creek

Representations

Representor 4 - Judith Fox

Name	Judith Fox
Address	PO Box 285 BIRDWOOD SA, 5234 Australia
Submission Date	27/10/2025 11:12 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons

Please see my objection letter attached.

Attached Documents

ObjectionLetter-JudithFox-DevelopmentApplicationId25018399-12615331.pdf

Assessment Panel

Adelaide Hills Council

63 Mount Barker Road

STIRLING SA 5152

26/10/2025

Dear Assessment Panel,

Objection to Development Application ID: 25018399

Proposed Development: Change of use to include tourist accommodation & construction of two (2) tourist accommodation units & associated water storage tank one.

Subject Land: 165 PRAIRIE ROAD CUDLEE CREEK SA 5232

I would like to Object to this development application on the following grounds:

1. Precedent for Other Title Development

My family have farmed most of the Prairie for 5 generations and at the time of her death in 2020, my mother owned approximately 236 hectares of land on the south western side of Prairie valley, comprising of approx. 12 titles.

During 2021 & 2022, my family and I consulted people within the planning department of the Adelaide Hills Council several times, as we considered ways to make the best use of those titles.

The Council staff we spoke with, left us in no doubt that they did not want additional people residing in Prairie valley due to the condition of Prairie Road, particularly it's being narrow and 1 way in / 1 way out, in a high-risk bushfire area. It was made very clear to us that, even if we were able to meet the cfs and epa requirements, they would be very unlikely to allow the applications through.

As a result of those conversations, we chose not to apply to realign the majority of those titles, meaning most of those titles still exist, undeveloped, in the valley.

Approving the change of land use and development in this application potentially sets a precedent that the number of people entering and staying in the valley is no longer an issue, making it easier for those other titles to be developed.

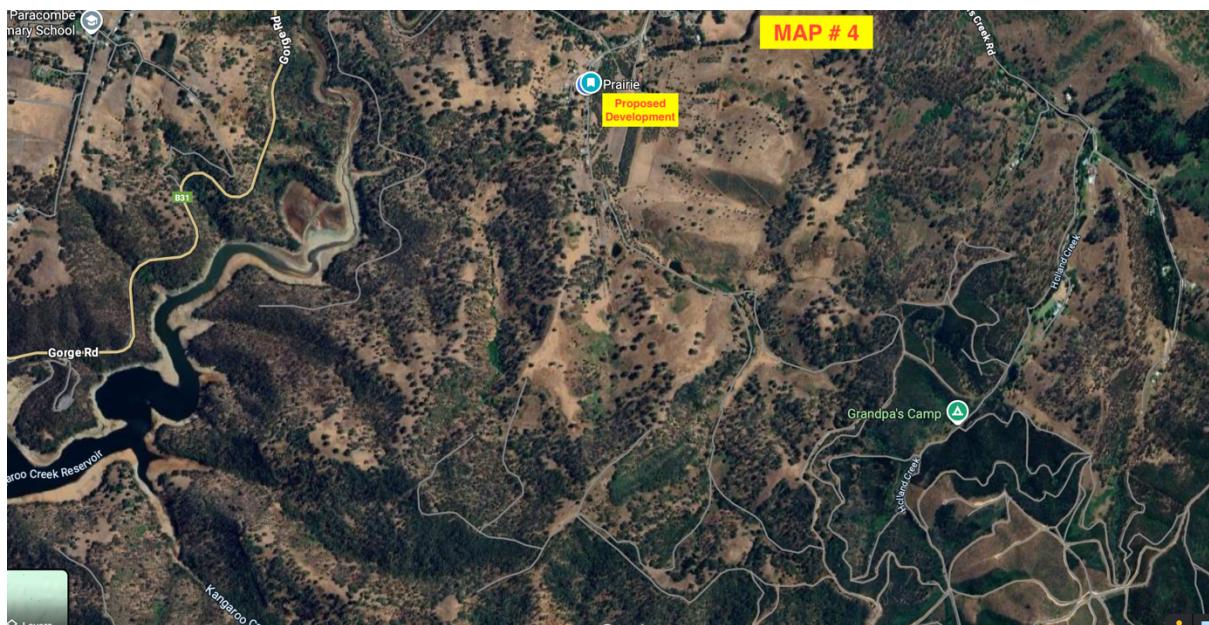
The maps below show the entrance to Prairie Valley, how Prairie Road declines and the areas surrounding Prairie Valley which caused such a concern to the contacts we spoke with.



Map # 1 & # 2 - showing the single entry into Prairie Valley and the valley itself



Map # 3 shows the point approx. 300m past the proposed development where the quality of Prairie Road significantly declines again.



Map # 4 shows the general area surrounding Prairie Valley and the proposed development

2. Hazards (Bushfire -High Risk) Overlay

Key information appears to be missing from the “Planning and Design Code Policies Assessment” section of the application, where the applicant has made the following statement:

“Environment, Safety and Amenity”

As such, it is considered the proposal complies with the relevant policies in Hazards (Bushfire – High Risk) Overlay”.

The wording “As such” is normally used to sum up the meaning of points already raised, as can be seen for the other points in this section of the application.

However, with regard to the relevant policies in Hazards (Bushfire – High Risk) Overlay, no details have been provided explaining how the proposal plans to comply. Without that detail, this is a very random statement.

Is the lack of detail because of the difficulties with compliance to the Hazards (Bushfire -High Risk) Overlay, given the very significant threat bushfires pose within this valley?

3. Bushfire risk

While the application mentions some steps to mitigate the risk of fire to the units themselves, as mentioned previously, the only access road, Prairie Road, is narrow, unsealed and one way in / one way out.

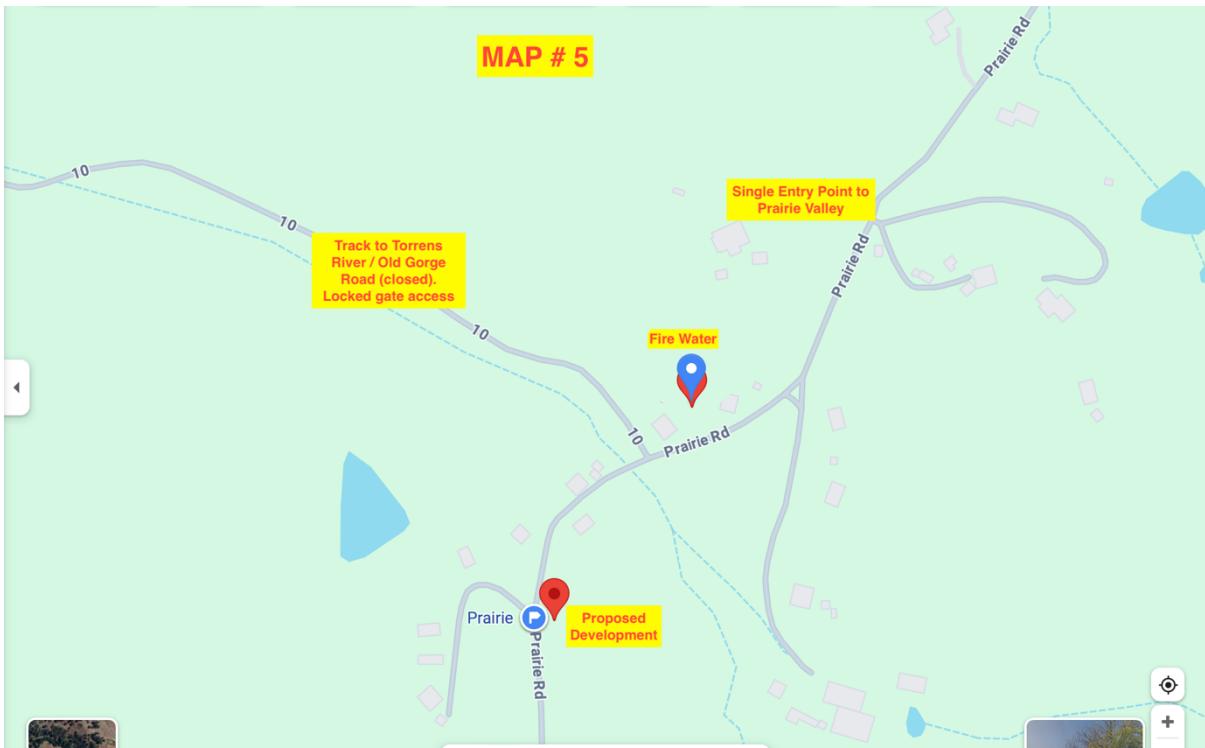
From experience, we have seen that the CFS don't enter the valley until the main front of any bushfire has passed. We believe it is because if they go in, they can easily be trapped. This was why households in the valley weren't notified to evacuate during Ash Wednesday 1983, when the whole valley burned. While evacuation warnings have improved since that time, they still rely on people to monitor warnings and conditions and respond appropriately.

Within the last decade, it has been private farm units from families who live in the valley, who largely prevented the Samson Flat (2015) and Cudlee Creek (2019) fires from burning into the valley and who spent weeks monitoring and cleaning up hotspots once the main fires had passed. Private farm units also minimised asset loss when the entire valley burned in Ash Wednesday 1983.

A key water fill-up point for these private farm units is near the road marked "10" on map # 5 below. Unrestricted access to this is critical for those private farm units to perform their vital work in preventing fires burning into the valley and assisting with asset protection

Changing the use of the land to tourist accommodation will increase the number of people in the valley who will need to leave in the event of an emergency, and they will be unfamiliar with the area and the risks involved.

This could endanger tourists and increase traffic congestion on Prairie Road. In turn, any increase in congestion could hamper the private farm units activity and/or water access which could endanger the valley residents and increase asset loss.



Map # 5 showing key Fire Water access point

4. The True Intent of Development on This Site.

The application is to change the land use for Title: CT6308 / 673 to tourist accommodation with proposed development of 2 cabins. As can be seen from Map # 6, the area of the Title which is being requested to have it's land use changed, is significantly larger than the area covered by the proposed development within this application.



Map # 6. The red outline is Title: CT6308 / 673 from the SAPPA website. The area in green is approximately the proposed 2 cabin development.

The current owners successfully realigned the boundaries of 4 Titles in 2023 under Plan SA Application ID 23013148. This particular parcel of land was one of those

realigned and, given the current application, it would appear that the realignment was done with the intention for applying for a change in land use. The boundary realignment was done in such a way that it didn't need public notification or neighbour awareness.

I am concerned about what development is intended for the balance of Title: CT6308 / 673. While this application is meant to be for 2 cabins, the “proposal” section of the application discusses 4 cabins. So clearly consideration has been given to more accommodation.

Also, given the choice to realign the title boundaries and make this title as large as it is, it feels like the number of cabins requested in this application has been reduced to try to increase the chance of the land use change being approved.

I am concerned that if the land use change is approved, future accommodation developments would have less scrutiny and opportunity for input from neighbours, as was the case with the boundary realignment. As outlined above, the applicants have shown a precedent for staging development changes to minimise the initial impact of the change, but with a greater purpose in mind.

I am also concerned about the possibility for self-contained accommodation such as caravans and tents. This style of accommodation would be easier for the applicants to implement due to less structure and development approval requirements. However, it could significantly increase the wear and tear on the road, create congestion and traffic issues due to the vehicle sizes, dramatically increase the number of tourists on the allotment, increase the amount of water being used and hence the waste water to be disposed of, increasing the risk of potential contamination of the creek on the eastern boundary of the property.

5. Allotment not having been used for primary production

In John Stimson's letter dated 25 September 2025, the second dot point of number 1 states “the western part of the site on the slope where the proposed cabins are to be located has not been used for primary production.”

I would like to dispute this statement as my Grandfather, Lesley Redden, produced plums and quinces from this site for decades until Ash Wednesday 1983 burned the trees and they never fully recovered. My uncle, Bryan Redden, fenced the orchards and used them for farming sheep from the late 1980's until his death in 2022. The quince trees continued to be harvested and the fruit sold by Mr Redden during this time. Since the property was purchased by the current owners, the applicants in this proposal, sheep have continued to graze this section of their property.

If the applicant believes the requested change in land use will not significantly impact primary production within the valley, they shouldn't need to misrepresent how the land has been being used.

6. Water

The creek on the eastern boundary of this application is a significant water source for 4 properties which are downstream to the property in this application and who rely on the creek for their residential water.

This creek has 2 main tributaries which run across neighbouring land held by the applicant. Both are dammed with the dams being owned by the applicant. While this creek is spring-fed, it is already under significant pressure from water use within the valley. Increased water use and a drier than normal winter in 2024, meant that there were times during the 2025 summer when there was insufficient flow through the creek for the families that rely on it for their daily water. This hadn't happened during the 5 generations of my family farming this valley.

I am concerned about where the water to maintain the site and for the daily use of the tourists is to come from. The 10,000 Litre water tank mentioned in the application is for bushfire mitigation, so cannot be used for maintenance or daily living activities.

My concern is that these additional dwellings will increase the pressure on the creek - whether that is from directly drawing water from the creek, taking it from the dams which would otherwise feed the creek, or increased bore water use which could effect the natural springs that feed the creek - and that will further impact the families downstream which rely on the creek for residential water use.

7. Dust Nuisance

Prairie Road is unsealed for approximately 450 metres before the applicants entry points. There is also a narrow bridge which must be crossed to access this allotment.

During the dry summer months dust is already an issue for the valley residents. Being a valley, dust can stay trapped and airborne for some time after vehicles have used the road.

I am concerned that increasing the number of dwellings will increase the traffic congestion and dust nuisance on this road.

Additionally, tourists will be unfamiliar with the area and not necessarily drive to the conditions, increasing the risks to themselves and the valley residents.

8. Noise

Being a valley, sounds echo extremely well. Increasing the amount of accommodation is going to increase the noise levels in what is currently a fairly quiet rural valley.

9. Security / Trespass potential

The other land within the valley is privately owned with no other tourist attractions. The closest tourist attractions / restaurants are the Gorge Wildlife Park and the Cudlee Creek Caravan Park.

With planned stays of up to 14 days and limited other activities, it's likely tourists may choose to walk/drive the valley roads.

While that's acceptable on the public roads, there is limited signage throughout the valley of what is public and private access.

We also know from experience, that people often venture onto private parts of the valley.

I am concerned that increasing the number of people coming into the valley will increase this issue. This raises bio-security concerns and also issues with gates, property management, property security and safety for both valley residents and tourists alike.

For all the reasons outlined above, I object to this change of land use and development application and would prefer the Council reject this application.

However, should Council choose to grant approval, then I would request the Council consider limiting the scope of development on this allotment to that requested in this application, including:

- a. 2 cabins only as requested
- b. Maximum of 6 guests per night
- c. Maximum of 200 nights booked annually
- d. The number of vehicles be restricted to those which can be parked on the site
- e. No self-accommodation such as, but not limited to, caravans, tents, etc.

I would further request that conditions be put in place such that, should another development application be lodged for further cabins or other tourist accommodation on this title, public notification with the opportunity to object is still required.

These requests are based on minimising the impact on existing residents of the issues raised above in objecting this application.

Thank you for the opportunity to voice my concerns.

Kind regards

Judith Fox

PO Box 285, BIRDWOOD SA 5234

Representations

Representor 5 - J and M Radford

Name	J and M Radford
Address	Box 390, Cudlee Creek CUDLEE CREEK SA, 5232 Australia
Submission Date	27/10/2025 11:22 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development
Reasons See attached document	

Attached Documents

Representation-JIAndMrRadford-25018399-12615518.pdf

JL & MR Radford
Prairie Gardens
(PO Box 360)
128 Prairie Road
Cudlee Creek, 5232, SA

24.10.2025

Planning Department
Adelaide Hills Council
developmentadmin@ahc.gov.au

Ref: 25018399
Prairie Road, Cudlee Creek -proposed tourist accommodation

We write as objectors to the above mentioned planning application for tourist accommodation. Detailed comment is to be found below. In short summary our concerns are:-

- Overdevelopment in a rural setting
- Actual and potential adverse health & environmental outcomes.
- Adverse pressure on local water sources.
- Infrastructure to support additional dwellings is inadequate

The application at one point suggests four, not two, accommodation units. This needs clarification.

The plans do not show vehicular access to the waste water treatment. Above ground dispersal of treated water has the potential to spread disease either by run-off, or by aerosol. Presumably spray dispersal of water above ground will require an electric pump. The consequences of mechanical failure must be considered. Likewise, the consequences of failure in the electric supply needs to be considered (power failure is not uncommon).

The stream is environmentally very sensitive. Any contamination of this nearby (permanent) stream will seriously affect the local residents who rely on the stream as their primary water supply. Furthermore, the stream is habitat for native fish and bats are known to hunt over the stream.

The stream feeds directly into Kangaroo Creek Reservoir.

It is not clear (as claimed by the applicant) why, or how, tourist accommodation is “associated with primary production”. This raises the prospect of the accommodation being used for agricultural workers. In any event, the applicant already has three units commercially let to tenants.

The applicant’s claim the “western part of the site has not been used for primary production” is contrary to recollection, which is of sheep grazing the area proposed for the accommodation. Furthermore, mention of “thinning of trees” appears to have been site clearance in preparation for the application.

The proposed development, including waste water dispersal area will take land out of primary production.

The proposal suggests six guests at any one time – this has the potential for three cars to be parked, so maybe parking is inadequate. Furthermore, there is no provision for additional parking by casual visitors to the guests.

The question has to be raised regarding the suggested monitoring of the accommodation occupancy, as suggested by the applicant. Is there any mechanism within the Adelaide Hill Council to routinely monitor the maximum length of stay and the annual occupancy rate? Additionally, are there any sanctions that can be applied if the accommodation is overused?

In regards the South Australian Country Fire Service (CFS). The plans might comply with the basic requirements but the reality is that those requirements are inadequate under the circumstances. Any structure fire will, for certain, involve multiple CFS vehicles (at least five at a recent fire in Prairie), plus police and ambulance vehicles (automatically despatched). Access to the proposed fire water tank is likely to be hazardous, even impossible in the event of a structure fire.

Because of limited parking, the possibility of guests/visitors parking in the turning area and impeding fire fighting efforts cannot be ignored.

The application does not make clear the source of potable water, nor if any licence to extract water has been applied for. Any increase in water extraction has the potential to adversely effect the nearby environmentally sensitive stream and flow into Kangaroo Creek reservoir.

Anecdotally, there seems to have been an increase of the salt content of ground water in the last twelve months or so.

The plans do not show how or where electric power will be sourced and connected. The local electricity supply is presently fairly weak in that lights momentarily dim when motors start.

Of significant concern is the increase in vehicular traffic. The access roads are unsealed. In summer months, dust generated by traffic hangs in the air and is environmentally hazardous. Adjacent foliage is white with settled dust. **The lingering dust clouds generated by vehicles is not only a nuisance but also a serious chronic health hazard.** Any increase in traffic will exacerbate this serious problem.

We also have additional concerns in regards noise and potential light pollution.

Signed: JL & MR Radford
Sent per email

Representations

Representor 6 - Nicole Brammy

Name	Nicole Brammy
Address	35 SOUTH TERRACE ADELAIDE SA, 5000 Australia
Submission Date	27/10/2025 03:01 PM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons	As per attached document

Attached Documents

Representation-25018399NBrammy-12620204.pdf

REPRESENTATION ON APPLICATION

Planning, Development and Infrastructure Act 2016

Applicant:	Pink Acacia Pty Ltd
Development Number:	25018399 <i>[development application number]</i>
Nature of Development:	Change of use to include tourist accomodation - construction of 2x tourist accomodation units and associated water storage
Zone/Sub-zone/Overlay:	Productive rural landscape
Subject Land:	165 Prairie Rd Cudlee Creek SA 5232 CT6308/673 Plan Parcel D134142AL3
Contact Officer:	Mr. James Booker, Adelaide Hills Council
Phone Number:	Click here to enter text. <i>[authority phone]</i>
Close Date:	27/10/2025 <i>[closing date for submissions]</i>

My name*: Nicole Brammy	My phone number: (
My postal address*: 35 South Tce Adelaide SA 5000	My email: _____

* *Indicates mandatory information*

My position is:	<input type="checkbox"/> I support the development I support the development with some concerns <input checked="" type="checkbox"/> I oppose the development
-----------------	--



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

1. The proposed dwellings are on low lying land, on a flood plain close to the creek. There is a safety issue regarding potential inundation of septic systems and contamination of runoff water in the case of a flood event. There should be further assessment of the suitability of the land in this regard.

2. The location of the proposed driveway entering and exiting off a single lane dirt road so close to the Isaac Rd creates a traffic risk.

We welcome small scale accommodation on farms just that this particular location is not great for many reasons.

[attach additional pages as needed]

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

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

I: wish to be heard in support of my submission*

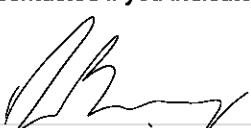
do not wish to be heard in support of my submission

By: appearing personally

being represented by the following person: [Click here to enter text.](#)

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

Signature:



Date: 27/10/25.

Return Address: [Click here to enter text.](#) *[relevant authority postal address]* or

Email: [\[relevant authority email address\]](#) or

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

Representations

Representor 7 - wesley redden

Name	wesley redden
Address	148 prairie road CUDLEE CREEK SA, 5232 Australia
Submission Date	27/10/2025 08:05 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

Its in a high fire risk area where the cfs has refused to enter in the past because there is only one way in and this will bring people into the area who have no fire awareness and hinder firefighting efforts of farm units having to check up on them. The area would have been affected by fire twice in recent times by the samson flat fire and the cudlee creek fire and was only stopped by farm units both times. The units are also very close to a watercourse and the extra pollution of sewage and weedsprays etc may also affect water quality and the native fish that live in the creek. It should be noted that the creek was diverted many years ago and the area near the units was drained and these drains end up in the creek nearby. There should also be sufficient parking on site for all guests as prairie road is narrow and not suitable for parking on street

Attached Documents

7 November 2025

john@stimsonconsulting.net.au
www.stimsonconsulting.net.au

Mr D Samardzija
Adelaide Hills Council
PO Box 44
Woodside SA 5244

ABN 87 096 337 576

Dear Doug

ID 25018399 – 165 Prairie Rd Cudlee Creek – proposed tourist accommodation

Below is the applicant's response to the seven representations received during the public notification period.

Kenley

The representation is supportive of the proposal. No response.

Hilditch Lawyers

The issues raised relate to the following:

- . association with the rural use of the land
- . 40m setback to boundaries
- . land use and scale
- . size of proposed cabins

The applicant, who also owns the adjoining properties to the northeast and east, proposes to offer guided educative walks through the orchards, enable picnics in the orchards and a farm experience with the sheep that graze of the property through their Prairie Orchards Farmstay business. As such with this authentic visitor experience is considered there will be a direct association with the rural activities on the subject land as well as on the adjoining land that is owned by the applicant. Furthermore there will be some produce (homemade jams and relishes as well as flowers) that are produced on site that will be made available to guests in the cabins. The selection of the site on the subject land for the cabins was carefully considered. Being on the western side of the land near Prairie Rd (setback is some 15m) the cabins are away from the orchard trees and above the flood level of the creek. The relevant policy (PO 6.4) is premised upon rural settings typically having buildings that are well setback from roads as well as providing distance between tourist accommodation proposals from existing dwellings on nearby properties. In this instance the character of setback of dwellings from Prairie Rd is unusual for a rural location in that most dwellings are located quite close to Prairie Rd as can be seen on the aerial photo below.





The distance from the proposed cabins to the nearest off site dwelling is approximately 45m (see aerial photo below). Other nearby dwellings are approximately 65m, 120m, 135m and 250m from the nearest proposed cabin. Thus the separation between proposed tourist accommodation and existing dwellings on neighbouring sites that the policy seems to seek is actually provided on ground in this instance.



With regard to the size of the proposed cabins the policy that needs to be complied with is PO 6.3. DPF 6.3 is one way of virtually automatically complying with PO 6.3. The internal floor area of cabin 1 (two bedrooms) is 60.32sqm and for cabin 2 (one bedroom) is 58.96sqm giving a total of 119.28sqm. This total is not quite 20% above the 100sqm mentioned in DPF 6.3 but is under the 150sqm for an existing building. The subject land is some 1.62ha so the two cabins will represent 0.7% site coverage. This is a tiny amount of site coverage. The cabins will have FFLs of 290.5m AHD and 292.5m AHD which are 2-3m below the levels on Prairie Rd and as such will not be dominant elements from Prairie Rd. The proposed landscaping will after a few years of growth further screen the cabins.

The letter I wrote dated 20 June 2025 incorrectly mentioned 4 cabins. This was a cut and paste error from another project. Only two cabins are proposed.

Kanbergs

The following issues were raised:

- bushfire safety
- tree removal
- groundwater use
- visual impact
- noise/light impacts
- chemical storage
- aquatic issues
- traffic access
- water quality/environmental impacts
- privacy
- power supply
- aboriginal heritage
- land use

With regard to bushfire matters the applicant has prepared the attached Bushfire Survival Plan.

With regard to the issue of Prairie Rd Cirqa (traffic engineers) have provided the following advice that states

"Prairie Rd is identified as a 'local road' by the South Australian Government's Location SA Viewer. Prairie Road comprises a sealed surface for the 480 m (approx.) south of its intersection with Redden Road (which is also sealed and the route in which customers which would be requested to access the site) and comprises a two-way width to (approximately) the location of the primary



driveway to 145 Prairie Road. Beyond (south) of this point, the Prairie Road carriageway narrows to a single vehicle width, albeit with adequate passing opportunities provided at appropriate frequencies (relative to the recorded existing and forecast future traffic volumes) along its length, up to the proposed site access.

Traffic data previously collected by Austraffic (a third-party independent data collection specialist) identifies that Prairie Road (adjacent 145) has an Annual Average Daily Traffic (AADT) of 39 vehicles per day (vpd).

Austroads' "Guide to Road Design" identifies that for a rural road with a traffic volume of less than 150 vpd, a road may comprise only a single traffic lane. This takes into consideration the low level of likelihood that drivers will encounter an opposing vehicle on a given section of roadway.

Relative to the subject arrangement, the section of Prairie Road whereby single traffic lane widths are present is approximately 330 m in length. This is a relatively short section of roadway along which passing opportunities are afforded within 60 m or less, with intervisibility able to be established between each. Noting the roadway width and alignment (both vertical and horizontal) of Prairie Road, it is considered that vehicles would be travelling at low speeds along this section (low vehicle speeds would also assist to mitigate dust nuisance). Drivers would then be able to appropriate stop at a passing opportunity to wait for an oncoming vehicle to pass in the unlikely event that such a situation occurred.

On the basis of the above, I consider that the proposed development will not detrimentally impact upon the safe operation of Prairie Road, and consider the roadway to be safe for its continued use by surrounding residents and guests of the proposed accommodation."

The proposed driveway material is typically used on many properties in the locality. Advice from Cirqa states:

"The driveway should be constructed of an appropriate all-weather material, and designed to accommodate forecast traffic volumes. This may include a compacted rubble, similar to the surface of Prairie Road."

The proposed wastewater system has been designed to satisfy all of the DHW requirements. The system including the disposal area for treated water is located more than 50m from the creek.

No groundwater is to be used. The cabins will be supplied water from the applicant's recently built water system that harvest rain from the roofs of the large buildings and then is treated by filtration and pumped to a 360,000 litre tank (approved ID 23007872). Pipes then distribute the water to various buildings on the applicants' sites. The applicant also has a licence (see attached WL-448453) to take 10,000kl pa from a bore should the tank run dry. A plan showing the existing system is on the following page. The pipe will be extended from the existing dwelling on 165 Prairie Rd to the cabins. As no groundwater (from the creek) will be taken there will be no issue with downstream users of the water, including for the fish.



With regard to privacy concerns Mr Kanbergs resides at 141 Prairie Rd which is some 220m to the northeast of the proposed cabins. As mentioned above the proposed cabins are 45m or more away from other off site dwellings. It is considered there will not be privacy issues. The proposal does have landscaping particularly between the proposed cabins and Prairie Rd.

Lighting near the cabins, parking spaces and the driveway will be limited to solar powered bollard lights that are 800mm high which have minimal impact.

The maximum number of guests will be six (6).

There will be no amplified sound permitted.

Electricity will be supplied to the cabins via underground cables. SAPN will advise which stobie pole will be used to supply.

The proposed stormwater system does direct runoff from roofs to an existing swale – which is precisely what it is for.

With regard to aboriginal heritage the Aboriginal Heritage Act 1988 requires that if artefacts are found then notification to the relevant authorities must occur. The land has been disturbed with farming practices over the years so the chances of finding anything without digging are very low. If anything is found the applicant will comply with the Act.

The issue of chemicals being stored on the neighbouring property is irrelevant to this proposal as it is not on the subject land.

No native vegetation has been removed. The trees that were removed on site were old plums and quinces which were not viable for production purposes. Not permits for the removal of these trees was required.

I correct the statement made in my letter dated 20 June 2025 regarding the site not being used previously for rural activities. The site has been used in recent years for sheep grazing and the



applicant has advised this will continue. A few decades ago the site had orchard trees on it but were burnt in the 1983 fires.

Deut

The following issues were raised in the representation:

- . impact on water resources
- . creek impact
- . amenity (noise and traffic)
- . environmental

Most of these issues have been responded to above. As with any development the amenity of the locality will be altered slightly but not unreasonably. The volume of additional vehicles using Prairie Rd will be around 6 movements per day as per advice below from Cirqa. This is well within the capacity limits of the road.

"The TfNSW "Guide to Traffic Impact Assessment" identifies a daily traffic generation rate of 3 trips per unit as appropriate to forecast traffic associated with similar accommodation facilities. Based on two units, the proposed development is forecast to generate in the order of 6 daily vehicle movements (3 in and 3 out). Taking into consideration the existing 39 daily vehicle movements recorded on Prairie Road, the additional traffic will not impact upon its nature or function, nor is it considered to impact upon the safe operation of the roadway."

There is no need for an environmental impact assessment as the proposal does not come close to meeting the requirements in the Planning Development and Infrastructure Act or the Environmental Act for such a study.

Fox

The following issues were raised in the representation:

. suitability of Prairie Rd	. bushfire
. land use	. previous use of site as rural
. water	. dust and noise
. security / trespass	. precedent for development

Most of these issues have been responded to above.

The CFS through the referral process and Council will determine if the access point and the onsite turnaround is suitable. The Grant Fleming Environmental Bushfire report (dated 3 April 2025) provided advice to slightly shift the cabins to reduce the BAL rating – this was done. The proposal will provide a fire water tank on site in accordance with requirements. As per the Bushfire Survival Plan when there is a Catastrophic bushfire day guests in the cabins will be required to leave.

I acknowledge the previous rural use of the site.

This application seeks to add tourist accommodation to the existing use of the land not remove the existing use. Only 2 cabins are proposed.

No water will be taken from the creek for the cabins as the applicant's water system will provide potable water.

Dust during dry periods will occur when vehicles use Prairie Rd. Guests at the cabins are more likely to be aged 30+ and can be considered to typically be more experienced drivers. Experienced drivers that are unfamiliar with the road are more likely to travel more slowly than younger users of the road. See Transportation Research Part F: Traffic Psychology and Behaviour Volume 27 Part A November 2014 - [Are experienced drivers more likely than novice drivers to benefit from driving simulations with a wide field of view? - ScienceDirect](#). It is reasonable to assume that the vast



majority of guests are more likely to drive to the conditions. Furthermore, the applicant will provide information to guests that are proposing to stay regarding where to access the cabins as well as about Prairie Rd and the need to drive carefully.

To assist with the concern raised about not knowing what land is public and private the applicant will provide each guest with a map of the local area indicating such areas. As discussed above the applicant will offer guided walks and activities on their land which should minimise trespass issues.

The dot points a- e in the Fox representation are acceptable to the applicant as potential conditions of consent.

Radford

The following issues were raised in the representation:

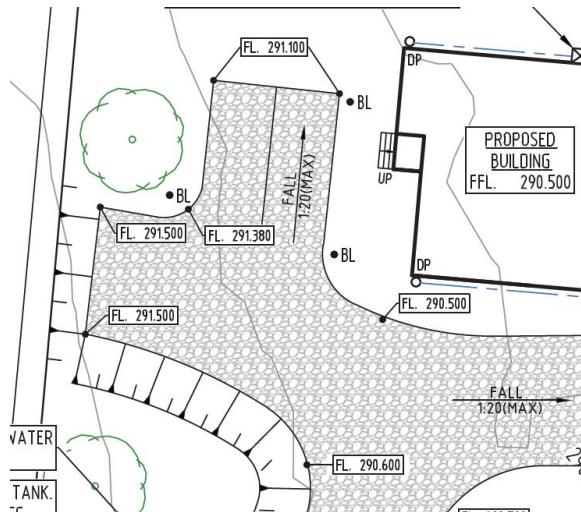
- overdevelopment
- water
- 4 cabins mentioned
- wastewater treatment system
- agricultural use of the site
- fire water tank
- dust / road traffic
- vehicular access to wastewater treatment system
- health and environmental outcomes
- infrastructure
- association with rural use
- workers' accommodation
- carparking
- mechanism for monitoring occupancy

Many of the issues have been responded to above. The proposal will reduce the amount of land used for rural production by a few hundred square metres which is a very minor amount of the subject land. Improvements to rural production land that the applicant owns which has been ongoing for a few years and will continue for a few more years will easily make for the loss of a few hundred square meters of this site.

The applicant will be keeping a record of bookings and occupancy which can be made available to Council.

The fire water tank is proposed to be located in accordance with design requirements in the PDCode. The driveway next to the tank will be 5.5m wide which enable vehicles to pass each other. The applicant is willing to have the driveway be a loop with two access points – this was part of the first plan that was lodged but advice from Council was to not have two access points.

An additional (3rd) carparking space is proposed with it being located adjacent the cabin with two bedrooms. See plan below. This is in excess of the PDCode policy requirement of 1 space per cabin. A sign will be placed in the turnaround area to prohibit parking.





The application does not seek consent for workers accommodation.

Brammy

The following issues were raised in the representation:

- . in flood plain
- . inundation of wastewater system
- . access point location too close to Isaac Rd intersection

The cabins and wastewater system are not in the flood plain. Advice from Waterscope states "*The OWMS and irrigation area are not in a flood-prone location for the relevant design event. The land grades to the north, parallel to the creek, only meeting it approx. 160 m away at the Prairie Rd culvert on the northern boundary, with substantial orchard buffering in between.*"

CIRQA previously inspected the subject site to determine locations along Prairie Road where appropriate sight distances could be achieved. The inspection identified the subject driveway location as an appropriate place for the establishment of sight distance both north and south on Prairie Road. I understand that this has been concurred with (in-principle) by Council. With regard to the proximity to Isaac Road, the access is appropriately separated from the intersection as per the requirements of AS 2890.1.

Redden

The following issues were raised in the representation:

- . bushfire
- . close to water course
- . carparking

These issues have been responded to above.

The applicant and I will attend the Council Assessment Panel meeting to listen to and respond to verbal representations.

Should you have any queries regarding this proposal please send an email to john@stimsonconsulting.net.au or call on 0402134568.

Yours sincerely

STIMSON CONSULTING PTY LTD

JOHN STIMSON
Managing Director

Enc.

BUSHFIRE DEVELOPMENT ASSESSMENT – 165 PRAIRIE ROAD, CUDLEE CREEK, SA.



J. NOBLE

FINAL REPORT



GRANT FLEMING ENVIRONMENTAL

3 APRIL 2025

Bushfire Development Assessment – 165 Prairie Road, Cudlee Creek, SA.

Cover Photographs: Grant Fleming 2025.

Document History

Document Number NOBLE BDA FINAL

ISSUE DATE	REVISION	AUTHOR	CHECKED	APPROVED
28 MARCH 2025	DRAFT	G. FLEMING	G. FLEMING	G. FLEMING
3 APRIL 2025	FINAL	G. FLEMING	G. FLEMING	G. FLEMING

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EXECUTIVE SUMMARY

Grant Fleming Environmental (GFE) undertook this Bushfire Development Assessment (BDA) of the proposed development involving the establishment of two tourist accommodation cabins at 165 Prairie Road, Cudlee Creek South Australia 5251 (site) on behalf of J. Noble (client). A preliminary bushfire risk assessment identified the presence of vegetation classified as Woodland (B) in accordance with AS3959:2018 to the north and south of the site with Grassland (G) present within the agricultural properties on the western side of Prairie Road adjacent site. The site is located within a narrow strip of managed grassland due to the existing grazing with an unmanaged orchard on the western side of the site. The grazing pressure exerted by sheep at the site has been effective in managing the fuel load across the property.

The proposed development was assessed against the requirements of the Hazards (Bushfire – High Risk) Overlay under the P&D Code of the PDI Act, Government of South Australia (2020) *Ministerial Building Standard MBS 008* and AS3959:2018. The landscape plan for the proposed tourist cabins when developed should be reviewed to ensure compliance with the requirements of the asset protection zones recommended in this report.

A feature of the bushfire history within 5 km of the site is that practically the entire area has been exposed to at least one bushfire with the Cudlee Creek Bushfire coming within 220 m of the site and the 1983 Ash Wednesday II Bushfire burning across the entire site. A wide range of bushfire ignitions have been attributed to these bushfires including arson that continues to be a leading cause of bushfires within the surrounding landscape along with human derived ignitions. Another important cause of bushfire ignitions are motor vehicles either due to fires starting due to a crash, such as the Paracombe Bushfire or due to vehicles driving through dry grass causing an ignition.

The site had a low standing fuel load due to the grazing pressure exerted by the sheep present. No evidence of historical fire was observed across the site however the Ash Wednesday II bushfire burnt across the site in 1983.

The Bushfire Attack Level (BAL) for Cabin-A and Cabin-B was assessed to be BAL 19 due to the proximity of Classified Vegetation – Grassland (Group G). However if the footprint of the Cabin-A and Cabin-B are shifted to the east by a distance of 4 m and 2 m respectively the BAL rating can be reduced to BAL 12.5. The separation distance between these cabins and the Grassland (G) on the western side of Prairie Road may be further refined by a survey. It is considered that the BAL rating of BAL 12.5 is appropriate as it is considered that the site is likely to come under ember attack in the event of a large bushfire within the Kangaroo Creek Reservoir or Millbrook Reservoir regions located to the northwest and north of the site respectively.

An Asset Protection Zone (APZ) - A-zone 20 m wide is required to be established from the exterior of each proposed cabin in all directions to the extent possible. Grass in the APZ is to be maintained \leq 10 cm for the duration of the fire danger season.

GFE has applied the precautionary principle to this bushfire development assessment in recommending the following to improve various aspects of the proposed development with regard to bushfire safety and preparedness:

- Maintain vegetation along Prairie Road verge so that grass is maintained at below 30 cm in height and trees are skirted to 2 m (removal of low lateral branches).
- Manage the fuel load comprised of fallen leaves and twigs within the orchard so that this fuel does not accumulate – maintain a low fuel load within the orchard.
- Move the proposed position of Cabin-A a minimum of 4 m east in order to reduce the BAL from BAL 19 to BAL 12.5.
- Move the proposed position of Cabin-B a minimum of 2 m east in order to reduce the BAL from BAL 19 to BAL 12.5.
- Construct the driveway to comply with the specifications of the Hazards (Bushfire – High Risk) Overlay.
- Install a 10,000 L dedicated water supply with fire fittings in accordance with the specifications within MBS 008.
- Locate the 10,000 L dedicated water supply so that the outlet of the tank is within 60 m of both cabins.
- Review the Landscape Design to comply with the vegetation requirements of an APZ in accordance with SA SBCC (2020).
- Liaise with AHDC to ensure that standing fuel loads are moderated along Prairie Road during the declared bushfire season.



GLOSSARY OF TERMS AND ABBREVIATIONS

GLOSSARY OF TERMS AND ABBREVIATIONS	
AHDC	Adelaide Hills District Council
AMLR BMAP	Adelaide and Mount Lofty Ranges Bushfire Management Area Plan
APZ (A-zone)	Asset Protection Zone
Assets	Assets may be related to human settlements including existing infrastructure; roads, footpaths, parks, buildings or environmental assets; components of the environment that may be at risk from bush fire including rated species or socioeconomic assets such as historic or culturally significant places or elements of the environment.
BAL	Bushfire Attack Level. AS 3959 (2009) describes six levels of risk of bushfire attack including BAL-LOW, BAL-12.5, BAL-19, BAL-29, BAL-40 and BAL-FZ and are based upon the potential exposure to heat flux thresholds, expressed as kW/m^2 .
BDA	Bushfire Development Assessment – the process of evaluating a development within a bushfire prone area against the legal requirements to protect property and lives against bushfire risk.
DEWNR	Department of Environment, Water and Natural Resources
BBZ (B-zone)	Bushfire Buffer Zone
BOM	Bureau of Meteorology
BPA	Bushfire Prone Area/ Bushfire Protection Area
Bushfire	A general term used to describe fire in vegetation, including grass fire and forest fire.
Bushfire Hazard	The potential severity of a bushfire, which is evaluated by fuel load, fuel arrangement and topography under a given climatic condition.
Bushfire Management	A systematic process that identifies and assesses assets and provides a range of treatments that contributes to the wellbeing of communities and the environment, which suffer the adverse effects of wildfire/bushfire.
Bushfire Risk	The chance of a bushfire igniting, spreading and causing damage to the environment, community or assets.
Bushfire Threat	Potential bushfire exposure of an asset due to the proximity and type of a hazard, and the slope on which the asset is situated.
CFS	Country Fire Service, South Australia
Clearance	The physical removal of vegetation. This may involve the removal of all vegetation from an area, for example on a fire track, through to trimming branches or the selective removal of species or a stratum of vegetation. With the exception of a fire track, generally clearance does not mean the removal of all vegetation.
C-zone	Conservation Zone
DA	Development Application
DEM	DEM Digital Elevation Model
DPF	Designated Performance Feature
DENR	Department of Environment and Natural Resources (Now Department for Environment and Water).
DTS	Deemed-to-Satisfy
EPBC Act	Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>



GLOSSARY OF TERMS AND ABBREVIATIONS	
X-zone	Exclusion zone
FDI	Fire Danger Index
FES Act	Fire and Emergency Services Act 2005
FFDI	Forest Fire Danger Index
FLA	Fuel load assessment
FMZ	Fire Management Zone
FRL	Fire Resistance Level
GAFMWG	Government Agency Fire Management Working Group
GFE	Grant Fleming Environmental
GIS	Geographic Information System
GVM	Gross Vehicle Mass
ha	Hectare, 1 hectare = 10,000 metres ² .
IAPZ	Inner asset protection zone - land adjacent to assets with a low fuel hazard, reducing the level of ember attack, direct flame contact and radiant heat impact and providing a defensible space with increased safety under some conditions (ESA 2014 ¹).
K	Kelvin the primary unit of temperature in the International System of Units.
LG Act	<i>Local Government Act 1999</i>
LMA	Land Management Agreement
LSA Act	<i>Landscape South Australia Act 2019</i>
MNES	Matters of national environmental significance
NCC	National Construction Code
Ng	Average annual cloud to ground lightning flash density
NSW RFS	New South Wales Rural Fire Service
NV Act	<i>South Australian Native Vegetation Act 1991</i>
OAPZ	Outer asset protection zone - land adjacent to an inner asset protection zones, where fuel hazard is reduced to a lesser extent than within the IAPZ.
PBP	NSW RFS 2019. <i>Planning for Bushfire Protection: A guide for Councils, planners, fire authorities and developers.</i>
P&D Code	Planning and Design Code, South Australia
PDI Act	<i>Planning, Development and Infrastructure Act 2016</i>
PO	Performance Outcomes
PRA	Preliminary Risk Assessment
S Zone (SFMZ)	Strategic Fuel Management Zone - These zones are strategically located to slow the spread of unplanned fires and reduce fire intensity and spotting.
SA SBCC	South Australian State Bushfire Coordination Committee



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1 INTRODUCTION

1.1 Purpose

Grant Fleming Environmental (GFE) has been engaged by Joshua Noble (client) to undertake a Bushfire Development Assessment (BDA) of the proposed establishment of two tourist accommodation cabins at 165 Prairie Road, Cudlee Creek, South Australia 5232 (site), Figure 1.

GFE understands that a Development Application has yet to be lodged with the Adelaide Hills District Council (AHDC) to obtain development approval and building consent for the proposed development of the site. As the site is a designated bushfire prone area mapped as within the Hazards (Bushfire – High Risk) Overlay of the Planning and Design Code (P&D Code) under the *Planning, Development and Infrastructure Act 2016* (PDI Act) a referral to the South Australian Country Fire Service (CFS) is automatically triggered. Following a referral the CFS (or a suitably qualified consultant) undertakes a BDA of the proposed development site, planned allotment and adjoining areas against the statutory requirements that relate to bushfire risk and mitigation.

This BDA reviews the proposed development including the proposed siting of the tourist accommodation cabins and access roads with respect to classified vegetation that determines the Bushfire Attack Level (BAL) applicable to the construction of accommodation. Statutory requirements including the Performance Outcomes (PO) required in the National Construction Code (NCC) will be considered including:

- Siting
- Access and Egress (public and emergency vehicles)
- Water supply
- Vegetation clearance
- Construction structural standards
- Firefighting equipment

Bushfire Protection Measures (BPM) will be recommended to minimize the threat of bushfire and to protect life and property.

1.2 BDA objectives

The BDA objectives are as follows:

- Conduct a Preliminary Risk Assessment (PRA) to establish the nature of bushfire risk that the site may be exposed to.
- Review the proposed development against the requirements of the following:
 - Hazards (Bushfire – High Risk) Overlay under the P&D Code of the PDI Act.
 - Government of South Australia. Ministerial Building Standard MBS 008. Designated Bushfire Prone Areas – Additional Requirements July 2020
 - National Construction Code of Australia (NCC)
 - Australian Standard 3959 – Construction of buildings in bushfire prone areas.



- Consider the proposed development conformance with the NSW Rural Fire Service (2019) *Planning for bushfire protection (PBP) guide*

1.3 Proposed Development

The site is located entirely within the Adelaide Hills District Council (AHDC) Local Government Area (LGA), Figure 1. The location of the proposed development is summarised in Table 1. The site is comprised of a single property (CT/6308/673) that occupies 1.6335 ha and is located approximately 1.8 km to the south west of the township of Cudlee Creek.

Table 1. Location of Proposed Tourist Accommodation Cabins

Landowner:	J. Noble		
Site Address:	165 Prairie Road, Cudlee Creek, SA 5251		
Local Government Area:	Adelaide Hills District Council	Hundred:	Talunga
Title ID:	CT/6308/673	Parcel ID	D134142 A3

The proposed development involves the establishment of two tourist accommodation cabins and driveway adjacent Prairie Road. Access to the proposed tourist cabins is via Prairie Road that is ultimately a no-through road to the south, with evacuation from the area via Gorge Road that may also be accessed from the site via Prairie Road and Redden Drive. No new access roads are required to be built in order to access the proposed development.

The site is zoned Productive Rural Landscape (Z4802) and is within the Environment and Food Production Area (O1502) Overlay.

The Overlays under the P&D Code of the PDI Act that apply to the proposed development include the Hazards (Bushfire – High Risk) (O2408) Overlay as mentioned. The Native Vegetation Overlay applies to the property and all remnant native vegetation present on the site is protected under the *Native Vegetation Act 1991* (NV Act).

Additional overlays that apply to the site include; Hazards (Flooding – Evidence Required) (O2416), Limited Land Division (O3605), Mount Lofty Ranges Water Supply Catchment (Area 2) (O3905), Prescribed Water Resources Area (O4802) and Water Resources (O6902) Overlays.



**BUSHFIRE DEVELOPMENT
ASSESSMENT -
165 PRAIRIE ROAD
CUDLEE CREEK SA 5232**

JOSH NOBLE

PROPOSED DEVELOPMENT

Legend

- Approximate Cabin GPS Location
- Point
- Approximate Building Footprint
- Approximate Site Boundary

NOTE: GPS location points are subject to GPS accuracy.

COPYRIGHT
1. Aerial image sourced from Metromap, aerial dated 02.02.2025, sourced 20.03.2025.
2. Roads data sourced from SA Data, sourced 18.09.2024.

SCALE (at A3): 1:1,000
PROJECTION: GDA2020 / MGA zone 54
DRAWING NO: GFE-047-F0001-Rev0.qgs
DATE: 23/03/2025
DRAWN: KB
CHECKED: GF

FIGURE 1

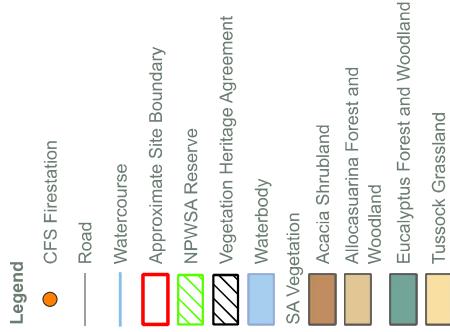
GFE



**BUSHFIRE DEVELOPMENT
ASSESSMENT -
165 PRAIRIE ROAD
CUDLEE CREEK SA 5232**

JOSH NOBLE

REGIONAL LOCATION



COPYRIGHT

1. Aerial image sourced from Metromap, aerial dated 02/02/2025, sourced 20/03/2025.
2. Roads, NPWSA reserves, vegetation heritage agreement, waterbody, watercourses, CFS locations, SA vegetation data sourced from SA Data, sourced 18/09/2024 & March 2025.

0 0.5 1 1.5 2 km
SCALE at A3: 1:37 500
PROJECTION: GDA2020 / MGA zone 54
DRAWING NO.: GFE-047-F0002-Rev0.qgs
DATE: 23/03/2025
DRAWN: KB
CHECKED: GF

FIGURE 2



GRANT ELEMENT INC ENVIRONMENTAL



305000

310000

315000

320000

305000

310000

315000

320000

6145000

6145500

6146000

6146500

305000

310000

315000

320000

6140000

6140500

6141000

1.4 Bushfire Protection Area (BPA)

The site is located within the Hazards (Bushfire – High Risk) Overlay under the P&D Code of the PDI Act as mapped by the Attorney General's Department (Government of South Australia 2022).

The entire surrounding area including beyond the township of Cudlee Creek the Hazards (Bushfire – High Risk) Overlay applies, Figure 3.

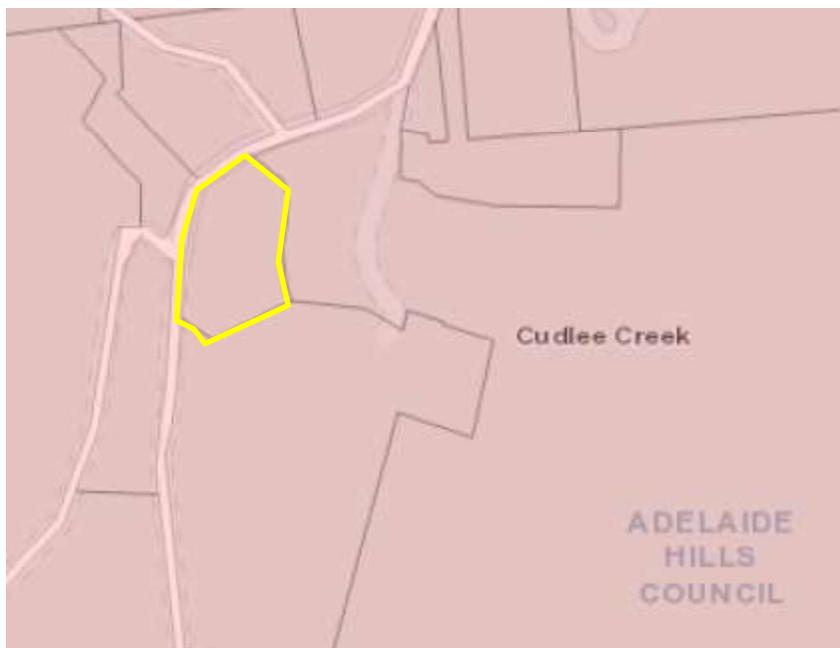


Figure 3 Bushfire Protection Areas (Pink - High Bushfire Risk) Site in yellow. Source:
<https://sappa.plan.sa.gov.au/>

In accordance with the Ministerial Building Standard MBS 008 the Bushfire Attack Level (BAL) within an area identified as being within the Hazards (Bushfire – High Risk) Overlay is required to be determined in accordance with Australian Standard AS3959 - *Construction of buildings in bushfire-prone areas* (AS 3959).

1.5 Surrounding land use

The generalised land use surrounding the site is shown in, Figure 4.

North of the site the land use is classified as Rural Residential and Livestock, Photo 1. An Open Eucalypt Woodland occupies the ridge north of the site and is evident in Photo 1. A Strahler Third Order Stream extends along the northern property boundary and extends to the west where it is lined by *Eucalyptus camaldulensis* (River Red Gums). Beyond these properties the predominant land use to the north and west of the site is the Kangaroo Creek Reservoir and the associated Eucalypt Woodlands that present a likely source of ember attack in the event of a bushfire under the influence of a north-westerly, westerly or south-westerly wind.





Photo 1 View north of proposed cabin B location.

The proposed location of the two tourist cabins is between Prairie Road and the abandoned orchards to the east, Photo 2. Beyond the orchards that occupy an artificially constructed flood plain is grazing land on the rising ground. Open Eucalypt Woodland occupies the ridge top, Photo 2. At the time of the assessment the property was grazed by sheep with very little standing fuel present and grass 100% cured.



Photo 2 View east to orchard and grazing on hillslopes.

The abandoned orchards continue immediately south of the site are with grazing land beyond the orchards on the hill slopes, Photo 3. Further southwest of the site is the Kangaroo Creek Reservoir and associated Eucalypt Woodlands.



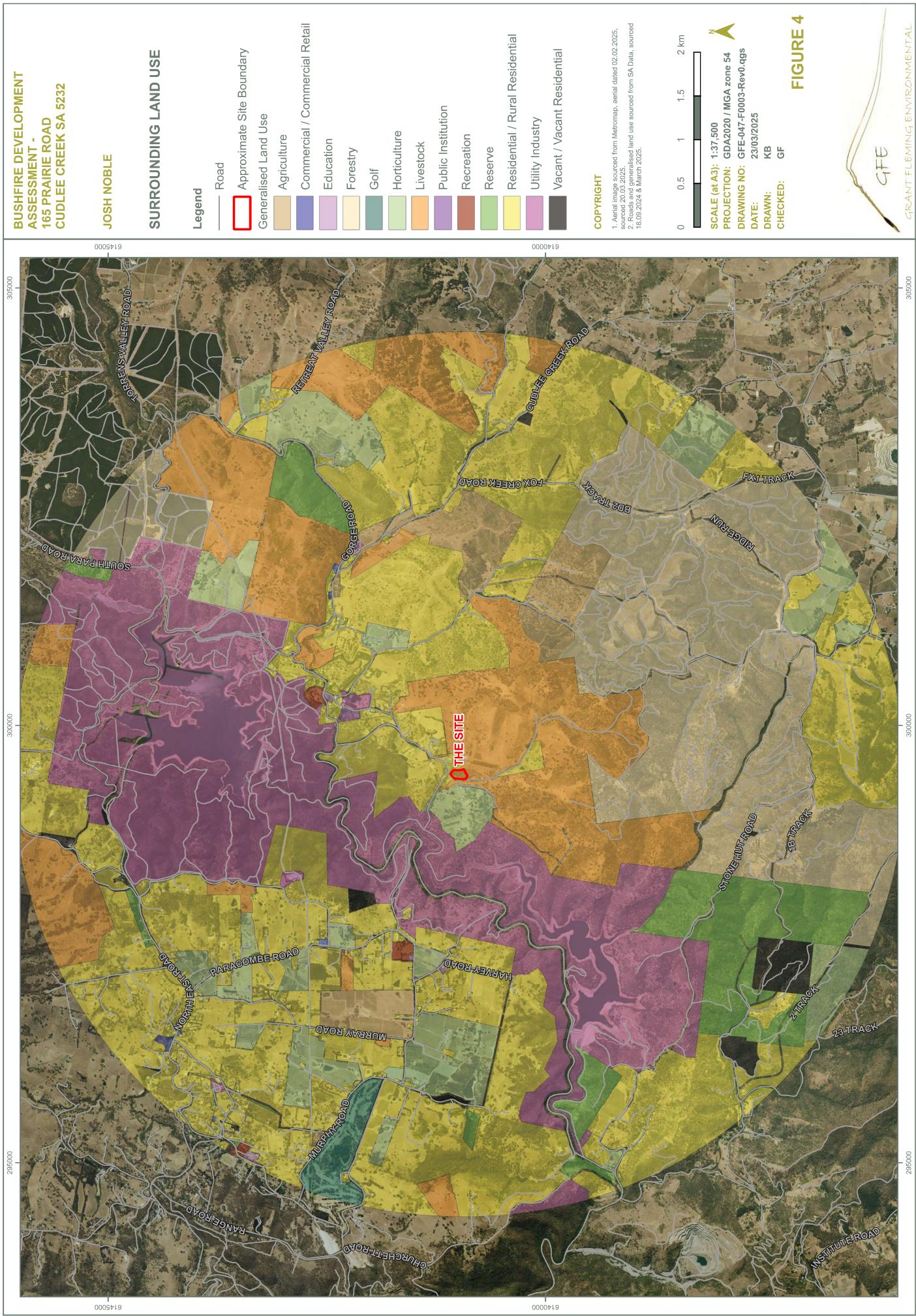


Photo 3 View south of the proposed cabin A location

Immediately adjacent the western boundary of the site is Prairie Road that extends from the north of the site to the south as a no-through road. The agricultural property west of Prairie Road is comprised of grazing land and areas of abandoned orchards, Photo 4. A Strahler Third Order stream extends along the northern perimeter of the site to the west with the western course of the stream lined by *Eucalyptus camaldulensis* (River Red Gums) as indicated in Photo 4.



Photo 4 Abandoned orchard, grazing land and Woodland along a creek line (arrow) to the west of the site.



1.6 Legislative Context

1.6.1 The Local Government Act 1999

The AHDC has a responsibility under the *Local Government Act 1999* (LG Act) to take action that will help to protect the Council area from bushfires or acts of arson. Under Section 7 of the LG Act Council is required “*d) to take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards*”.

The AHDC is currently responsible for managing the road Reserves on Prairie Road that is located on the western side of the site and provides access to the site.

The LG Act is not prescriptive in that it does not instruct Council with regard to how Council is to manage bushfire, although it does provide Council with some powers to make orders (Section 254), including the power to “remove overgrown vegetation, cut back overhanging branches, or to remove a tree” and the power to make by-laws (Section 246).

1.6.2 Fire and Emergency Services Act 2005 & Fire and Emergency Services (Review) Amendment Act 2009

AHDC is provided with more extensive fire prevention powers under the *Fire and Emergency Services Act 2005* (FES Act) that incorporates the *Fire and Emergency Services (Review) Amendment Act 2009* and forms the principal legislation under which AHDC operates with regard to fire management. Section 105F requires private land owners to:

- (a) prevent or inhibit the outbreak of fire on the land
- (b) prevent or inhibit the spread of fire through the land
- (c) protect property on the land from fire
- (d) minimise the threat to human life from fire on the land.

This legislation also creates the establishment of the fire danger season and establishes the fire districts.

Under Section 105F of the *Fire and Emergency Services Act 2005* (FES Act) Council can issue notices to landholders in order to clean up fire fuels and to prepare and maintain their property ahead of the fire danger season.

1.6.3 Planning, Development and Infrastructure Act 2016

The PDI Act is the principal legislation that addresses bushfire risk within South Australia with regard to planning and building within bushfire prone areas.

Bushfire prone land within South Australia has been categorized and mapped into six Bushfire Protection Areas (BPAs) by the Attorney Generals Department. Each BPA category corresponds to the level of bushfire risk determined to be present. The six categories as follows are published as Overlays in the *Planning and Design Code* within the *Planning, Development and Infrastructure Act 2016*:

- Hazard (bushfire – general risk) Overlay
- Hazard (bushfire – medium risk) Overlay
- Hazard (bushfire – high risk) Overlay
- Hazard (bushfire – regional) Overlay



- Hazard (bushfire – outback) Overlay
- Hazard (bushfire – urban interface) Overlay

The Bushfire Protection Area (BPA) for the area in which the site occurs has been designated as HIGH. The Hazards (Bushfire – High Risk) Overlay as published in the *Planning and Design Code* within the *Planning, Development and Infrastructure Act 2016* applies to the site. In addition to the Hazards (Bushfire – High Risk) Overlay the *Ministerial Building Standard MBS 008 - Designated bushfire prone areas - additional requirements* document identifies bushfire prone areas and additional bushfire safety requirements.

GFE is aware that the State-wide Bushfire Hazards Overlays review at the time this report was in preparation although it proposes to retain the site Hazards (Bushfire – High Risk) Overlay.

The South Australian PDI Act contains the Building Rules that call up the Building Code of Australia (BCA) that is in turn comprised of Volume 1 and 2 of the National Construction Code (NCC). The Australian Standard AS 3959-2009 *Construction of Buildings in Bushfire Prone Areas* is called up by the BCA for residential buildings and accommodation buildings on land that has been declared bushfire prone.

The NCC specifies general fire safety construction and performance requirements.

Significant and regulated trees within the land division area are not afforded protected under the PDI Act however, the *Native Vegetation Act 1991* (NV Act) takes precedence.

1.6.4 Native Vegetation Act 1991

The proposed development is located within the application boundary of the *Native Vegetation Act 1991* (NV Act), that is the NV Act applies to the proposed development area. A native vegetation clearance application is required to be submitted to the Native Vegetation Council (NVC) for approval prior to removal of native vegetation at the site.

1.6.5 National Parks and Wildlife Act 1972

Landscape managers must be cognisant of the potential for bushfire risk management control measures to have a negative impact upon threatened plant and animal species present within the landscape and avoid such impacts.

1.6.6 Landscape South Australia Act 2019

The proposed development is located within the Hills and Fleurieu Landscape Management Region established in accordance with the *Landscape South Australia Act 2019* (LSA Act). A part of this legislation that is relevant to the proposed development is the requirement for landholders to control proclaimed weed species, in particular as some proclaimed weeds may increase the intensity of a bushfire and its ability to spread.

1.6.7 Environment Protection Biodiversity and Conservation Act 1999

Commonwealth legislation including the *Environment Protection Biodiversity and Conservation Act 1999* (EPBC Act) may be applicable to the Project and must be considered where bushfire or bushfire management measures may impact upon matters of National Environmental Significance (MNES). There were 93 records of *Pteropus poliocephalus* (Grey-headed Flying Fox) listed as Vulnerable under the EPBC Act within the site with a 50 m radius buffer applied, over the last 20 years. The Grey-headed Flying Fox were most likely feeding within the orchard and the habitat utilised is not limiting for this



species. While the *Isoodon obesulus* (Southern Brown Bandicoot) listed as Endangered under the EPBC Act is known to occur in the area there are no Biological Database of SA occurrence records of this species from the buffered site and the site vegetation is considered unlikely to support this species.



2 BUSHFIRE HISTORY

2.1 Fires Last 10 Years

The bushfire history mapping has been obtained from Fire Management Maps (2025), Nature Maps (2025) and site observations, while it is acknowledged that small fires that burn less than 1 ha in size have historically not been recorded by the CFS. The bushfires discussed are typically within a 5 km buffer area of the site and have been mapped, Figure 5, although significant bushfires beyond this buffer area have also been included where they are considered to provide important context. Prescribed burns have been excluded from the discussion unless they escaped control and became a bushfire. Generally the location of the bushfire has been referenced to the closest point on the site perimeter. Available mapping does not record a fire within the site within the last 10 years, however the Cudlee Creek Bushfire (Incident Number: 201912026) that occurred on 20 December 2019 due to a branch falling onto powerlines came within 220 m of the site. This bushfire burnt 33,574 ha, destroyed 72 homes and killed one person (Anon 2019). A second fire within Cudlee Creek, on Fox Creek Road occurred on 8 December 2023 approximately 3.3 km southeast of the site and burnt 7.3 ha (NatureMaps 2025).

Motor vehicles can be a source of bushfire ignition via a number of methods including by driving through dry grass that may come into contact with hot metal or sparks or due to crashes. The Paracombe Bushfire occurred on 8 March 2018 adjacent Kangaroo Creek Reservoir approximately 1.8 km southwest of the site. This bushfire burnt approximately 12.37 ha and originated from a car crash that spread into the adjacent woodland (Lim and Hall 2018). In 2023 – 2024 The Paracombe CFS Brigade responded to 39 vehicle accidents representing 51.32 % of all incidents (CFS Promotions Unit 2025¹), while the Cudlee Creek Brigade responded to 20 vehicle accidents (40.82%) across the same reporting period and an additional 4 (8.16%) incidents involving passenger or transport vehicles (CFS Promotions Unit 2025²).

Pile burns had been conducted within the footprint of each proposed cabin location, Photo 5.



Photo 5 (A) Cabin-A pile burn (B) Cabin-B pile burn

The Cudlee Creek Brigade is the local brigade that would respond to a fire near the site. A review of the Cudlee Creek CFS Brigade responses for 2023 – 2024 indicates that grass or stubble fires (3) accounted for 6% (3/20) of brigade responses (SA CFS Promotions Unit 2025²). Mobile property is typically divided into three categories namely; vehicle (2), passenger vehicle (1) and road transport vehicle (1) that when



combined accounted for 8.16% (4/20) of CFS brigade responses in 2023 – 2024 (SA CFS Promotions Unit 2025²).

Lightning is acknowledged as a cause of bushfires within the Mount Lofty Ranges. The average annual ground lightning flash density (Ng) for the area is 0.1 to 0.2 flashes km^{-2} year (BOM 2016).

2.2 Fires Last 40 Years

A number of bushfires are recorded within 5 km of the site between 1985 and 2014 including the Cherryville Bushfire (Incident Number: 201305185) located approximately 4.9 km southwest of the site that burnt 708 ha on 9 May 2013 and originated from a controlled burn-off, Photo 6. This bushfire is of note as it occurred after the official bushfire danger season had ended although hazardous conditions remained.



Photo 6 Fire bomber at Cherryville Bushfire - Photo Edwin Michel from Tierney (2013)

The Mount Crawford Fire Number 74 burnt an area of approximately 24 ha of woodland adjacent Kangaroo Creek Reservoir located 2.36 km to the southwest of the site on 25 February 2007.

A bushfire at Inglewood in 1986 burnt 8.5 ha of predominantly grassland approximately 4.1 km northwest of the site. The Sampson Flat Bushfire (Incident Number 201501034) was a significant bushfire that occurred on 2 January 2015 burning to within approximately 1.4km north of the site and destroying 16,196 ha. The 1990 Chain of Ponds Bushfire located approximately 4.36 km to the northeast of the site burnt a 44.2 ha.

An un-named bushfire occurred on 25 February 1992 approximately 3.3 km east of the site adjacent Cudlee Creek Road and burnt 4.6 ha.

2.3 Fires Beyond 40⁺ Years

The Ash Wednesday II Bushfire of 16 February 1983 is mapped as having burnt across the site, although evidence of this fire was not observed at the site, although the extent of pile burning that had occurred at the site presented confounding evidence. While the Ash Wednesday II bushfires were a series of bushfires that occurred across the state collectively they cost the lives of 28 people in South Australia.

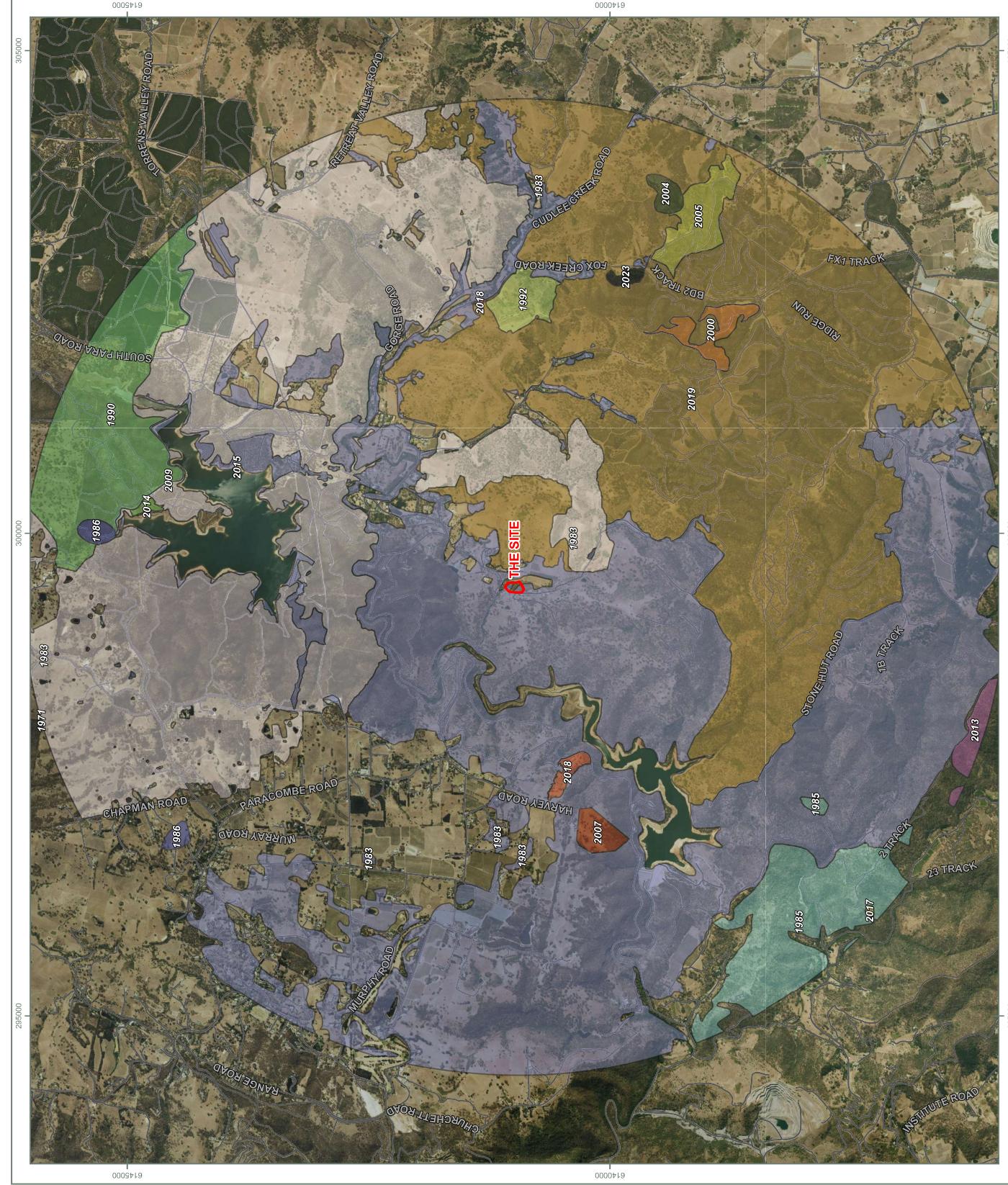
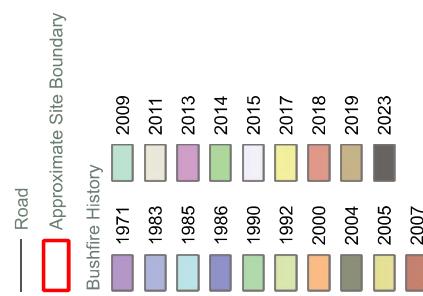


BUSHFIRE DEVELOPMENT
ASSESSMENT -
165 PRAIRIE ROAD
CUDLEE CREEK SA 5232

JOSH NOBLE

BUSHFIRE HISTORY

Legend



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SCALE (at A3): 1:37 500
PROJECTION: GDA2020 / MGA zone 54
DRAWING NO.: GFE-047-F0004-Rev0.qgs
DATE: 31/03/2025
DRAWN: KB
CHECKED: GF

FIGURE 5

GRANT FLEMING ENVIRONMENTAL

3 BUSHFIRE ATTACK LEVEL

3.1 Standing Fuel Load

The Grassland fuel load was assessed using the ACT grassland fuel load assessment methodology (ESA 2009). The Grassland Fuel Hazard Score (at 70 percent cured) was determined at each of the two cabin locations by measuring the average height of grass present (m) and the percentage cover of grass. The grass cover is a measure of how readily a fire can spread from one clump of grass to another. These field measurements enable the determination of the Grassland Fuel Hazard Score using Table 2 and the results are presented in Figure 6. A Grassland Fuel Hazard Score of ≤ 35 is considered acceptable for Grassland and Open Woodland classified vegetation located within an outer asset protection zone (OAPZ), while grass within an inner asset protection zone (IAPZ) must be maintained ≤ 200 mm when grass is 70 percent cured (JACS and ACTESA 2023) and the average height should be ≤ 100 mm (SBCC 2020).

Table 2: Grassland Fuel Hazard Score at 70% cured [Source Table4, ESA 2009].

Height (metres)	Cover %									
	10	20	30	40	50	60	70	80	90	100
0.1	1	2	3	4	5	6	7	8	9	10
0.2	2	4	6	8	10	12	14	16	18	20
0.3	3	6	9	12	15	18	21	24	27	30
0.4	4	8	12	16	20	24	28	32	36	40
0.5	5	10	15	20	25	30	35	40	45	50
0.6	6	12	18	24	30	36	42	48	54	60
0.7	7	14	21	24	35	42	49	56	63	70
0.8	8	16	24	32	40	48	56	64	72	80
0.9	9	18	27	36	45	54	63	72	81	90
1.0	10	20	30	40	50	60	70	80	90	100

The results of the on-site fuel load assessment (FLA) shown in Figure 6 indicate that the vegetation management measures across the site (sheep grazing) have been effective in reducing the Grassland Fuel Hazard Score (at 70% cured) to ≤ 8 , measured at FLA 1 and FLA 2, Figure 6. The Grassland Fuel Hazard Scores recorded at FLA 1 and FLA 2 were equivalent to a score of Low within the Overall Fuel Hazard Guide of South Australia (DENR 2011).

The orchard is located to the east of the proposed location of the two tourist accommodation cabins and the floor was occupied by a carpet of dry leaves, twigs and branches approximately 0.04m deep and approximately 80 percent coverage, Photo 7. It is considered that this material has a high potential to ignite and be blown under the influence of the prevailing wind during a bushfire. The canopy of the



orchard remained largely intact and was green, indicating that it would buffer the effects of the prevailing winds and ember dispersal through the orchard to some extent, although it remains likely that dead leaves and material could be dispersed underneath the canopy.



Photo 7 Fuel load assessment within the orchard [E 299437 N 6140956].

FLA 1 was conducted within the footprint of Cabin A and the Grassland Fuel Hazard Score was 8 that is within the accepted range of an Asset Protection Zone (APZ), Photo 8. Grass cover within the immediate area of Cabin-A was 80 percent and the average height was 0.1 m, although some areas of tussock remained.



Photo 8 FLA 1 Cabin A – view south from near the south west corner Cabin A.



The ground cover was comprised of pasture grasses including **Avena fatua* (Wild Oat), **Festuca sp* (Fescue), **Dactylis glomerata* (Cocksfoot Grass) and *Hordeum sp.* (Barley Grass) and scattered environmental weeds including **Hypochaeris radicata* (Cat's Ear) and **Zantedeschia aethiopica* (Arum Lily).

FLA 2 was located within the footprint of Cabin-B with the average grass height assessed as 0.1 m, although the grass was fully cured and had collapsed and the grass covered 70 percent of the ground to produce a Grassland Fuel Hazard Score of 7 using Table 2. It is considered that this fuel load is unlikely to carry a fire, although local flare ups remain likely where tussocks remain.



Photo 9 FLA 2 Cabin-B – view north from near south west corner of Cabin-B.

The fuel load present would be unlikely to carry a fire and if conditions were maintained the area surrounding Cabin-B would act as an asset protection zone. The equivalent overall fuel hazard rating is equivalent to Low (DENR 2011).

The roadside vegetation along Prairie Road did not appear to have been managed when the site and surrounds were assessed for bushfire risk with occasional scattered tussocks of grass, occasional Eucalypt saplings and exotic trees and environmental weeds and garden escapes present with little set back from the road verge. While it is appropriate to contact the AHDC to conduct fuel load reduction works along the length of Prairie Road as it forms the only means of emergency service vehicle access and egress for resident's, the management of the narrow road verge adjacent the site may be more effectively self-managed by the proponent of the tourist accommodation so that it does not pose a threat to the proposed development.





Photo 10 Prairie Road – roadside vegetation

The Grassland Fuel Hazard Score can be used to set a value required to be maintained within an Asset Protection Zone (APZ) while providing some flexibility in how this can be achieved. For example, a requirement to have a Grassland Fuel Hazard Score of 10 or less can be achieved with grass 30 cm high with 30% cover or grass 10 cm high with 100% cover. It is also possible to set different Grassland Fuel Hazard Scores for Inner APZs versus Outer APZs. The alternative vegetation management requirement would be to maintain grass height to 10 cm for the duration of the fire season. The vast majority of the Asset Protection Zone (APZ) establishment and maintenance would involve slashing or mowing grassland to a specified distance from the road verge. Grass within the proposed APZ around each cabin should be watered so as to retain moisture, that is, it should be kept green.

Recommendation: Maintain vegetation along Prairie Road verge so that grass is maintained at below 30 cm in height and trees are skirted to 2 m (removal of low lateral branches).

3.2 Classified Vegetation & Effective Slope

The type of vegetation present across the site and surrounding it is a determinant of the maximum fire size that an asset may be exposed to due to the fuel characteristics of each vegetation type. Fuel comprises material that can be ignited and sustain a fire. This can include grass, leaf litter and live vegetation. Fuel is categorised according to the layer in which it occurs, including the surface, near surface, elevated (e.g. shrubs and understorey), bark and canopy.

AS3959:2018 sets minimum requirements for vegetation to be considered as Classified Vegetation. The Classified Vegetation where present, was determined as the dominant vegetation within 150 m of the perimeter of the two proposed cabin locations and is presented in Figure 6.

Prairie Road provides an approximately 5.4 m unsurfaced fire break with predominantly grass present on each verge, Photo 10. On the western side of Prairie Road the vegetation present has been determined to be Classified Vegetation – Grassland (G) in accordance with AS3959:2018, except within the immediate vicinity of the homes where the vegetation (garden) present may be either classified as managed vegetation or otherwise unclassified vegetation.



Photo 11 Cabin-A Classified Vegetation – Group G Grassland – west of the site.

Vegetation on the eastern side of Prairie Road is un-classified vegetation in accordance with the exclusions provide within AS3959:2018 Section 2.2.3.2(f) – whereby an orchard is regarded as low threat vegetation, Photo 7. To the west of the site the effective slope under the Grassland (G) is 'Upslope' in accordance with AS3959.

The Classified Vegetation - Grassland (G) continues to be present on the western side of Prairie Road opposite the proposed location of Cabin-B.

The classified vegetation within 100 m of the proposed two tourist accommodation cabins and the effective slope under any classified vegetation present is provided in the following tables. The distribution of classified vegetation is shown in Figure 6.





Photo 12 Cabin-B Classified Vegetation – Group G Grassland – west of the site.

As classified vegetation must be within 100 m of the asset for the determination of the Bushfire Attack Level, the distance to the classified vegetation was only measured up to 100 m. Classified vegetation existing beyond 100 m is denoted as 100+ metres.

Table 3 Proposed Cabin A – Distance to classified vegetation and effective slope.

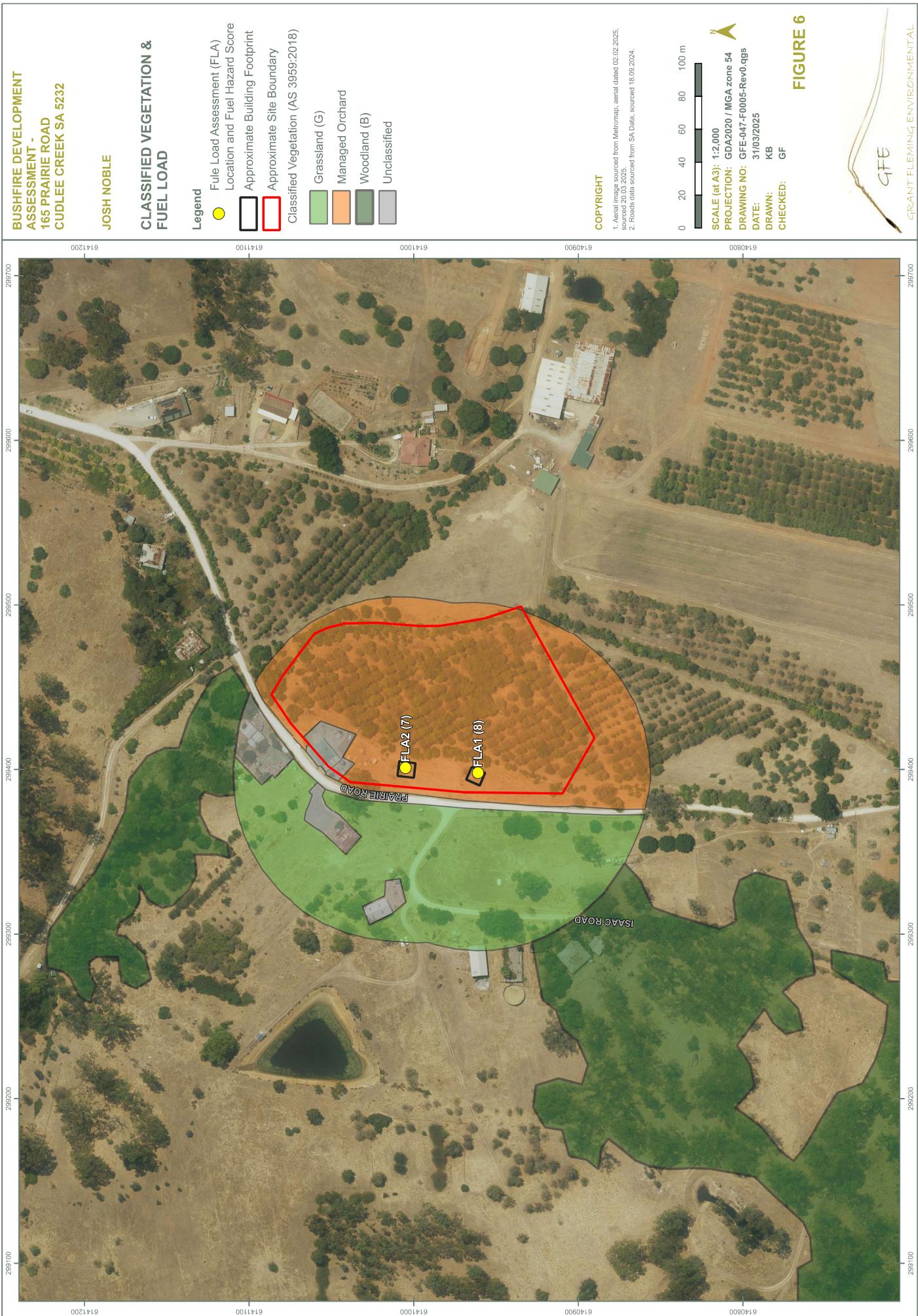
Direction (Cabin-A)	Distance to classified vegetation (m) at closest point	Distance to classified vegetation - APZ	Classified Vegetation Group	Effective Slope under classified vegetation	Comment
North	94	94	Grassland	Upslope	Screened due to Cabin-B and existing residence
Northeast	100+	100+	Managed	Not applicable	Orchard
East	100+	100+	Managed	Not applicable	Orchard
Southeast	100+	100+	Managed	Not applicable	Orchard
South	100+	100+	Managed	Not applicable	Orchard
Southwest	35	35	Grassland	Upslope	Prairie Road forms fire break
West	13	13	Grassland	Upslope	Prairie Road forms fire break
Northwest	21	21	Grassland	Upslope	Prairie Road forms fire break



Table 4 Proposed Cabin B – Distance to classified vegetation and effective slope.

Direction (Cabin-B)	Distance to classified vegetation (m) at closest point	Distance to classified vegetation - APZ	Classified Vegetation Group	Effective Slope under classified vegetation	Comment
North	53	53	Grassland	Upslope	Screened in part due to existing residence.
Northeast	100+	100+	Managed	Not applicable	Orchard
East	100+	100+	Managed	Not applicable	Orchard
Southeast	100+	100+	Managed	Not applicable	Orchard
South	100+	100+	Managed	Not applicable	Orchard and screening due to Cabin-A
Southwest	25	25	Grassland	Upslope	Prairie Road forms fire break
West	15	15	Grassland	Upslope	Prairie Road forms fire break
Northwest	25	25	Grassland	Upslope	Prairie Road forms fire break





3.3 Topography

The local topography including slope and aspect are determinants of the part of the fire (e.g. head, flank, back) that an asset may be exposed to.

The site is located within the Fox Creek (FOX) Land System that is characterized by steep to very steep slopes associated with the incised River Torrens and its tributaries (DEWNR 2016) however the site is located within a valley floor.

Most soils are formed over weathering rock and range from moderately deep to shallow with loamy surface soils and clayey subsoils (DEWNR 2016). The site of the proposed cabins occupies the edge of the creek flats formed on clayey alluvium within the Soil Landscape Unit (LdE) with flooding and stream bank erosion a consideration (DEWNR 2016).

A Strahler first order stream located on the eastern side of the proposed cabin locations has been modified so that water flows from the south spreading out across the middle of the site occupied by the orchard towards the north. This stream is confined to the broad channel by constructed levee banks on the eastern and western sides of the orchard. A line of Quince trees (**Cydonia oblonga*) are growing on the top of the levee banks, Photo 13. This Strahler first order stream flows to the north of the existing house on the property and connect with a Strahler third order stream that flows to the northwest.



Photo 13 Rolling hills that surround the site – (A) view north (B) view east.

3.3.1 Slope

Slope can affect bushfire behaviour with fires burning faster up slope than down slope, in particular when aligned with the prevailing wind direction. A fire burning up a 10 degree slope will generally spread at double the rate of a fire on level ground (Bushfire CRC 2009). Likewise a fire burning up a 20 degree slope will generally spread at a rate that is four times the rate of spread across level ground (Bushfire CRC 2009).

Slopes within the site have been calculated using 2 metre contour intervals within ArcView Spatial Analyst, Geographic Information System (GIS) to produce a digital elevation model (DEM) that enabled the slope to be calculated in degrees. Slope was classified into five categories, Table 7 and is mapped in Figure 7.



Table 5: Slope categories.

Description	Slope Category
Flat	Flat to 5 degrees
Gentle	6 to 10 degrees
Moderate	11 to 15 degrees
Steep	16 to 20 degrees
Very Steep	20+ degrees

The western side of the site where the tourist cabins are proposed to be located is characterized by gentle slopes of 6 to 10 degrees that is typical of the rising ground from the valley floor. The central floodway area of the site occupied by the orchard is classified as flat (Flat to 5 degree slope) and is slopes slightly to the north.

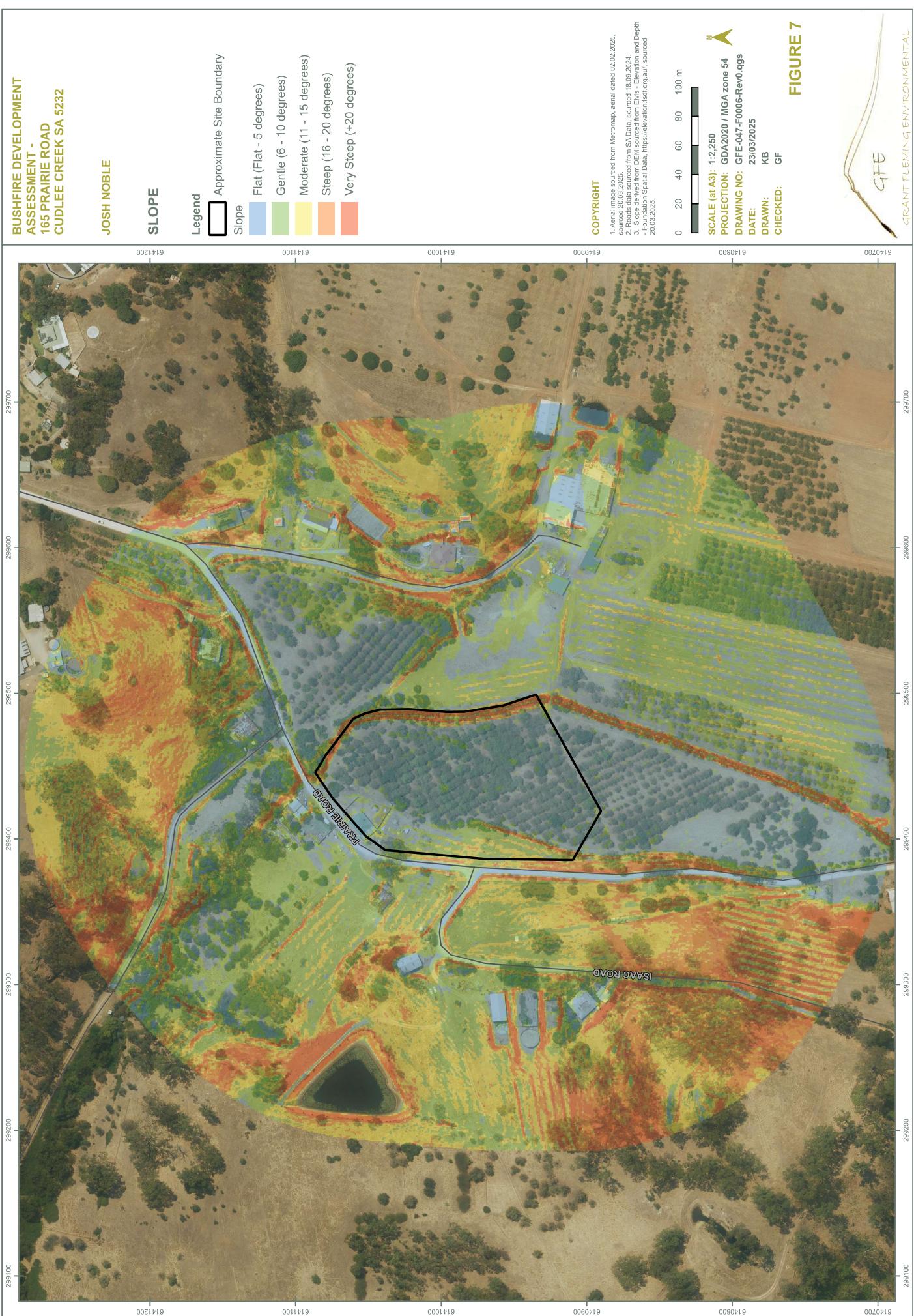
Slope is not considered to have a significant influence upon a bushfire at the site, however as the site is located on the valley floor with rising ground to the west and east there is the potential for a bushfire to be channeled from the north to the south along the valley floor under the influence of a northerly or northwesterly wind.

3.3.2 Aspect

Aspect is another topographical factor affecting bushfire behaviour. North facing slopes receive more solar radiation that dries surface fuel faster than on south facing slopes (Bushfire CRC 2009). Later in summer and during drought, fuels may become uniformly dry across slopes with different aspects, at which stage slope orientation to the prevailing wind becomes a more important factor (Bushfire CRC 2009).

Aspect is mapped for the site in Figure 8. The site is comprised of a valley floor with gently rising ground to the west that has an east to northeast aspect. The levee bank on the western side of the property has a northwesterly aspect. The orchard area is flat (Flat to 5 degree slope) with a slight northerly to northeast aspect with the levee bank on the western side having west and east aspects.





**BUSHFIRE DEVELOPMENT
ASSESSMENT -
165 PRAIRIE ROAD
CUDLEE CREEK SA 5232**

JOSH NOBLE

ASPECT

Legend Approximate Site Boundary

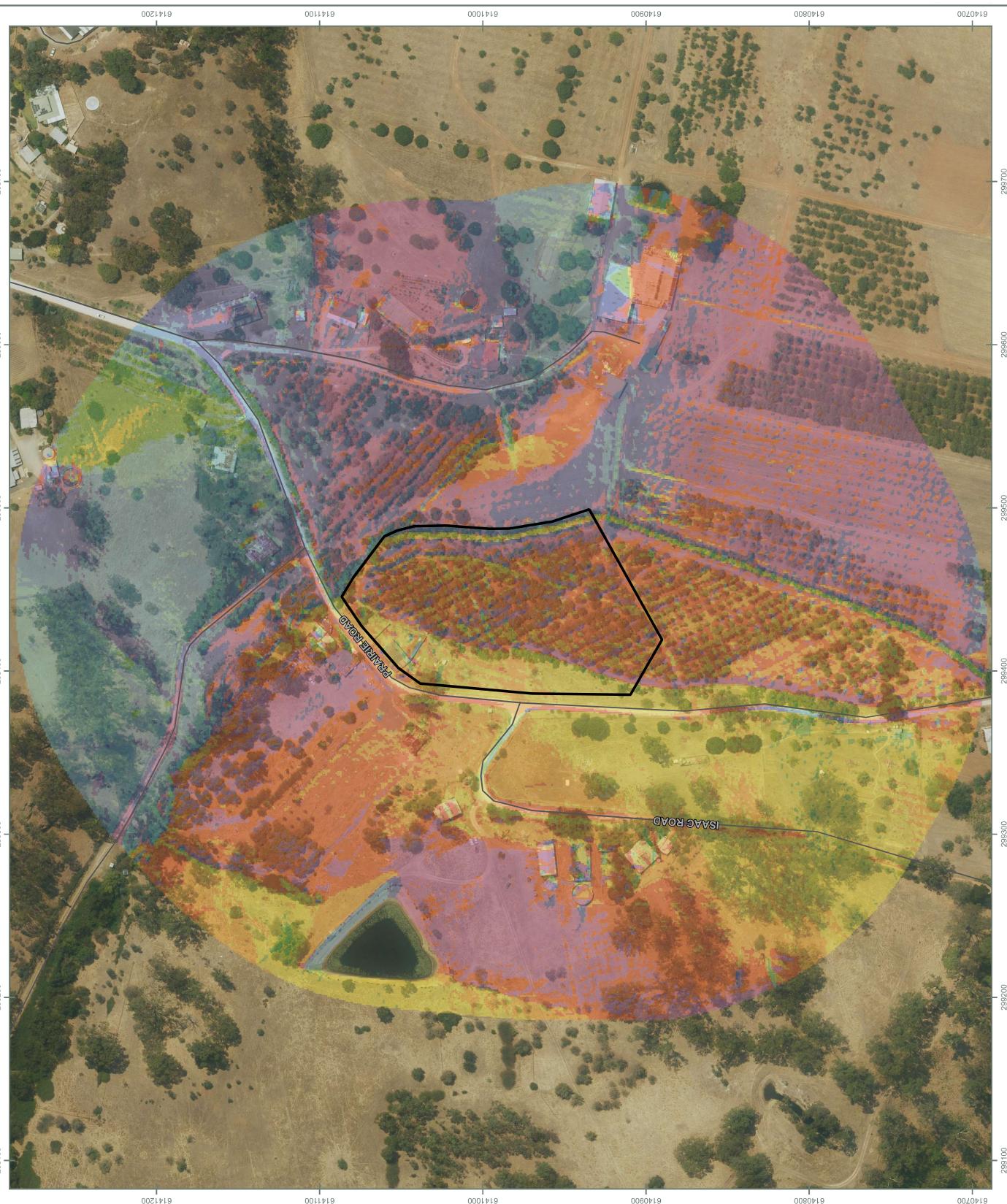


FIGURE 8

3.4 Bushfire Attack Level (BAL)

The Fire Danger Index (FDI) for South Australia is 80 (1090 K), therefore Table 2.5 of AS 3959:2018 has been used to determine the Bushfire Attack Level (BAL) where the proposed tourist accommodation cabins are located within 100 m of classified vegetation. As the site is located in the Hazards (Bushfire – High Risk) Overlay the BAL must be assessed in accordance with AS3959:2018. It is important to note that the SA CFS would refuse a land subdivision that cannot achieve a BAL of BAL-29 or lower (C. Siegfriedt, Bushfire Safety Officer SA CFS personal communication 2023) and while tourist accommodation can be built to a BAL standard higher than BAL 29 it is considered undesirable to be building tourist accommodation in locations that would require a BAL higher than BAL 29.

The BAL has been calculated to provide a determination of the heat flux each proposed cabin may experience during a bushfire, Figure 9. The determination of the BAL utilises the categories presented in Table 6 that are associated with the presence of Group G – Grassland adjacent to the western perimeter of the site as provided within Figure 6. The maximum BAL determined for Cabin A within 100 m of classified vegetation is provided in Table 7. It is noted that due to the existing separation distance the creation of a 20 m wide APZ, or to the extent possible given the close proximity on the western side of Prairie Road does not alter the BAL for Cabin-A. As discussed the option of moving the proposed footprint of Cabin-A a minimum of 4m east of the present proposed location would reduce the BAL from BAL 19 to BAL 12.5. While the minimum distance required is 4 m (subject to survey of the final position) the heat flux that the cabin may be exposed to diminishes with distance, so additional separation distance is recommended where feasible.

Table 6 Excerpt from Table 2.5 AS 3959:2018 Upslope & Flat land associated with Classified Vegetation

Bushfire Attack Levels AS 3959:2018 – Up-slopes and Flat Land					
Vegetation Classification	BAL – FZ	BAL – 40	BAL – 29	BAL – 19	BAL – 12.5
G. GRASSLAND	<6 m	6 - <8 m	8 - <12 m	12 - <17 m	17 - <50 m

Table 7 Determination of BAL for proposed tourist accommodation Cabin-A within 100 m of classified vegetation.

Direction	Distance to closest classified vegetation		Vegetation Group	Effective slope	BAL (kW/m ²) without / with VMZ / APZ applied		Final AS3959-2018 Construction Section
	Existing	20 m APZ Applied			Existing	APZ Applied	
North	94	94	Grassland	Upslope	LOW	LOW	4
Southwest	35	35	Grassland	Upslope	12.5	12.5	3 and 5
West	13	13	Grassland	Upslope	19	19	3 and 6
Northwest	21	21	Grassland	Upslope	12.5	12.5	3 and 5

The maximum BAL determined for Cabin B within 100 m of classified vegetation is provided in Table 8. The BAL determined for Cabin-B is BAL 19, although as for Cabin-A if the footprint of the cabin is relocated a minimum of two metres east then Cabin-B would achieve a BAL rating of BAL 12.5.



Table 8 Determination of BAL for proposed tourist accommodation Cabin-B within 100 m of classified vegetation.

Direction	Distance to closest classified vegetation		Vegetation Group	Effective slope	BAL (kW/m ²) without / with VMZ / APZ applied		Final AS3959-2018 Construction Section
	Existing	20 m APZ Applied			Existing	APZ Applied	
North	53	53	Grassland	Upslope	LOW	LOW	4
Southwest	25	25	Grassland	Upslope	12.5	12.5	3 and 5
West	15	15	Grassland	Upslope	19	19	3 and 6
Northwest	25	25	Grassland	Upslope	12.5	12.5	3 and 5

Recommendation: Move the proposed position of Cabin-A a minimum of 4 m east in order to reduce the BAL from BAL 19 to BAL 12.5.

Recommendation: Move the proposed position of Cabin-B a minimum of 2 m east in order to reduce the BAL from BAL 19 to BAL 12.5.



**BUSHFIRE DEVELOPMENT
ASSESSMENT -
165 PRAIRIE ROAD
CUDLEE CREEK SA 5232**

JOSH NOBLE

**BUSHFIRE ATTACK LEVEL
CONTOURS**

Legend

- Approximate Building Footprint
- Approximate Site Boundary
- Bushfire Attack Level (BAL)
- BAL-12.5
- BAL-19
- BAL-29
- BAL-40
- BAL-FZ

COPYRIGHT
1. Aerial image sourced from Metromap, aerial dated 02/02/2025,
sourced 20/03/2025.
2. Roads data sourced from SA Data, sourced 18/09/2024.

0 10 20 30 40 50 m
6141100 6141000 6140900 6140800 299500 299400 299300 299200

6141100 6141000 6140900 6140800 299500 299400 299300 299200

FIGURE 9

GRANT FLEMING ENVIRONMENTAL

4 ACCESS & EGRESS

Consideration of the driveway location and design should comply with the Bushfire – High Risk Overlay and PBP with regard to access and egress in a bushfire prone area (BPA). The specifications for *Vehicle Access – Roads, Driveways and Fire Tracks* within the Bushfire – High Risk Overlay are provided within Deemed to Satisfy (DTS) and Designated Performance Feature (DPF) 6.1 and 6.2.

Vehicle Access – Roads, Driveways and Fire Tracks

Roads

PO 6.1 *Roads are designed and constructed to facilitate the safe and effective:*

- (a) access, operation and evacuation of fire-fighting vehicles and emergency personnel*
- (b) evacuation of residents, occupants and visitors.*

No roads are proposed to be constructed as part of the proposed development.

PO 6.2 *Access to habitable buildings is designed and constructed to facilitate the safe and effective:*

- (a) access, operation and evacuation of fire-fighting vehicles and emergency personnel*
- (b) evacuation of residents, occupants and visitors.*

Access is in accordance with (a) or (b):

- a) A clear and unobstructed vehicle or pedestrian pathway of not greater than 60 metres in length is available between the most distant part of the habitable building and the nearest part of a formed public access road.*
- b) Driveways*
 - i. Do not exceed 600 m in length*
 - ii. Constructed with a formed all-weather surface.*
 - iii. Connected to a formed, all weather public road with the transition between the driveway having a gradient of not more than 7 degrees.*
 - iv. A gradient of not more than 16 degrees at any point along the driveway.*
 - v. A cross-fall of not more than six degrees at any point along the driveway.*
 - vi. A minimum formed width of 3 m plus 0.5 metres clearance either side of the driveway from overhanging branches or other obstructions, including buildings and or structures.*
 - vii. Incorporate passing bays with a minimum width of 6 m and length of 17 m every 200 m.*
 - viii. Provide overhead clearance of not less than 4 m between the driveway surface and overhanging branches or other obstructions, including buildings and or structures.*
 - ix. Allow fire-fighting services (personnel and vehicles) to travel in a continuous forward movement around driveway curves by constructing the curves with a minimum external radius of 12.5 m*
 - x. Allow fire-fighting vehicles to safely enter and exit an allotment in a forward direction by using a U-shaped drive through design or by incorporating at the end of the driveway either:*
 - A. a loop road around the building OR*
 - B. a turning area with a minimum radius of 12.5 m OR*
 - C. a 'T' or 'Y' shaped turning area with a minimum formed length of 11 m and minimum internal radii of 9.5 m.*
 - xi. Incorporate solid all-weather crossings over any watercourses that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.*



The proposed development includes the proposed construction of a U-shaped driveway that extends from a new access point north of the intersection with Isaacs Road in an arc west of the proposed cabin locations to rejoin Prairie Road south of the intersection of Prairie Road with Isaacs Road.

PO 6.3 *Development does not rely on fire tracks as means of evacuation or access for fire-fighting purposes unless there are no safe alternatives available.*

The proposed development does not rely on fire tracks as a means of evacuation. Prairie Road is a no-through road to the south and evacuation is via prairie Road to the north, Photo 14.



Photo 14 Northern end of Prairie Road – egress is restricted to the north.

Two access points are proposed to be created along Prairie Road to provide a shared driveway to access both proposed tourist accommodation cabins.

The proposed driveway meets the DTS/DPF (a) as provided, in that driveways will be less than 60 m in length between the most distant part of the habitable building and the nearest part of a formed public access road.

The driveway is required to be constructed in order to comply with the specifications of the Hazards (Bushfire – High Risk) Overlay as indicated in this Section.

Recommendation: Construct the driveway to comply with the specifications of the Hazards (Bushfire – High Risk) Overlay.



5 SITING

PO 2.1 *Buildings and structures are located away from areas that pose an unacceptable bushfire risk as a result of vegetation cover and type and terrain.*

The presence of Classified Vegetation – Grassland (G) in accordance with AS3959:2018 located on the western side of Prairie Road is considered to be an acceptable bushfire risk provided that the recommended APZ is established around the proposed tourist accommodation cabins. If the advice to shift both cabins a short distance to the east in order to reduce the BAL rating from BAL 19 to BAL 12.5 is enacted this action will further reduce the bushfire risk.

Habitable Buildings

PO 4.1 *To minimize the threat, impact and potential exposure to bushfires on life and property, residential and tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) is sited on the flatter portion of allotments away from steep slopes.*

The proposed location of the two tourist accommodation cabins are on land with gentle slopes (6 – 10 degrees), Figure 7 with flat land prevalent across the central portion of the site.

The two tourist accommodation cabins are located away from steep slopes.

PO 4.2 *Residential, tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) is sited away from vegetated areas that pose an unacceptable bushfire risk.*

Residential and tourist accommodation and habitable buildings for vulnerable communities are provided with asset protection zone(s) in accordance with (a) and (b)

- a) *The asset protection zone has a minimum width of at least*
 - i. *50 metres to unmanaged grasslands*
 - ii. *100 metres to hazardous bushland vegetation*
- b) *The asset protection zone is contained wholly within the allotment of the development.*

A 20 m wide APZ has been recommended to be established around the perimeter of both Cabin-A and Cabin-B proposed for the site. The APZ is to be established to the extent possible on all sides of each proposed cabin and will involve the removal of some of the orchard trees located in close proximity to the cabins to the northeast, east and southeast. The APZ is restricted in width to the west where it extends to Prairie Road that provides a fire break between the proposed accommodation and the Classified Vegetation – Grassland (G) located on the western side of Prairie Road. It is noted that the driveway will also be located on the western side of the proposed cabins providing an additional fire break between the proposed cabins and the Grassland (G) on the western side of Prairie Road.

It is considered that the proposed tourist accommodation cabins are to be located away from vegetated areas that pose an unacceptable bushfire risk.



6 WATER SUPPLY

PO 4.3 Residential, tourist accommodation and habitable buildings for vulnerable communities, (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation), has a dedicated area available that is capable of accommodating a bushfire protection system comprising firefighting equipment and water supply in accordance with Ministerial Building Standard MBS 008 - Designated bushfire prone areas - additional requirements.

In accordance with *Table 2.5.1*(Government of South Australia 2020) prescribes the capacity and fittings required for a dedicated fire-fighting water supply, Table 9.

Table 9 Capacity and fittings required for a dedicated water supply (Government of South Australia 2020 from Table 5.2.1)

Availability of water supply	Minimum Water supply (Litres) and fittings required for the site.		
	Allotment size	Connected to mains	Not connected to mains
Within a High Bushfire Risk Area or an Urban Interface Area that is within 100 m of a High Bushfire Risk Area and assessed as BAL 12.5 or BAL 19.	$\geq 1500 \text{ m}^2$	10,000 litres with fire fittings	10,000 litres with fire fittings

The proposed development is required to install a dedicated fire-fighting water supply of 10,000 L with fire fittings in accordance with MBS 008. Typically the requirement is a 10,000 L tank for each proposed cabin, however CFS have advised that a single 10,000L tank may be acceptable provided that the water tank outlet is located within 60 m (two hose lengths) of each cabin and the BAL is BAL19 or lower. It should be noted that if the individual 10,000L water tank cannot meet these location requirements then a separate 10,000L tank will be required to be installed in close proximity to each cabin.

The water tank serves to provide each cabin with the means to extinguish embers in the event of a bushfire. This is considered prudent due to the likelihood of increased fire and fire intensity within the landscape in the near future due to climate change and acknowledging the distances ($\geq 30 \text{ km}$) that embers are able to travel (Williams 2017). The proposed cabins may experience significant ember attack from a bushfire within the Eucalypt woodlands located to the north associated with Millbrook Reservoir and west associated with Kangaroo Creek Reservoir.

The water supply tank must be constructed of a non-combustible material, either concrete or metal although an alternative material may be utilised subject to consideration and approval by the relative authority.

- The water supply tank is to be a non-combustible material
- All water supply pipes for draughting purposes will be capable of withstanding the required pressures for draughting.
- All non-metal water supply pipes shall be buried below ground to a minimum depth of 300 mm with no non-metal parts above ground level.
- A gravity fed water supply outlet may be remotely located from the above ground tank to provide adequate access. (Note the water tank must be higher than the outlet to achieve a gravity feed).



- The water supply system and fire-fighting infrastructure shall be designed so that it complies with Government of South Australia (2020) *Ministerial Building Standard MBS 008* and relevant Australian Standards.

Recommendation: Install a 10,000 L dedicated water supply with fire fittings in accordance with the specifications within MBS 008.

Recommendation: Locate the 10,000 L dedicated water supply so that the outlet of the tank is ≤ 60 m from both cabins.



7 BUSHFIRE MANAGEMENT

Bushfire management is divided into managing the physical bushfire hazards (i.e. Hazard Management) and the behaviours that contribute to bushfires and the safety of personnel (i.e. Risk Management). This BDA is focused on establishing bushfire management measures for recognized hazards within and surrounding the proposed development.

7.1 Fire Management Zones – FMZs

In South Australia strategic fire management utilises the following Fire Management Zones (FMZs):

- Asset Protection Zone (APZ or A-Zone)
- Bushfire Buffer Zone (BBZ or B-zone)
- Strategic Fuel Management Zone (S-zone)
- Conservation Zone (C-zone)
- Exclusion Zone (X-zone)

An asset protection zone (APZ) is defined by NSW Rural Fire Service (2005) as “a fuel reduced area surrounding a built asset or structure.” In the context of the report the asset is considered to be the two proposed tourist accommodation cabins. Fuel reduction within the APZ aims to prevent bushfire travelling either along the ground or through a canopy to the asset. An APZ can comprise a combination of perimeter roads, fire trails or managed lands so that a fire path is not created between the hazard and the asset.

An APZ provides:

- a buffer zone between a bush fire hazard and an asset;
- an area of reduced bush fire fuel that allows fire suppression;
- an area from which back burning may be conducted; and
- a relatively safe area for firefighters to operate in and allows emergency services access (NSW RFS 2005).

Native vegetation clearance cannot be conducted without approval from the NVC under the NV Act, however this only applies to the scattered *Eucalyptus camaldulensis* ssp *camaldulensis* (River Red Gum) trees adjacent the APZ.

7.2 Proposed Development Area - APZ

A-zones comprised of a 20 m wide fuel reduced zone are recommended to be established around each of the proposed cabins, Figure 10. It is acknowledged due to the position of the cabins within proximity to Prairie Road that it will not be possible to achieve the full 20 m APZ on the western side of the cabins, however, the intent is to establish the APZ to the extent possible within the site.

The APZ includes the 20 m defendable space around dwellings that is provided for under the NV Act. It was noted that no native vegetation was observed within 20 m of the proposed cabins. Scattered *Eucalyptus camaldulensis* ssp *camaldulensis* (River Red Gum) trees are located beyond the proposed 20 m wide APZ, Photo 15.





Photo 15 Proximity of *Eucalyptus camaldulensis* ssp *camaldulensis* (River Red Gum)

It is recommended that any landscape plan be reviewed to comply with the following (SA SBCC 2020):

- Manage vegetation so that the leaf area of the vegetation is not vertically or horizontally continuous. A disconnected 'clumping' of shrubs is more desirable than even connected coverage. Separate shrubs and trees to minimise vertical fuel 'ladders'.
- Vegetation coverage (shrubs and trees) should be a maximum of 15% within the APZ.
- All trees should be 'skirted' to a height of 2 m, that is, lateral branches are to be removed to a height of 2 m to avoid a grassfire climbing into the canopy.
- No heath or shrub understorey species are to be within 2 m of the proposed residences.
- Tree canopies within the APZ should be separated by at least 2m.
- Tree branches must be pruned so that no branches overhang or are likely to be in contact with proposed dwellings. Branches are to be at least 2 m from any proposed dwelling.
- Grass should be maintained ≤ 10 cm throughout the bushfire season. Mown grass cuttings are to be removed from the APZ.
- Grass should preferably be kept green (watered) throughout the bushfire season.
- Fine fuel levels should be maintained to keep surface and shrub level fine fuels at Moderate or lower (average across the zone) as defined in the Overall Fuel Hazard Guide for South Australia (DENR 2011)
- Paths should be constructed of a non-flammable material such as concrete, gravel, compacted mineral dust. Garden bed edging should similarly be constructed of a non-flammable material.

Recommendation: The Landscape Design should be reviewed to comply with the vegetation requirements of an APZ in accordance with SA SBCC (2020).



8 VEGETATION MANAGEMENT

8.1 Asset Protection Zone

APZs are to comprise the following;

- A Grassland Firebreak established in accordance with the SA SBCC (2015) guidelines.
 - Grass is to be maintained at ≤ 10 cm for the duration of the fire danger season.
 - Fine fuel levels in the APZ are required to be maintained to ensure that surface and shrub level fine fuels at Moderate or lower (average) as defined by DENR (2012).
 - The overall fuel hazard should not exceed moderate as defined by DENR (2012) (SA SBCC 2020).
 - Additional, specific requirements are provided within SA SBCC (2020).
 - Avoid planting shrubs in the APZ.
 - Tree canopies are to be separated by 2m (applies to orchard area within the APZ)
 - Trees skirted (branches removed) to 2m above ground level.
 - Manage vegetation so that understorey plants are not vertically or horizontally continuous.
 - Disconnected clumping of shrubs is preferable where shrubs are present.

8.2 Prairie Road Verge

Liaison with the AHDC is required to ensure that vegetation located within the Prairie Road verge is well maintained with grass slashed or mowed regularly so as to reduce the standing fuel load during the bushfire danger season.

It is noted that it is likely in the owners of the proposed development's best interests to maintain the road verge as an extension of the neighbouring APZ maintaining grass at ≤ 10 cm throughout the fire danger season.

Recommendation: Liaise with AHDC to ensure that standing fuel loads are moderated along Prairie Road during the declared bushfire season.



9 BUILDING CONSIDERATIONS

The proposed tourist accommodation cabins have been assessed to be BAL 19 due to the presence of Classified Vegetation – Grassland (G) in accordance with AS3959:2018 to the west of the location. At their present location these cabins and are required to conform to *Section 3 General Construction Requirements* and *Section 6 Construction Requirements for BAL- 19* of AS3959:2018.

It is noted that if the footprint of each cabin was repositioned to the east increasing the separation distance to the Grassland on the western side of Prairie Road the assessed BAL 19 could be reduced to BAL 12.5. Cabin-A would be required to be repositioned nominally 4 m to the east to attain a 17 m separation distance from the Classified Vegetation – Grassland on the western side of Prairie Road. It is noted that the actual location of the cabin footprint had not been surveyed and therefore the separation distances are subject to the accuracy of the staked cabin location (on site) and GPS accuracy on the day of the assessment. It should also be noted that a separation distance of 17 m, Table 10 is the minimum distance required to attain a BAL rating of BAL 12.5 and wherever possible additional separation distance between the accommodation and the Classified Vegetation should be considered to the extent practicable.

Table 10 Upslope & Flat land associated with Classified Vegetation- setback distances corresponding to the BAL (Table 2.5 AS3959:2018)

Bushfire Attack Levels AS 3959:2018 – Up-slopes and Flat Land					
Vegetation Classification	BAL – FZ	BAL – 40	BAL – 29	BAL – 19	BAL – 12.5
G. GRASSLAND	<6 m	6 - <8 m	8 - <12 m	12 - <17 m	17 - <50 m

Cabin-B would be required to be repositioned nominally 2 m to the east to attain a 17 m separation distance from the Classified Vegetation – Grassland on the western side of Prairie Road thereby attaining a BAL 12.5 classification.

It should also be noted that the necessary separation distance in order to achieve a BAL 12.5 classification could be achieved if the property on the western side of Prairie Road constructed a 4 m wide bare earth fire break along the perimeter fence line against Prairie Road or otherwise undertook to manage the Classified Vegetation – Grassland (G) that is assessed to be present on the property such that the vegetation present could be re-designated as Managed Grassland in accordance with AS3959:2018.

Where the BAL has been assessed or designated as BAL 12.5 the tourist accommodation cabins would be required to conform to *Section 3 General Construction Requirements* and *Section 5 Construction Requirements for BAL- 12.5* of AS3959:2018.

Please refer to the National Construction Code (NCC), relevant standards including *the Ministerial Building Standard MBS 008* and state provisions for construction requirements and performance provisions.



10 RECOMMENDATIONS

A number of recommendations have been made to improve various aspects of the proposed development with regard to bushfire safety and preparedness.

- Maintain vegetation along Prairie Road verge so that grass is maintained at below 30 cm in height and trees are skirted to 2 m (removal of low lateral branches).
- Manage the fuel load comprised of fallen leaves and twigs within the orchard so that this fuel does not accumulate – maintain a low fuel load within the orchard.
- Move the proposed position of Cabin-A a minimum of 4 m east in order to reduce the BAL from BAL 19 to BAL 12.5.
- Move the proposed position of Cabin-B a minimum of 2 m east in order to reduce the BAL from BAL 19 to BAL 12.5.
- Construct the driveway to comply with the specifications of the Hazards (Bushfire – High Risk) Overlay.
- Install a 10,000 L dedicated water supply with fire fittings in accordance with the specifications within MBS 008.
- Locate the 10,000 L dedicated water supply so that the outlet of the tank is within 60 m of both cabins.
- Review the Landscape Design to comply with the vegetation requirements of an APZ in accordance with SA SBCC (2020).
- Liaise with AHDC to ensure that standing fuel loads are moderated along Prairie Road during the declared bushfire season.



11 LIMITATIONS

This BDA has been completed based upon the information provided to Grant Fleming Environmental (GFE) and the agreed scope of works between GFE and Mr Josh Noble (client).

Extensive consultation with stakeholders was outside of the scope of works for this BDA.

Bushfire risk assessment and management is not a precise science and a significant number of factors may influence how bushfire risks are assessed and managed at any particular location. These factors include the landscape hazards, weather conditions, vulnerability of assets, community preparedness, and implementation of management programs, practicality and cost. It must be acknowledged that the level of bushfire risk in any given situation and the potential for mitigation remains a complex balance of these and other factors, most of which are outside of the control of GFE. It is not possible to guarantee that a bushfire will not occur as a result of mitigation measures proposed or that the associated consequences can be removed. It must be acknowledged that under catastrophic bushfire conditions bushfires may occur that cannot be controlled by fire-fighting services and bushfire mitigation measures may not be effective in preventing loss of property or life.

GFE has prepared this BDA in accordance with the usual care and thoroughness of the consulting profession, by reference to applicable industry standards, guidelines and assessment criteria in existence at the date of issue of this Report and based upon the information and advice provided to GFE. For the reasons outlined, no warranty or guarantee, whether expressed or implied, is made as to the data, observations and recommendations expressed in this BDA.

Any reliance of this BDA by a third party shall be entirely at such party's own risk. GFE provides no warranty or guarantee to any third party, express or implied, as to the information and or professional advice indicated in this BDA, and accept no liability whatsoever for or in any respect of any use or reliance upon this BDA by a third party.



SIGNATURE PAGE

GRANT FLEMING ENVIRONMENTAL



Grant Fleming BSc(Hons), BAppSc, MAppSc
Principal Environmental Scientist



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

EPA Reference: PDI 1276

17 October 2025

Doug Samardzija
 63 Mount Barker Road
 Stirling SA 5152

Dsamardzija@ahc.sa.gov.au

Dear Doug Samardzija

EPA Development Application Referral Response

Development Application Number	25018399
Applicant	Pink Acacia Pty Ltd
Location	165 Prairie Road, Cudlee Creek CT 6308/673
Proposal	Change of use to include tourist accommodation & construction of two (2) tourist accommodation units & associated water storage tank one

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

CONSIDERATION

The EPA assessment criteria are outlined in section 57 of the *Environment Protection Act 1993* and include the objects and general environmental duty, relevant environment protection policies, and the waste strategy for the State.

It should be noted that the referral trigger to the EPA for assessment is for certain classes of development that are not connected (or not proposed to be connected) to a community wastewater management system or sewerage infrastructure. As such, the EPA's assessment includes consideration of the potential impacts of onsite wastewater management and ensuring there would be a neutral or beneficial effect on water quality draining from the site.

The EPA has not undertaken an environmental assessment of stormwater management, which may have an impact on water quality but is outside the scope of the activity that

triggered the referral to the EPA. As such, the relevant authority is advised to consider how stormwater would be managed during construction and on-going operations to ensure there would be a neutral or beneficial effect on water quality.

PROPOSAL

The proposal is for the establishment of two cabins to be used for tourist accommodation, on a site with an existing dwelling. A new wastewater system and irrigation area are proposed to cater for both the tourist accommodation and the dwelling.

SITE

The site of the proposed development is located within the Productive Rural Landscape Zone of the *Planning and Design Code* at 165 Prairie Road, Cudlee Creek, which is more particularly described as Certificate of Title Volume 6308/Folio 673.

ENVIRONMENTAL ASSESSMENT

A new aerobic on-site wastewater management system is proposed for the site (Ozzi Kleen RP10A+) to cater for both the tourist accommodation and the residential dwelling. Wastewater from this system would be irrigated on site.

To demonstrate a neutral or beneficial environmental impact from the proposed development, a nutrient balance has been provided demonstrating an irrigation area of 300m² is required for nutrient uptake by the shrubs and trees being irrigated. Pruning and harvesting is proposed to occur annually with all clippings to be removed from site. Mowing and cutting of any groundcover species would also occur. A swale would be established to divert runoff away from the irrigation area.

The irrigation area would be located more than 50m from the nearest watercourses and bores, more than 1.2m from the seasonal groundwater table, on a slope less than 20% and not in the 10% AEP flood zone.

The existing septic and soakage area for the dwelling would be decommissioned.

CONCLUSION

Provided the water quality management measures are implemented in accordance with the plans and details provided in the application, the EPA considers the potential environmental risks associated with the proposed development to be low and that the proposal would have a neutral or beneficial effect on water quality.

DIRECTION

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

1. The on-site wastewater system must be installed in accordance with that proposed in the *Onsite Wastewater Assessment and Design - addendum*, prepared by Waterscope, dated 5 September 2025, and must include:
 - a. the installation of an Ozzi Kleen RP10A+ system
 - b. the establishment of a 300m² irrigation area, to be located more than

50m from the nearest watercourse, dam or bore, more than 1.2m from the seasonal groundwater table, on a slope less than 20% and not in the 10% AEP flood zone

- c. vegetating the irrigation area with a mixture of shrubs and trees, which will be pruned and harvested at least annually with all clippings to be removed from site
- d. bunding to direct surface runoff away from the irrigation area and creating a bund downhill to prevent any runoff, from over-irrigation, moving off site.

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

- The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.
- More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au.

If you have any questions about this response, please contact Niall Stephen on 8204 2078 or Niall.stephen@sa.gov.au.

Yours sincerely

Hayley Riggs
DELEGATE
ENVIRONMENT PROTECTION AUTHORITY

Referral Snapshot

Development Application number:
25018399

Consent:
Planning Consent

Relevant authority:
Assessment Panel at Adelaide Hills Council

Consent type for distribution:

Referral body:
South Australian Country Fire Service

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

Referral type:
Direction

Response date:
8 Dec 2025

Advice:
With comments, conditions and/or notes

Condition 1
SITING (ANCILLARY STRUCTURES)
The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 3.2) details the mandatory requirements for extensions to buildings, outbuildings and other ancillary structures are sited and constructed using materials to minimise the threat of fire spread to residential and tourist accommodation (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) in the event of bushfire.

- Outbuildings and other ancillary structures shall be sited no closer than 6m from each habitable building, unless built to relevant building

standards for associated structures in Bushfire Prone Areas. This includes existing and future structures which may or may not require planning and/or building consent including (but not limited to) garden sheds, animal shelters and cubby houses.

Condition 2

ACCESS TO HABITABLE BUILDING

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

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

Condition 3

WATER SUPPLY & ACCESS (to dedicated water supply)

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

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

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

SA CFS has no objection to the proposed location for the dedicated water supply as detailed on drawing named SITE PLAN dated at last revision 28/11/25 providing the outlet is positioned to comply with the following conditions:

- The water supply outlet shall be easily accessible and clearly identifiable from the access way and is no greater than 60m path of travel to the furthest point of each building, to enable fire services to reach all parts of each building with no more than two lengths of hose from the hardstand area.

- The dedicated water supply and its location should be identified with suitable signage (i.e. blue sign with white lettering "FIRE WATER").
- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- Provision shall be made adjacent the water supply for a nominally level hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
- SA CFS appliance's inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.
- A gravity fed water supply outlet may be remotely located from the above ground tank to provide adequate access.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.
- Access to the outlet shall:
 1. be connected to a formed, all-weather public road; and
 2. have a gradient of not more than 16 degrees (1-in-3.5) at any point; and
 3. provide overhead clearance of not less than 4.0m horizontally and vertically between the driveway surface and overhanging branches or other obstructions, including building and/or structures; and
 4. the transition area between the road and the **driveway / hardstand** shall have a gradient of not more than 7 degrees (1-in-8).

Condition 4

MAINTAIN AN ASSET PROTECTION ZONE (APZ) - VEGETATION MANAGEMENT

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

An APZ shall be implemented and maintained for each habitable building in line with the vegetation management conditions below:

- Vegetation management shall be established and maintained within 20 metres of each habitable building (or to the property boundaries – whichever comes first) as follows:
 1. The number of trees and understorey plants existing and to be established within the APZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous and not within 5 metres of

surrounding hazardous vegetation. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%'. SA CFS notes that coverage of vegetation within 20m, to the North, North-East and East of the proposed habitable building (Tourist Acc. 01) AND to the North-East, East and South-East of the proposed habitable building (Tourist Acc. 02) is currently greater than 30%.

2. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.
3. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
4. Trees and shrubs must not overhang the roofline of the building(s), touch walls, windows or other elements of the building(s).
5. Shrubs must not be planted under trees or must be separated by at least 1.5 times their mature height from the trees' lowest branches.
6. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
7. No understorey vegetation shall be established within 2 metres of each habitable building (understorey is defined as plants and bushes up to 2 metres in height).
8. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building(s) such as windows, decks and eaves
9. The APZ shall be maintained to be free of accumulated dead vegetation.
 - A single row of trees or shrubs are permitted closer to the building(s) than their mature height for screening purposes, providing they are not connected to other hazardous vegetation, are not within close proximity of timber building elements, windows and doors and do not touch or overhang any part of the building(s). Screening plants should have low flammability characteristics, be kept in optimum health, pruned regularly and any dead vegetation removed.

Advisory Note 1

BUILDING CONSIDERATIONS

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

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

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

Category of Bushfire Attack Level:

Tourist Acc. 01 - BAL 12.5

Tourist Acc. 02 - BAL 12.5

This BAL rating is conditional upon the establishment and maintenance of a 20 metre Asset Protection Zone (or to the property boundaries – whichever comes first), in accordance with the Asset Protection Zone – Vegetation Management condition of consent placed on the planning consent with the same application reference.

This result is considered relevant at the date of assessment with respect to the elevations detailed on proposed **SITE PLAN, dated 28/11/25** and shall not be considered as SA CFS endorsement of any subsequent development.

Address: 165 PRAIRIE RD CUDLEE CREEK SA 5232

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



Property Zoning Details

Zone

Productive Rural Landscape

Overlay

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

Selected Development(s)

Tourist accommodation

This development may be subject to multiple assessment pathways. Please review the document below to determine which pathway may be applicable based on the proposed development compliances to standards.

If no assessment pathway is shown this mean the proposed development will default to performance assessed. Please contact your local council in this instance. Refer to Part 1 - Rules of Interpretation - Determination of Classes of Development

Tourist accommodation - Code Assessed - Performance Assessed

Part 2 - Zones and Sub Zones

Productive Rural Landscape Zone

Assessment Provisions (AP)

Desired Outcome (DO)

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

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

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

Siting and Design	
PO 2.1 Development is provided with suitable vehicle access.	DTS/DPF 2.1 Development is serviced by an all-weather trafficable public road.
PO 2.2 Buildings are generally located on flat land to minimise cut and fill and the associated visual impacts.	DTS/DPF 2.2 Buildings: (a) are located on a site with a slope not greater than 10% (1-in-10) (b) do not result in excavation and/or filling of land that is greater than 1.5m from natural ground level.
Shops, Tourism and Function Venues	
PO 6.3 Tourist accommodation is associated with the primary use of the land for primary production or primary production related value adding industry to enhance and provide authentic visitor experiences.	DTS/DPF 6.3 Tourist accommodation, other than where located in The Cedars Subzone: (a) is ancillary to and located on the same allotment or an adjoining allotment used for primary production or primary production related value adding industry (b) in relation to the area used for accommodation: (i) where in a new building, or buildings, does not exceed a cumulative total floor area of 100m ² or (ii) where in an existing building, does not exceed 150m ² and (c) does not result in more than one tourist accommodation facility being located on the same allotment.
PO 6.4 Tourist accommodation proposed in a new building or buildings are sited, designed and of a scale that maintains a pleasant rural character and amenity.	DTS/DPF 6.4 Tourist accommodation in new buildings: (a) is setback from all property boundaries by at least 40m (b) has a building height that does not exceed 7m above natural ground level.
Adaptive Reuse of Existing Buildings	
PO 8.1 Adaptive reuse of existing buildings for small-scale shops, offices, tourist accommodation or ancillary rural activities.	DTS/DPF 8.1 Development within an existing building is for any of the following: (a) a shop (b) office (c) tourist accommodation.
Built Form and Character	
PO 11.1 Large buildings designed and sited to reduce impacts on scenic and rural vistas by:	DTS/DPF 11.1 None are applicable.

<ul style="list-style-type: none"> (a) having substantial setbacks from boundaries and adjacent public roads (b) using low reflective materials and finishes that blend with the surrounding landscape (c) being located below ridgelines. 	
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Table 5 - Procedural Matters (PM) - Notification

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

Interpretation

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

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

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

A relevant authority may determine that a variation to 1 or more corresponding exclusions prescribed in Column B is minor in nature and does not require notification.

Class of Development (Column A)	Exceptions (Column B)
<p>1. Development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.</p>	None specified.
<p>2. Any development involving any of the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> (a) advertisement (b) agricultural building (c) air handling unit, air conditioning system or exhaust fan (d) ancillary accommodation (e) carport (f) deck (g) fence (h) dwelling (i) dwelling addition (j) farming (k) horse keeping (l) internal building work (m) land division (n) outbuilding (o) pergola 	None specified.

<ul style="list-style-type: none"> (p) private bushfire shelter (q) protective tree netting structure (r) replacement building (s) retaining wall (t) solar photovoltaic panels (roof mounted) (u) shade sail (v) swimming pool or spa pool and associated swimming pool safety features (w) temporary accommodation in an area affected by bushfire (x) tree damaging activity (y) verandah (z) water tank. 	
<p>3. Any development involving any of the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> (a) industry (b) store (c) warehouse. 	<p>Except development that does not satisfy any of the following:</p> <ol style="list-style-type: none"> 1. Productive Rural Landscape Zone DTS/DPF 4.1 2. Productive Rural Landscape Zone DTS/DPF 4.3.
<p>4. Demolition.</p>	<p>Except any of the following:</p> <ol style="list-style-type: none"> 1. the demolition (or partial demolition) of a State or Local Heritage Place (other than an excluded building) 2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an excluded building).
<p>5. Function venue within The Cedars Subzone.</p>	<p>None specified.</p>
<p>6. Function venue.</p>	<p>Except function venue that does not satisfy Productive Rural Landscape Zone DTS/DPF 6.6.</p>
<p>7. Horticulture.</p>	<p>Except horticulture that does not satisfy any of the following:</p> <ol style="list-style-type: none"> 1. Productive Rural Landscape Zone DTS/DPF 3.1(d) 2. Productive Rural Landscape Zone DTS/DPF 3.1(e).
<p>8. Railway line.</p>	<p>Except where located outside of a rail corridor or rail reserve.</p>
<p>9. Shop within The Cedars Subzone.</p>	<p>None specified.</p>
<p>10. Shop.</p>	<p>Except shop that does not satisfy any of the following:</p> <ol style="list-style-type: none"> 1. Productive Rural Landscape Zone DTS/DPF 6.1 2. Productive Rural Landscape Zone DTS/DPF 6.2.
<p>11. Tourist accommodation within The Cedars Subzone.</p>	<p>None specified.</p>
<p>12. Tourist accommodation.</p>	<p>Except tourist accommodation that does not satisfy any of the following:</p>

1. Productive Rural Landscape Zone DTS/DPF 6.3
2. Productive Rural Landscape Zone DTS/DPF 6.4.

Placement of Notices - Exemptions for Performance Assessed Development

Pursuant to regulation 47(6)(c) of the Planning, Development and Infrastructure (General) Regulations 2017, the requirement to place a notice on the relevant land under section 107(3)(a)(ii) of the *Planning, Development and Infrastructure Act 2016* does not apply in the Productive Rural Landscape Zone.

Placement of Notices - Exemptions for Restricted Development

Pursuant to regulation 47(6)(c) of the Planning, Development and Infrastructure (General) Regulations 2017, the requirement to place a notice on the relevant land under section 110(2)(a)(iv) of the *Planning, Development and Infrastructure Act 2016* does not apply in the Productive Rural Landscape Zone.

Part 3 - Overlays

Hazards (Bushfire - High Risk) Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

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

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use	
PO 1.1 Development that significantly increases the potential for fire outbreak as a result of the spontaneous combustion of	DTS/DPF 1.1 None are applicable.

materials, spark generation or through the magnification and reflection of light is not located in areas of unacceptable bushfire risk.	
PO 1.2 Child care facilities, educational facilities, hospitals, retirement and supported accommodation are sited away from areas of unacceptable bushfire risk and locations that: (a) are remote from or require extended periods of travel to reach safer locations (b) don't have a safe path of travel to safer locations.	DTS/DPF 1.2 None are applicable.
Siting	
PO 2.1 Buildings and structures are located away from areas that pose an unacceptable bushfire risk as a result of vegetation cover and type, and terrain.	DTS/DPF 2.1 None are applicable.
Built Form	
PO 3.1 Buildings and structures are designed and configured to reduce the impact of bushfire through using designs that reduce the potential for trapping burning debris against or underneath the building or structure, or between the ground and building floor level in the case of transportable buildings and buildings on stilts.	DTS/DPF 3.1 None are applicable.
PO 3.2 Extensions to buildings, outbuildings and other ancillary structures are sited and constructed using materials to minimise the threat of fire spread to residential and tourist accommodation (including boarding houses, hostels, dormitory style accommodation, student accommodation and Workers' accommodation) in the event of bushfire.	DTS/DPF 3.2 Outbuildings and other ancillary structures are sited no closer than 6m from the habitable building.
Habitable Buildings	
PO 4.1 To minimise the threat, impact and potential exposure to bushfires on life and property, residential and tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) is sited on the flatter portion of allotments away from steep slopes.	DTS/DPF 4.1 None are applicable.
PO 4.2 Residential and tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) is sited away from vegetated areas that pose an unacceptable bushfire risk.	DTS/DPF 4.2 Residential and tourist accommodation and habitable buildings for vulnerable communities are provided with asset protection zone(s) in accordance with (a) and (b): (a) the asset protection zone has a minimum width of at least: (i) 50 metres to unmanaged grasslands

	<ul style="list-style-type: none"> (ii) 100 metres to hazardous bushland vegetation (b) the asset protection zone is contained wholly within the allotment of the development.
PO 4.3 Residential and tourist accommodation and habitable buildings for vulnerable communities (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) has a dedicated area available that: <ul style="list-style-type: none"> (a) is capable of accommodating a bushfire protection system comprising firefighting equipment and water supply in accordance with <i>Ministerial Building Standard MBS 008 - Designated bushfire prone areas - additional requirements</i> (b) includes the provision of an all-weather hardstand area in a location that: <ul style="list-style-type: none"> (i) allows fire-fighting vehicles to safely access the dedicated water supply and exit the site in a forward direction (ii) is no further than 6 metres from the dedicated water supply outlet(s) where required. 	DTS/DPF 4.3 None are applicable.

Vehicle Access -Roads, Driveways and Fire Tracks

PO 6.1 Roads are designed and constructed to facilitate the safe and effective: <ul style="list-style-type: none"> (a) access, operation and evacuation of fire-fighting vehicles and emergency personnel (b) evacuation of residents, occupants and visitors. 	DTS/DPF 6.1 Roads: <ul style="list-style-type: none"> (a) are constructed with a formed, all-weather surface (b) have a gradient of not more than 16 degrees (1-in-3.5) at any point along the road (c) have a cross fall of not more than 6 degrees (1-in-9.5) at any point along the road (d) have a minimum formed road width of 6m (e) provide overhead clearance of not less than 4.0m between the road surface and overhanging branches or other obstructions including buildings and/or structures (Figure 1) (f) allow fire-fighting services (personnel and vehicles) to travel in a continuous forward movement around road curves by constructing the curves with a minimum external radius of 12.5m (Figure 2) (g) incorporating cul-de-sac endings or dead end roads are provided within an alternative evacuation route and do not exceed 200m in length and the end of the road has either: <ul style="list-style-type: none"> (i) a turning area with a minimum formed surface radius of 12.5m (Figure 3) or (ii) a 'T' or 'Y' shaped turning area with a minimum formed surface length of 11m and minimum internal radii of 9.5m (Figure 4) (h) incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.
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PO 6.2 Access to habitable buildings is designed and constructed to facilitate the safe and effective: (a) use, operation and evacuation of fire-fighting and emergency personnel (b) evacuation of residents, occupants and visitors.	<p>DTS/DPF 6.2</p> <p>Access is in accordance with (a) or (b):</p> <ul style="list-style-type: none"> (a) a clear and unobstructed vehicle or pedestrian pathway of not greater than 60 metres in length is available between the most distant part of the habitable building and the nearest part of a formed public access road driveways: <ul style="list-style-type: none"> (i) do not exceed 600m in length (ii) are constructed with a formed, all-weather surface (iii) are connected to a formed, all-weather public road with the transition area between the road and driveway having a gradient of not more than 7 degrees (1-in-8) (iv) have a gradient of not more than 16 degrees (1-in-3.5) at any point along the driveway (v) have a crossfall of not more than 6 degrees (1-in-9.5) at any point along the driveway (vi) have a minimum formed width of 3m (4m where the gradient of the driveway is steeper than 12 degrees (1-in-4.5)) plus 0.5 metres clearance either side of the driveway from overhanging branches or other obstructions, including buildings and/or structures (Figure 1) (vii) incorporate passing bays with a minimum width of 6m and length of 17m every 200m (Figure 5) (viii) provide overhead clearance of not less than 4.0m between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures (Figure 1) (ix) allow fire-fighting services (personnel and vehicles) to travel in a continuous forward movement around driveway curves by constructing the curves with a minimum external radius of 12.5m (Figure 2) (x) allow fire-fighting vehicles to safely enter and exit an allotment in a forward direction by using a 'U' shaped drive through design or by incorporating at the end of the driveway either: <ul style="list-style-type: none"> A. a loop road around the building or B. a turning area with a minimum radius of 12.5m (Figure 3) or C. a 'T' or 'Y' shaped turning area with a minimum formed length of 11m and minimum internal radii of 9.5m (Figure 4) (xi) incorporate solid, all-weather crossings over any watercourse that support fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.
PO 6.3 Development does not rely on fire tracks as means of evacuation or access for fire-fighting purposes unless there are	<p>DTS/DPF 6.3</p> <p>None are applicable.</p>

no safe alternatives available.	
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Procedural Matters (PM) - Referrals

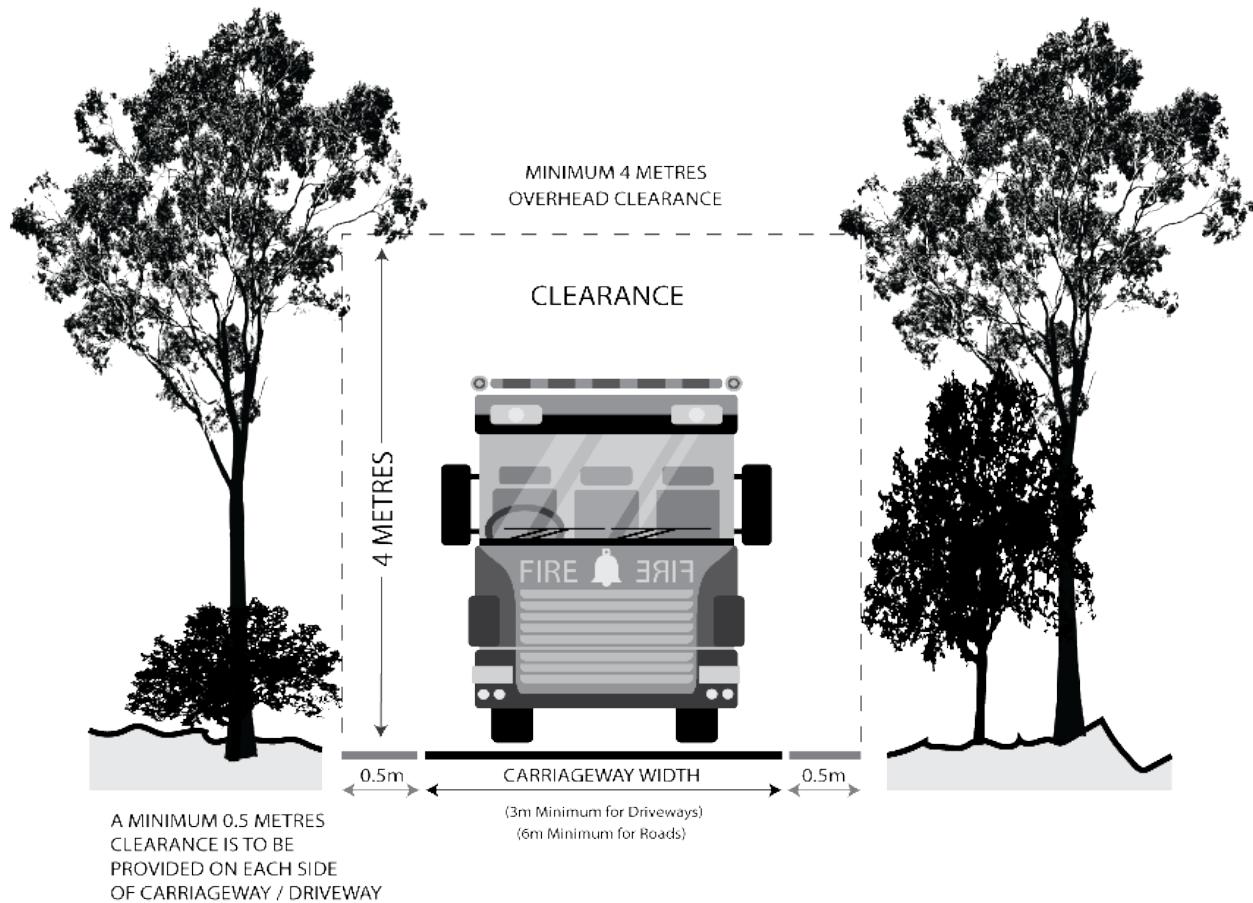
The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations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

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
<p>Except if a relevant certificate accompanies the application for planning consent in respect of the development, any of the following classes of development (including alterations and additions which increase the floor area of such buildings by 10% or more):</p> <ul style="list-style-type: none"> (a) land division creating one or more additional allotments (b) dwelling (c) ancillary accommodation (d) residential flat building (e) tourist accommodation (f) boarding home (g) dormitory style accommodation (h) workers' accommodation (i) student accommodation (j) child care facility (k) educational facility (l) retirement village (m) supported accommodation (n) residential park (o) hospital (p) camp ground. 	South Australian Country Fire Service.	To provide expert assessment and direction to the relevant authority on the potential impacts of bushfire on the development.	Development of a class to which Schedule 9 clause 3 item 2 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

Figures and Diagrams

Fire Appliance Clearances

Figure 1 - Overhead and Side Clearances



Roads and Driveway Design

Figure 2 - Road and Driveway Curves

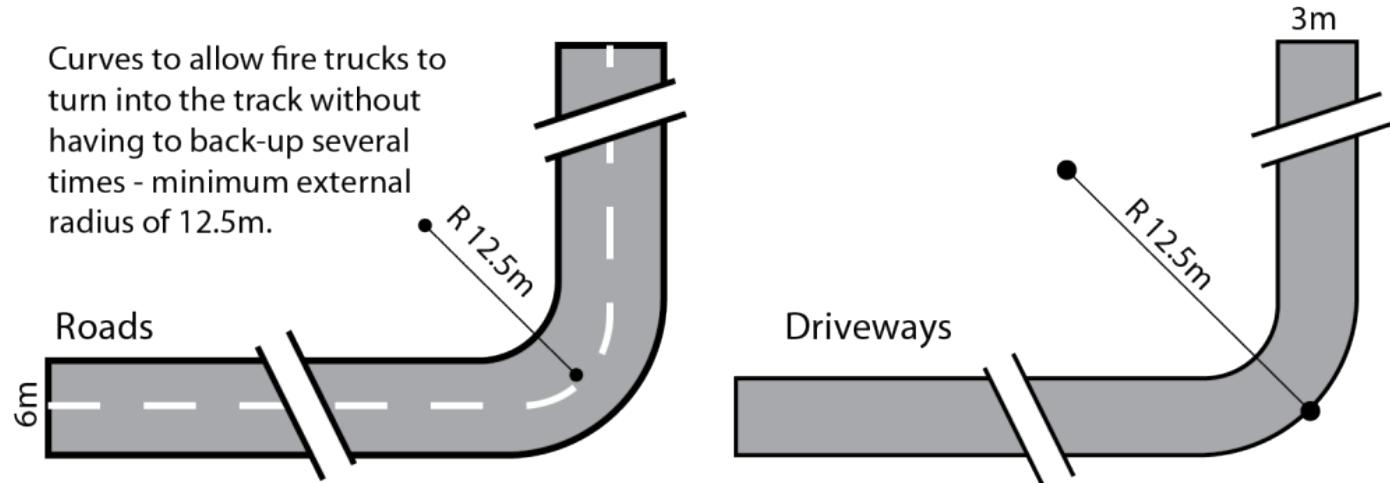


Figure 3 - Full Circle Turning Area

Fire truck turning area - minimum radius 12.5m

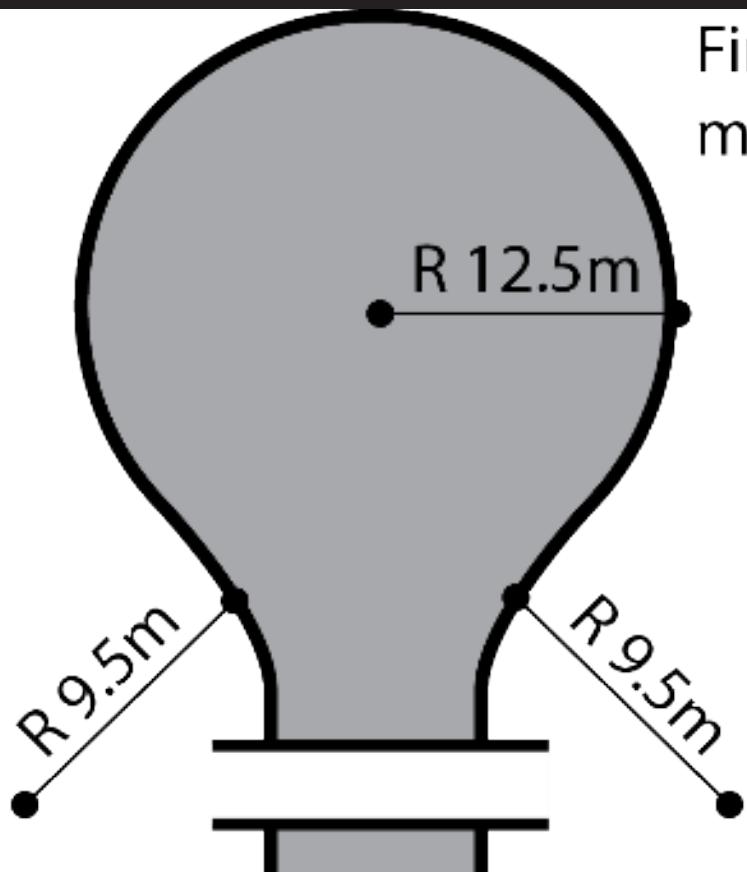
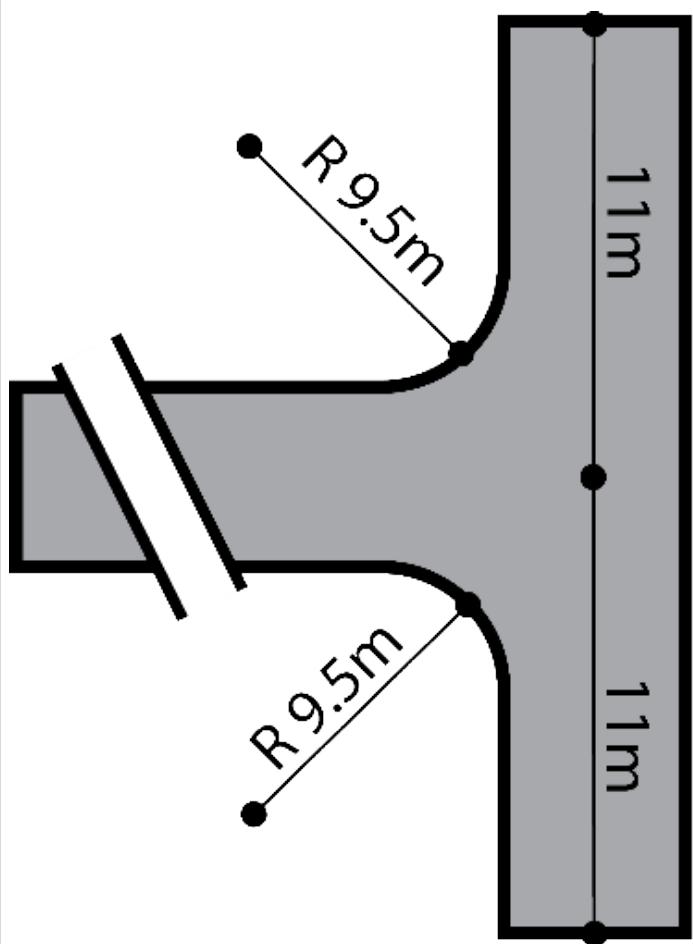


Figure 4 - 'T' or 'Y' Shaped Turning Head



"T" shaped turning area for fire trucks to reverse into so they can turn around - minimum length 11m.

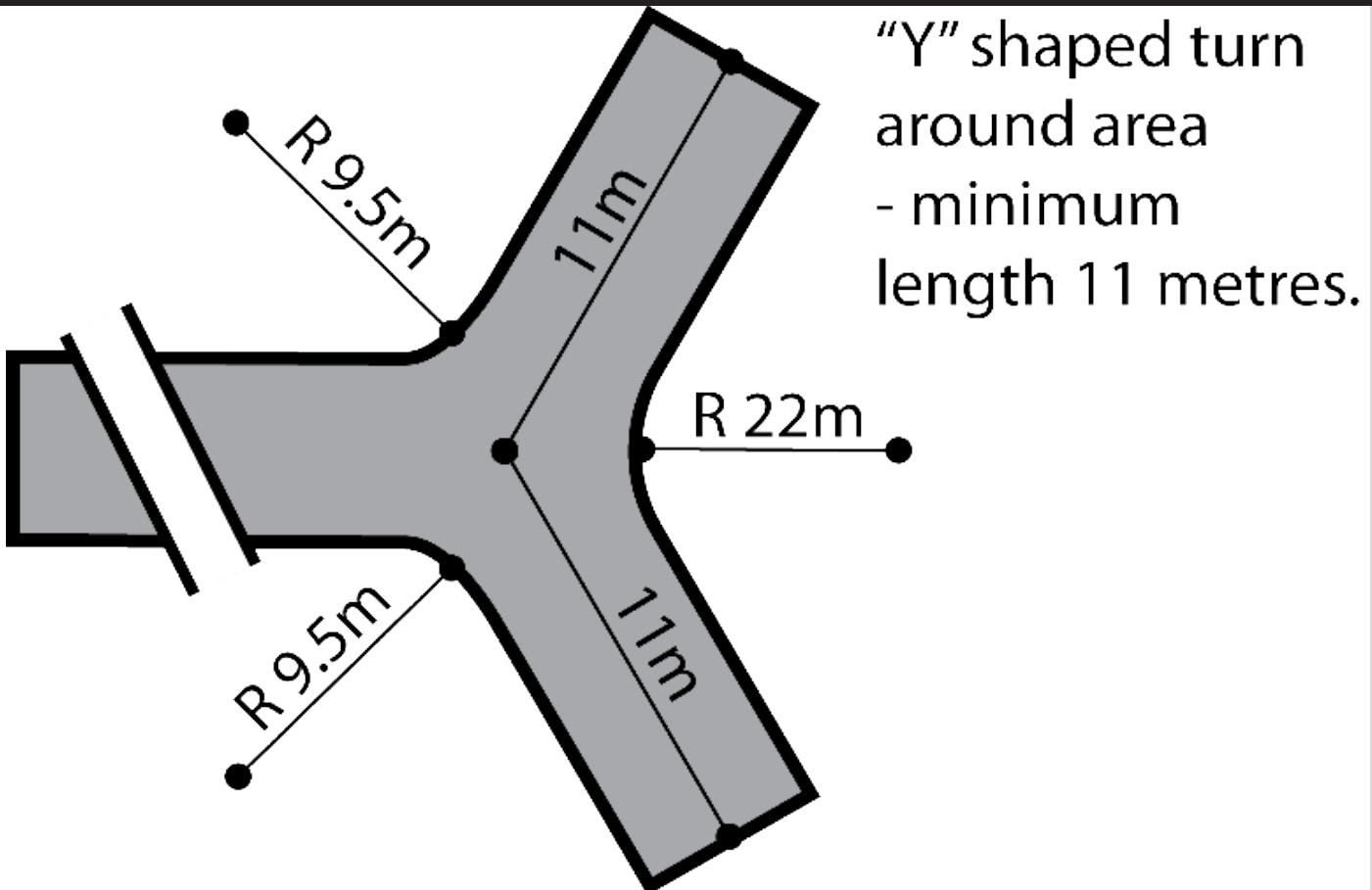
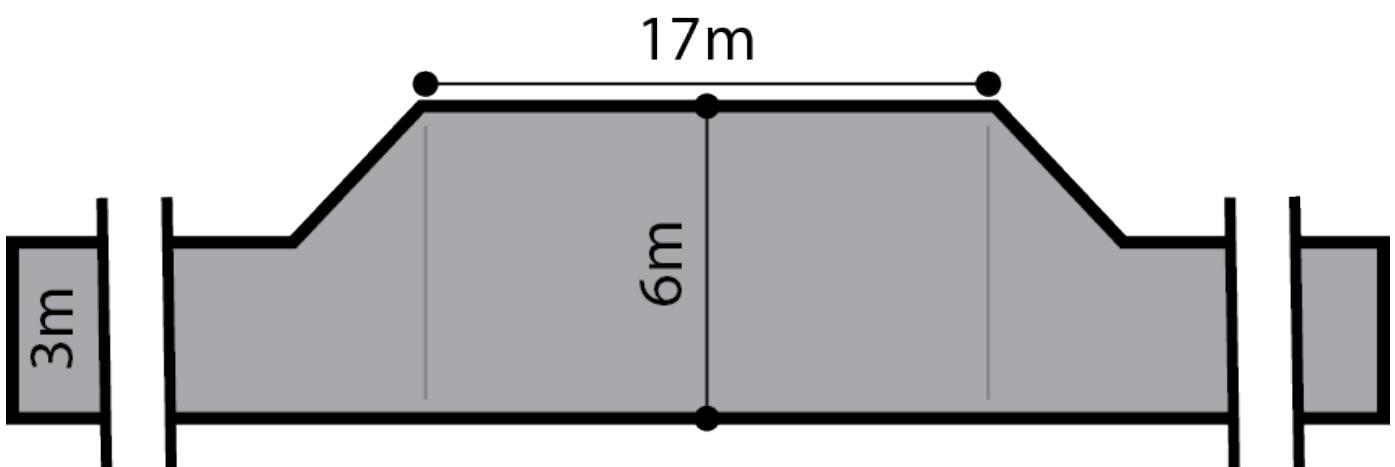


Figure 5 - Driveway Passing Bays

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



Hazards (Flooding - Evidence Required) Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

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

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Flood Resilience	
PO 1.1 Development is sited, designed and constructed to minimise the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.	DTS/DPF 1.1 Habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished floor level at least 300mm above: (a) the highest point of top of kerb of the primary street or (b) the highest point of natural ground level at the primary street boundary where there is no kerb

Procedural Matters (PM) - Referrals

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

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

Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

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

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Water Quality	
PO 1.1 Development results in a neutral or beneficial effect on the quality of water draining from the site to maintain and enhance	DTS/DPF 1.1 None are applicable.

the role of the catchment as a water supply.	
Wastewater	
PO 2.1 Development that generates human wastewater, including alterations and additions, are established at an intensity and in a manner to minimise potential adverse impact on water quality within secondary reservoir and weir catchment areas.	<p>DTS/DPF 2.1</p> <p>Development including alterations and additions, in combination with existing built form and activities within an allotment:</p> <ul style="list-style-type: none"> (a) do not generate a combined total of more than 1500 litres of wastewater per day and (b) will be connected to the same on-site wastewater system that is compliant with relevant South Australian standards <p>or is otherwise connected to a sewer or community wastewater management system.</p>
PO 2.3 Development that generates trade or industrial wastewater is designed to ensure wastewater disposal avoids adverse impacts on the quality of water draining into secondary public water supply reservoirs and weirs.	<p>DTS/DPF 2.3</p> <p>Development that generates trade or industrial wastewater is connected to:</p> <ul style="list-style-type: none"> (a) a sewer or community wastewater management system with sufficient hydraulic and treatment capacity to accept the inflow or (b) an on-site wastewater holding tank which has storage capacity of more than four days total flow during peak operations and is contained within an impervious, bunded area with a total liquid holding capacity of more than 120 percent of the total holding tank capacity, prior to transporting for off-site disposal.
PO 2.4 Wastewater management systems result in a neutral or beneficial effect on the quality of water draining from the site.	<p>DTS/DPF 2.4</p> <p>Development results in:</p> <ul style="list-style-type: none"> (a) a building or land use that is currently connected to an existing on-site wastewater system that is non-compliant with relevant South Australian standards being connected to a new or upgraded system that complies with such standards or (b) an existing on-site wastewater system being decommissioned and wastewater being disposed of to a sewer or community wastewater management system that complies with relevant South Australian standards.
PO 2.5 Surface and groundwater protected from wastewater discharge pollution.	<p>DTS/DPF 2.5</p> <p>All components of an effluent disposal area are:</p> <ul style="list-style-type: none"> (a) setback 50 metres or more from a watercourse (b) setback 100 metres or more from a public water supply reservoir (c) located on land with a slope no greater than 1-in-5 (20%) (d) located on land with 1.2m or more depth to bedrock or a seasonal or permanent water table

	(e) above the 10% AEP flood level.
Stormwater	
PO 3.1 Post-development peak stormwater discharge quantities and rates do not exceed pre-development quantities and rates to maintain water quality leaving the site.	DTS/DPF 3.1 None are applicable.
PO 3.2 Stormwater run-off from areas not likely to be subject to pollution diverted away from areas that could cause pollution.	DTS/DPF 3.2 None are applicable.
PO 3.3 Polluted stormwater is treated prior to discharge from the site.	DTS/DPF 3.3 None are applicable.
PO 3.4 Stormwater from carports, verandahs, outbuildings and agricultural buildings captured to protect water quality.	DTS/DPF 3.4 Development includes: (a) rainwater tanks with a minimum capacity of 1,000L connected to carports, verandahs and outbuildings or (b) rainwater tanks with a minimum capacity of 4,500L connected to agricultural buildings exceeding 100m ² .
PO 3.9 Stormwater from excavated and filled areas is managed to protect water quality.	DTS/DPF 3.9 Excavation and/or filling satisfy all the following: (a) is located 50m or more from watercourses (b) is located 100m or more from public water supply reservoirs and diversion weirs (c) does not involve excavation exceeding a vertical height of 0.75m (d) does not involve filling exceeding a vertical height of 0.75m (e) does not involve a total combined excavation and filling vertical height of 1.5m.
Landscapes and Natural Features	
PO 4.1 Development minimises the need to modify landscapes and natural features.	DTS/DPF 4.1 None are applicable.

Procedural Matters (PM)

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

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Any of the following classes of development that	Environment Protection	To provide expert technical	Development

<p>are not connected (or not proposed to be connected) to a community wastewater management system or sewerage infrastructure:</p> <ul style="list-style-type: none"> (a) land division creating one or more additional allotments, either partly or wholly within the area of the overlay (b) function venue with more than 75 seats for customer dining purposes (c) restaurant with more than 40 seats for customer dining purposes (d) restaurant with more than 30 seats for customer dining purposes in association with a cellar door (e) dwelling where a habitable dwelling or tourist accommodation or workers' accommodation already exists on the same allotment (including where a valid planning authorisation exists to erect a dwelling or tourist accommodation or workers' accommodation on the same allotment), except where the existing habitable dwelling or tourist accommodation or workers' accommodation on the same allotment is proposed to be demolished and the existing on-site wastewater system is proposed to be decommissioned (f) tourist accommodation where a habitable dwelling or tourist accommodation or workers' accommodation already exists on the same allotment (including where a valid planning authorisation exists to erect a habitable dwelling or tourist accommodation or workers' accommodation on the same allotment), except where the existing habitable dwelling or tourist accommodation or workers' accommodation on the same allotment is proposed to be demolished and the existing on-site wastewater system is proposed to be decommissioned (g) workers' accommodation where a habitable dwelling or tourist accommodation or workers' accommodation already exists on the same allotment (including where a valid planning authorisation exists to erect a habitable dwelling or tourist accommodation or workers' accommodation on the same allotment), except where the existing habitable dwelling or tourist accommodation or workers' accommodation on the same allotment is proposed to be demolished and the existing on-site wastewater system is proposed to be decommissioned 	<p>Authority.</p>	<p>assessment and direction to the relevant authority on whether a proposed development will have a neutral or beneficial impact on water quality.</p>	<p>of a class to which Schedule 9 clause 3 item 9 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.</p>
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<p>(h) any other development that generates human wastewater from a peak loading capacity of more than 40 persons (or more than 6,000 litres/day)</p>			
<p>Composting works (excluding a prescribed approved activity) - being a depot, facility or works with the capacity to treat, during a 12 month period more than 200 tonnes of organic waste or matter (EPA Licence)</p>			
<p>Wastewater treatment works - being sewage treatment works, a community wastewater management system, winery wastewater treatment works or any other wastewater treatment works with the capacity to treat, during a 12 month period more than 2.5 ML of wastewater (EPA Licence required at more than 5ML)</p>			
<p>Feedlots - being carrying on an operation for holding in confined yard or area and feeding principally by mechanical means or by hand not less than an average of 200 cattle (EPA Licence) or 1,600 sheep or goats per day over any period of 12 months, but excluding any such operation carried on at an abattoir, slaughterhouse or saleyard or for the purpose only of drought or other emergency feeding</p>			
<p>Piggeries - being the conduct of a piggery (being premises having confined or roofed structures for keeping pigs) with a capacity of 130 or more standard pig units (EPA Licence required at 650 or more standard pig units)</p>			
<p>Dairies - carrying on of a dairy with a total processing capacity exceeding 100 milking animals at any one time.</p>			

Native Vegetation Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

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

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

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

Procedural Matters (PM) - Referrals

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

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

Water Resources Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

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

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Water Catchment	
PO 1.1 Watercourses and their beds, banks, wetlands and floodplains (1% AEP flood extent) are not damaged or modified and are retained in their natural state, except where modification is required for essential access or maintenance purposes.	DTS/DPF 1.1 None are applicable.
PO 1.2	DTS/DPF 1.2

Development avoids interfering with the existing hydrology or water regime of swamps and wetlands other than to improve the existing conditions to enhance environmental values.	None are applicable.
PO 1.3 Wetlands and low-lying areas providing habitat for native flora and fauna are not drained, except temporarily for essential management purposes to enhance environmental values.	DTS/DPF 1.3 None are applicable.
PO 1.4 Watercourses, areas of remnant native vegetation, or areas prone to erosion that are capable of natural regeneration are fenced off to limit stock access.	DTS/DPF 1.4 None are applicable.
PO 1.5 Development that increases surface water run-off includes a suitably sized strip of vegetated land on each side of a watercourse to filter runoff to: (a) reduce the impacts on native aquatic ecosystems (b) minimise soil loss eroding into the watercourse.	DTS/DPF 1.5 A strip of land 20m or more wide measured from the top of existing banks on each side of the watercourse is free from development, livestock use and revegetated with locally indigenous vegetation.
PO 1.6 Development resulting in the depositing or placing of an object or solid material in a watercourse or lake occurs only where it involves any of the following: (a) the construction of an erosion control structure (b) devices or structures used to extract or regulate water flowing in a watercourse (c) devices used for scientific purposes (d) the rehabilitation of watercourses.	DTS/DPF 1.6 None are applicable.
PO 1.7 Watercourses, floodplains (1% AEP flood extent) and wetlands protected and enhanced by retaining and protecting existing native vegetation.	DTS/DPF 1.7 None are applicable.
PO 1.8 Watercourses, floodplains (1% AEP flood extent) and wetlands are protected and enhanced by stabilising watercourse banks and reducing sediments and nutrients entering the watercourse.	DTS/DPF 1.8 None are applicable.

Procedural Matters (PM) - Referrals

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

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

Part 4 - General Development Policies

Clearance from Overhead Powerlines

Assessment Provisions (AP)

Desired Outcome (DO)

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

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

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

Design

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	<p>Development is:</p> <ul style="list-style-type: none"> (a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributes to the character of the immediate area (b) durable - fit for purpose, adaptable and long lasting (c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors (d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
	All development
	External Appearance
PO 1.4 Plant, exhaust and intake vents and other technical equipment is integrated into the building design to minimise visibility from the public realm and negative impacts on residential amenity by: (a) positioning plant and equipment in unobtrusive locations viewed from public roads and spaces (b) screening rooftop plant and equipment from view (c) when located on the roof of non-residential development, locating the plant and equipment as far as practicable from adjacent sensitive land uses.	DTS/DPF 1.4 Development does not incorporate any structures that protrude beyond the roofline.
On-site Waste Treatment Systems	
PO 6.1 Dedicated on-site effluent disposal areas do not include any areas to be used for, or could be reasonably foreseen to be used for, private open space, driveways or car parking.	DTS/DPF 6.1 Effluent disposal drainage areas do not: (a) encroach within an area used as private open space or result in less private open space than that specified in Design Table 1 - Private Open Space (b) use an area also used as a driveway (c) encroach within an area used for on-site car parking or result in less on-site car parking than that specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas.
Carparking Appearance	
PO 7.4 Street level vehicle parking areas incorporate tree planting to provide shade and reduce solar heat absorption and reflection.	DTS/DPF 7.4 None are applicable.
PO 7.5 Street level parking areas incorporate soft landscaping to improve visual appearance when viewed from within the site and from public places.	DTS/DPF 7.5 None are applicable.
Earthworks and sloping land	
PO 8.1 Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.	DTS/DPF 8.1 Development does not involve any of the following: (a) excavation exceeding a vertical height of 1m (b) filling exceeding a vertical height of 1m (c) a total combined excavation and filling vertical height of 2m or more.

Infrastructure and Renewable Energy Facilities

Assessment Provisions (AP)

Desired Outcome (DO)

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

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Water Supply	
PO 11.1 Development is connected to an appropriate water supply to meet the ongoing requirements of the intended use.	DTS/DPF 11.1 Development is connected, or will be connected, to a reticulated water scheme or mains water supply with the capacity to meet the on-going requirements of the development.
Wastewater Services	
PO 12.1 Development is connected to an approved common wastewater disposal service with the capacity to meet the requirements of the intended use. Where this is not available an appropriate on-site service is provided to meet the ongoing requirements of the intended use in accordance with the following: (a) it is wholly located and contained within the allotment of the development it will service (b) in areas where there is a high risk of contamination of surface, ground, or marine water resources from on-site disposal of liquid wastes, disposal systems are included to minimise the risk of pollution to those water resources (c) septic tank effluent drainage fields and other wastewater disposal areas are located away from watercourses and flood prone, sloping, saline or poorly drained land to minimise environmental harm.	DTS/DPF 12.1 Development is connected, or will be connected, to an approved common wastewater disposal service with the capacity to meet the requirements of the development. Where this is not available it is instead capable of being serviced by an on-site waste water treatment system in accordance with the following: (a) the system is wholly located and contained within the allotment of development it will service; and (b) the system will comply with the requirements of the South Australian Public Health Act 2011.
PO 12.2 Effluent drainage fields and other wastewater disposal areas are maintained to ensure the effective operation of waste systems and minimise risks to human health and the environment.	DTS/DPF 12.2 Development is not built on, or encroaches within, an area that is, or will be, required for a sewerage system or waste control system.

Interface between Land Uses

Assessment Provisions (AP)

Desired Outcome (DO)

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

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Interface with Rural Activities	
PO 9.3 Sensitive receivers are located and designed to mitigate potential impacts from lawfully existing land-based aquaculture activities and do not prejudice the continued operation of these activities.	DTS/DPF 9.3 Sensitive receivers are located at least 200m from the boundary of a site used for land-based aquaculture and associated components in other ownership.
PO 9.4 Sensitive receivers are located and designed to mitigate potential impacts from lawfully existing dairies including associated wastewater lagoons and liquid/solid waste storage and disposal facilities and do not prejudice the continued operation of these activities.	DTS/DPF 9.4 Sensitive receivers are sited at least 500m from the boundary of a site used for a dairy and associated wastewater lagoon(s) and liquid/solid waste storage and disposal facilities in other ownership.
PO 9.5 Sensitive receivers are located and designed to mitigate the potential impacts from lawfully existing facilities used for the handling, transportation and storage of bulk commodities (recognising the potential for extended hours of operation) and do not prejudice the continued operation of these activities.	DTS/DPF 9.5 Sensitive receivers are located away from the boundary of a site used for the handling, transportation and/or storage of bulk commodities in other ownership in accordance with the following: (a) 300m or more, where it involves the handling of agricultural crop products, rock, ores, minerals, petroleum products or chemicals to or from any commercial storage facility (b) 300m or more, where it involves the handling of agricultural crop products, rock, ores, minerals, petroleum products or chemicals at a wharf or wharf side facility (including sea-port grain terminals) where the handling of these materials into or from vessels does not exceed 100 tonnes per day (c) 500m or more, where it involves the storage of bulk petroleum in individual containers with a capacity up to 200 litres and a total on-site storage capacity not exceeding 1000 cubic metres (d) 500m or more, where it involves the handling of coal with a capacity up to 1 tonne per day or a storage capacity up to 50 tonnes (e) 1000m or more, where it involves the handling of coal with a capacity exceeding 1 tonne per day but not exceeding 100 tonnes per day or a storage capacity exceeding 50 tonnes but not exceeding 5000 tonnes.
Interface with Mines and Quarries (Rural and Remote Areas)	
PO 10.1	DTS/DPF 10.1

Sensitive receivers are separated from existing mines to minimise the adverse impacts from noise, dust and vibration.	Sensitive receivers are located no closer than 500m from the boundary of a Mining Production Tenement under the <i>Mining Act 1971</i> .
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Site Contamination

Assessment Provisions (AP)

Desired Outcome (DO)

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

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

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
PO 1.1 Ensure land is suitable for use when land use changes to a more sensitive use.	<p>DTS/DPF 1.1</p> <p>Development satisfies (a), (b), (c) or (d):</p> <ul style="list-style-type: none"> (a) does not involve a change in the use of land (b) involves a change in the use of land that does not constitute a change to a more sensitive use (c) involves a change in the use of land to a more sensitive use on land at which site contamination is unlikely to exist (as demonstrated in a site contamination declaration form) (d) involves a change in the use of land to a more sensitive use on land at which site contamination exists, or may exist (as demonstrated in a site contamination declaration form), and satisfies both of the following: <ul style="list-style-type: none"> (i) a site contamination audit report has been prepared under Part 10A of the <i>Environment Protection Act 1993</i> in relation to the land within the previous 5 years which states that- <ul style="list-style-type: none"> A. site contamination does not exist (or no longer exists) at the land or B. the land is suitable for the proposed use or range of uses (without the need for any further remediation) or C. where remediation is, or remains, necessary for the proposed use (or range of uses), remediation work has been carried out or will be carried out (and the applicant has provided a written undertaking that the remediation works will be implemented in association with the development)

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

Assessment Provisions (AP)

Desired Outcome (DO)

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

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

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

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

Transport, Access and Parking

Assessment Provisions (AP)

Desired Outcome (DO)

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

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

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

PO 5.1	DTS/DPF 5.1
<p>Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:</p> <ul style="list-style-type: none"> (a) availability of on-street car parking (b) shared use of other parking areas (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared (d) the adaptive reuse of a State or Local Heritage Place. 	<p>Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant:</p> <ul style="list-style-type: none"> (a) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas if the development is a class of development listed in Table 2 and the site is in a Designated Area (b) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements where (a) does not apply (c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.

Vehicle Parking Areas

PO 6.1	DTS/DPF 6.1
<p>Vehicle parking areas are sited and designed to minimise impact on the operation of public roads by avoiding the use of public roads when moving from one part of a parking area to another.</p>	Movement between vehicle parking areas within the site can occur without the need to use a public road.
PO 6.2	<p>DTS/DPF 6.2</p> <p>None are applicable.</p>

Table 1 - General Off-Street Car Parking Requirements

Class of Development	Car Parking Rate (unless varied by Table 2 onwards)
<p>Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.</p>	
Tourist	
Tourist accommodation other than a caravan and tourist park	1 car parking space per accommodation unit / guest room.

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

Class of Development	Car Parking Rate	Designated Areas
<p>Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.</p>		
	Minimum number of spaces	Maximum number of spaces
	Non-residential development	

Tourist accommodation	1 space for every 4 bedrooms up to 100 bedrooms plus 1 space for every 5 bedrooms over 100 bedrooms	1 space per 2 bedrooms up to 100 bedrooms and 1 space per 4 bedrooms over 100 bedrooms	City Living Zone Urban Activity Centre Zone when the site is also in a high frequency public transit area Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone (except for Bowden, Brompton or Hindmarsh)
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